

**Minutes of 1086th Meeting of the
Town Planning Board held on 29.5.2015**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands/Deputy Director of Lands (General)

Ms Bernadette H.H. Linn (p.m.)/Mr Jeff Y.T. Lam (a.m.)

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr Rico W.K. Tsang

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor S.C. Wong

Professor P.P. Ho

Dr W.K. Yau

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau (a.m.)
Ms Lily Y.M. Yam (p.m.)

Senior Town Planner/Town Planning Board
Mr Stephen K.S. Lee (a.m.)
Ms W.H. Ho (p.m.)

Agenda Item 1

[Closed meeting]

Confirmation of Minutes of the 1085th Meeting held on 15.5.2015

[The meeting was conducted in Cantonese.]

1. The Secretary reported that a typographical amendment to paragraph 24 of the draft minutes on Item 6, under confidential cover, was required, as follows:

3rd line – “... and their names were mentioned ...” should read “... and their names were *not* mentioned ...”

2. The minutes of the 1085th meeting held on 15.5.2015 were confirmed with the amendment mentioned in paragraph 1 above.

3. In response to a Member’s question, the Chairman said that the current practice was to record whether or not there were more votes in support of the proposal.

Agenda Item 2

Matters Arising

[Closed Meeting] [Confidential Item]

4. The item was recorded under confidential cover.

Kowloon District

Agenda Item 3

[Open Meeting]

Consideration of Representations and Comments in respect of the Draft Ho Man Tin Outline Zoning Plan No. S/K7/23

(TPB Papers No. 9928, 9929 and 9930)

[The item was conducted in Cantonese.]

Declaration of Interests

5. As the item involved rezoning of a site at Chung Hau Street/Oi Sen Path for campus development of the Hong Kong Polytechnic University (PolyU) which was also a commenter (C2); rezoning of a site at Chung Hau Street for a Mass Transit Railway (MTR) station entrance; rezoning of a site at Sheung Shing Street for a proposed residential development and a site at No. 223 Prince Edward Road West to reflect an existing residential development, the following Members had declared interests in this item for having affiliation/business dealings with PolyU and/or the Mass Transit Railway Corporation Limited (MTRCL) and/or having property in the area:

- | | |
|--------------------------|---|
| Professor Eddie C.M. Hui | - being an employee of PolyU |
| Mr F.C. Chan | - being alumnus of PolyU and Chairman of the Advisory Committee of the Department of English of PolyU |
| Mr Sunny L.K. Ho | - being visiting scholar of PolyU |
| Mr Laurence L.J. Li | - being an immediate past member of the Council of PolyU |
| Mr Dominic K.K. Lam |] |

- Mr Patrick H.T. Lau] having business dealings with MTRCL
Mr Ivan C.S. Fu]
- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department
- Mr H.F. Leung - being member of the Railway Objection Hearing Panel
- Ms Janice W.M. Lai - having business dealings with MTRCL and co-owning a flat at Earl Street with spouse
- Ms Christina M. Lee - owning a property at Prince Edward Road West and a carparking space at Sheung Hong Street
- Mr C.W. Tse - living in the Ho Man Tin area

6. Members considered that the interests of Professor Eddie C.M. Hui and Mr Laurence L.J. Li were direct and noted that they had not yet arrived to join the meeting.

7. According to the Procedure and Practice adopted by the Town Planning Board (the Board), as the MTR station entrance was only the subject of amendment to the OZP proposed by the Planning Department (PlanD), Members agreed that the interests of Mr Ivan Fu and Mr H.F. Leung would only need to be recorded and they should be allowed to stay in the meeting.

8. Members noted that the interests of Ms Janice W.M. Lai, Mr F.C. Chan, Mr Sunny L.K. Ho and Mr C.W. Tse were indirect and agreed that they should be allowed to stay in the meeting. Members also noted that Ms Christian M. Lee had not yet arrived to join the meeting

9. Members also noted that Professor S.C. Wong, Mr Patrick H.T. Lau and Mr

Dominic K.K. Lam had tendered apologies for not being able to attend the meeting.

Presentation and Question Sessions

10. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. Members agreed to proceed with the hearing of the representations in the absence of the other representers who had indicated that they would not attend or made no reply to the invitation to the hearing.

Group 1 Hearing – Amendment Item A

(R1(Part), R2, R3(Part), R4(Part), R5(Part), R10374(Part), R10375(Part) and R10376(Part))

11. The following government representatives were invited to the meeting at this point:

- | | | |
|-----------------------|---|---|
| Mr Tom C.K. Yip | - | District Planning Officer/Kowloon (DPO/K), PlanD |
| Ms S.H. Lam | - | Senior Town Planner/Kowloon 2 (STP/K2), PlanD |
| Mr Raymond T.C. Leung | - | Engineer/Kowloon City (E/KC), Transport Department (TD) |

12. The Chairman extended a welcome and said that no representer under Group 1 had registered to attend the meeting. He then explained the procedures of the hearing and invited the representative of PlanD to brief Members on the background to the representations.

13. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip, DPO/K, PlanD, made the following main points as detailed in the TPB Paper No. 9928:

Introduction

- (a) on 14.11.2014, the draft Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/23 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 10,369 valid representations and 2 comments were received;
- (b) the Town Planning Board (the Board) agreed to consider the representations and comments in three groups. Group 1 was on the rezoning of a site at Sheung Shing Street from “Open Space” (“O”) to “Residential (Group B)3” (“R(B)3”).

Group 1 Representations

- (c) five opposing representations (R1 to R5) were related to Item A, which was the rezoning of a site from “O” to “R(B)3”. R1 was submitted by the Kowloon City District Council Housing and Infrastructure Committee (KCDC HIC) members and the rest were by individuals;
- (d) three representations (R10374 to R10376) did not indicate which amendment item they were related to. R10374 and R10375 stated support and R10376 did not provide any view;

Background

- (e) the Government had adopted a multi-pronged approach to increase land supply to meet the housing and other development needs of Hong Kong. A site (about 0.91 hectares (ha)) at Sheung Shing Street, Ho Man Tin (the Site) was rezoned from “O” to “R(B)” for private housing development for about 910 flats (Item A). The Site was situated in a predominantly residential area mixed with schools, open space and Government, institution and community (GIC) facilities;
- (f) the Leisure and Cultural Services Department (LCSD) had no programme to

develop open space facility on the Site and other concerned departments considered the rezoning acceptable on traffic, environmental and infrastructural aspects;

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

- (g) prior to submission of the proposed rezoning of the Site to the Metro Planning Committee (MPC) for consideration, KCDC was consulted on 25.9.2014. KCDC objected to the rezoning proposal mainly on grounds of adverse traffic impact and suggested that the Site be used for public housing or kept as "O". PlanD and TD responded that there would be no significant traffic impacts, other sites in Kowloon City had been reserved for public housing and adequate land had been reserved in Ho Man Tin for open space use. The views of KCDC were reported to MPC. After consideration, MPC agreed to exhibit the proposed amendments for public inspection;
- (h) on 20.11.2014, KCDC HIC was consulted on the amendments incorporated in the Plan. KCDC HIC reiterated basically the objections of KCDC made on 25.9.2014 and subsequently submitted their views as representation R1;

Grounds of Representations

Adverse Representations

Traffic Impact

- (i) Fat Kwong Street, Sheung Shing Street, Chung Hau Street and Tin Kwong Road were already congested with road traffic, and the proposed development coupled with other new residential developments nearby would aggravate the problem (R1 to R4);
- (j) the overall traffic planning in Ho Man Tin should be reviewed before the proposal could be supported;

Open Space Provision

- (k) R1 disagreed that there would still be adequate open space after rezoning the three “O” sites under Items A, B and C for other uses;

Public Housing Need

- (l) R1 objected against developing the Site for private/luxurious housing and suggested that the Site be used for public housing;

[Dr Wilton W.T. Fok left the meeting at this point.]

Representer’s Proposals

- (m) to use the Site for public housing development (R1);
- (n) to rezone the Site to “Government, Institution or Community” (“G/IC”)/“G/IC(3)” for campus expansion of the Open University of Hong Kong (OpenU) which main campus was located nearby (R2 and R4);

Responses to representations and proposals

Traffic Impact

- (o) the Site was in a well-developed district with a well connected road network. There was public transport providing services to various railway stations and transport nodes;
- (p) the trips generated by the subject residential development and the other planned developments were not significant and the traffic capacity at the nearby road junctions would not be saturated by 2023;

Open Space Provision

- (q) LCSD had no programme to develop the “O” sites and no objection to rezoning the site;
- (r) after deducting the “O” sites under Items A, B and C, it was estimated that

there would still be about 23.48ha of existing and planned open space in the Ho Man Tin area, which were about 3.3ha more than the Hong Kong Planning Standards and Guidelines (HKPSG) requirement;

Public Housing Need

- (s) both public and private housing were allowed under the zoning;
- (t) the Government would identify suitable sites for both public and private housing use; and
- (u) a steady supply of private housing land would be conducive to the sustainable and healthy development of the property market;

Representers' Proposals

- (v) R1's proposal of using the Site for public housing use, please see (s) and (t) above;
- (w) for R2 and R4's proposal of rezoning the Site to "G/IC"/"G/IC(3)" for campus expansion of OpenU, a site to the immediate south of the Site had been reserved for OpenU development;

PlanD's view

- (x) PlanD noted the general views of R10374(Part) to R10376(Part); and
- (y) PlanD did not support the adverse representations R1(Part), R2, R3(Part), R4(Part) and R5(Part) in respect of Item A, and the OZP should not be amended to meet the representations.

14. As there was no representer attending the meeting, the Chairman then invited questions from Members.

15. Members had no question to raise. The Chairman said that the hearing of

Group 1 had been completed and invited the government representatives to leave the meeting.

Deliberation

16. The Chairman pointed out and Members agreed that the Site was well served by public transport with a future MTR station 1,000m away, there was reserved capacity at the nearby road junctions, the provision of existing and planned open space was more than the HKPSG requirement, there was a need to provide land for private housing, and a site closer to the existing OpenU campus had been reserved for OpenU expansion.

17. After deliberation, Members noted the general views of R10374(Part) to R10376(part). Members decided not to uphold representations R1(Part), R2, R3(part), R4(Part) and R5(part) and considered that the Plan should not be amended to meet the representations. Members then went through the proposed reasons for not upholding the representations in paragraph 8.2 of the TPB Paper No. 9928 and considered that they were appropriate. The reasons were:

“R1 to R4

- (a) taking into account the developments under planning/construction in the vicinity, no significant traffic impact is anticipated to be caused by the proposed residential development at the Site;

R1

- (b) after rezoning the three sites from “Open Space” to other uses under Items A to C, there is still adequate land reserved for open space use to serve the planned population in Ho Man Tin;

R1 and R5

- (c) the Site is considered suitable for residential use. Other than for public housing, there is also a need to provide housing land for private residential development to cater for the community’s demand for private residential units; and

R2 and R4

- (d) a site at the junction of Sheung Shing Street and Fat Kwong Street closer to the existing campus has already been reserved for campus development of the Open University of Hong Kong (OpenU). There is no need to reserve the Site for OpenU use.”

Group 2 Hearing – Amendment Items B and E

(Representations and Comment: R1(Part), R3(Part), R4(Part), R5(Part), R6 to R252, R10374(Part), R10375(Part), R10376(Part) and C1)

Presentation and Question Sessions

18. The following government representatives, and representers’ representatives were invited to the meeting:

Mr Tom C.K. Yip - DPO/K, PlanD

Ms S.H. Lam - STP/K2, PlanD

Mr Raymond T.C. Leung - E/KC, TD

R38 Chau Yuk Lun

卓淑英小姐 Representers’ Representative

R229 Man Chun Kit

Mr Chau Ka Chun Representers’ Representative

19. The Chairman extended a welcome and explained the procedures of the hearing. The Board agreed that presentation of each representer or his/her representative, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. The oral submission should be confined to the grounds of representations in the written representations already submitted to the Board during the exhibition period of the Plan.

20. He then invited Mr Tom C.K. Yip, DPO/K, to brief Members on the background to the representations and comment.

21. With the aid of a Powerpoint presentation, Mr Yip made the following main points as detailed in the TPB Paper No. 9929:

Introduction

- (a) on 14.11.2014, the Plan was exhibited for public inspection under section 5 of the Ordinance. A total of 10,369 valid representations and 2 comments were received;
- (b) the Board agreed to consider the representations and comments in three groups. Group 2 was on the rezoning of a site at the junction of Sheung Shing Street and Fat Kwong Street from “O” to “Government, Institution or Community (2)” (“G/IC(2)”); and rezoning of a site at Chung Hau Street/Princess Margaret Road from “Residential (Group E)” (“R(E)”) to “G/IC”;

Group 2 Representations and Comment

- (c) a total of 251 representations were related to Item B, which was the rezoning of a site from “O” to “G/IC(2)” for proposed campus development of the OpenU. 249 of them were supportive and the remaining two (R1(Part) and R6) were adverse representations. R1 was made by KCDC HIC members and the rest were made by individuals including students/alumni of OpenU. R252 submitted by an individual also supported Item E, which was the rezoning of a site from “R(E)” to “G/IC” to reflect an existing OpenU campus;
- (d) three representations (R10374 to R10376) were general in nature as explained in paragraph 13(d) above;

- (e) one comment (C1) was submitted by an individual. It did not indicate which representation it was related to but indicated support to Item B;

Background

Item B

- (f) on 22.8.2014, MPC of the Board agreed to a section 12A planning application No. Y/K7/10 to rezone a site at the junction of Sheung Shing Street and Fat Kwong Street (the Site) for campus development to ease the over crowdedness and shortage of space for teaching within the existing OpenU without inducing additional students intake;
- (g) prior to submission of the section 12A applications for consideration of MPC, KCDC HIC was consulted on 6.3.2014. KCDC HIC passed a motion requesting the Board to reject the application on grounds of traffic congestion, pedestrian safety and loss of open space and the new Jubilee College of OpenU could cope with the growth of OpenU for the next 10 years;
- (h) on 31.10.2014, MPC agreed to exhibit for public inspection the rezoning of the Site from “O” to “G/IC(2)” with an open plaza on ground floor for public use;
- (i) on 20.11.2014, KCDC HIC was consulted on the amendments incorporated in the OZP. KCDC HIC objected to the amendment. Apart from the traffic and open space concerns, HIC members also queried about the need of concentration of university campus in urban location. HIC’s views were subsequently submitted as representation R1;

The Site and Its Surrounding Areas

- (j) the Site of about 2,180m² was in a predominantly residential area mixed with schools, open spaces and GIC facilities. To the east of the Site was a

bus terminus to be relocated for a primary school and a community hall. To the further east and northeast were two private residential sites under construction, as well as public housing developments. To the south were GIC developments and the OpenU main campus. To the west was Sheung Shing Street Park and to the northeast was a temporary police vehicle pound;

Grounds of Representations and Comment

Supportive Representations R3(Part) to R5(Part), R7 to R251 and R252(Part) on Item B

- (k) open space at the Site was underutilized. The rezoning from “O” to “G/IC(2)” reflected a better use of land and would enhance post-secondary education. Although there was a new campus, space near the existing campus was still needed for new academic programmes and students’ activities. The Site could be used to build academic building and student hostel to complete students’ university life;

Adverse Representation R1(Part) and R6 on Item B

Traffic Impact

- (l) Fat Kwong Street, Sheung Shing Street, Chung Hau Street and Tin Kwong Road were already congested with road traffic, the proposed development coupled with other new residential developments nearby would aggravate the problem (R1). The overall traffic planning in Ho Man Tin should be reviewed before the proposal could be supported (R1);

Open Space Provision

- (m) R1 disagreed that there would still be adequate open space after rezoning the three “O” sites under Items A, B and C for other uses;
- (n) family members of R6 often visited the children playground;

Education Aspect

- (o) R1 noted that the intake of students in local universities would drop in the coming five years. R1 opposed the concentration of university expansion in urban location;

Comment on Item B (C1)

- (p) OpenU had nearly 20,000 students and the campus was small. Land was needed to improve the crowded teaching space;

Responses to representations and comment on Item B

Supportive Representations

- (q) the supportive views of R3 to R5 and R7 to R252 were noted. With regard to the view of developing student hostel on the Site, according to OpenU's proposal, the Site was proposed for academic facilities without hostel;

Adverse Representations

Traffic Impact

- (r) the Site was in a well-developed district with a well connected road network. There was public transport providing services to various railway stations and transport nodes. Even with the trips generated by the subject development and the other planned developments, the traffic capacity at the nearby road junctions would not be saturated by 2023;
- (s) the Site was for space/facilities for the existing students and staff of OpenU, there would be no increase in students and staff;

Open Space Provision

- (t) LCSD had no programme to develop the "O" sites and no objection to rezoning the site. After deducting the "O" sites under Items A, B and C, it was estimated that there would still be about 23.48ha of existing and planned open space in the Ho Man Tin area, which were about 3.3ha more

than the HKPSG requirement;

- (u) to compensate the loss of the existing children playground within the Site, a landscaped plaza would be provided at the proposed development for public use;

Education Aspect

- (v) Item B was to provide additional space/facilities to the existing students and staff. It was not for additional student intake. Although senior secondary graduates would drop, OpenU also provided education to adult learners. The proposed extension in the vicinity of the existing campus was reasonable for convenience of students and operational need;

Response to Comment on Item B (C1)

- (w) the grounds of C1 supporting Item B were noted;

Item E

- (x) the site was at Chung Hau Street, which was the subject of a section 16 planning application No. A/K7/103 for campus development of OpenU approved by MPC on 5.8.2011. The amendment to rezone the site from “R(E)” to “G/IC” was to reflect the as-built Jubilee College of the university completed in January 2014;

The Site and Its Surrounding Areas

- (y) the site had an area of about 4,300m² with a mixture of residential and institutional uses in its surrounding areas;

Supportive Representation on Item E (R252(Part))

- (z) R252 supported the expansion of OpenU;

Response to representation on Item E

(aa) the supportive view of R252 was noted;

PlanD's view

(bb) PlanD noted the general views of R10374(Part) to R10376(Part) and the supportive views of R3(Part), R4(Part), R5(Part), R7 to R251 on Item B and R252 on Items B and E; and

(cc) PlanD did not support the adverse representations R1(Part) and R6 relating to Item B, and the OZP should not be amended to meet the representations.

22. The Chairman then invited the representers' representatives to elaborate on their representations.

R38 – Chau Yuk Lun

23. 卓淑英小姐 made the following main points:

(a) she was a representative of the Student Union of OpenU and in support of Item B;

(b) other than the Kwai Hing Learning Centre in Kowloon, which was not for full-time students, there were only two teaching blocks of OpenU in Ho Man Tin, which were insufficient for the development of OpenU with a student population of about 20,000 and there was no student hostel in OpenU;

(c) the proposed expansion on the Site would be a 14-storey buildings with classrooms, multi-purpose rooms, activity centre and a roof-top garden providing tertiary education opportunities to secondary school leavers and working adults so as to increase their competitiveness. The expansion was essential for continual provision of quality educational programmes by

OpenU; and

- (d) OpenU had always been in friendly terms with its neighbours. Its canteen was frequently visited by neighbours and the open area on the ground floor of the future expansion would also be open to public. The impacts of the proposed expansion on the nearby developments would not be significant.

[Actual speaking time: 3 minutes]

R229 – Man Ka Chun

24. Mr Chau Ka Chun made the following main points:

- (a) he was an office-bearer of the Student Union of OpenU and in support of Item B;
- (b) the policy objectives of the Education Bureau were to support the development of the self-financing post-secondary sector and promote the diversification of post-secondary education through various support schemes such as the Land Grant Scheme and Start-up Loan Scheme; make available to working adults further opportunities for higher education through OpenU; and assure the quality of tertiary education and ensure its relevance to the needs and development of the community. The proposed OpenU expansion was in line with the policy objectives; and
- (c) the former Open Learning Institute of Hong Kong was renamed OpenU and started its full-time programme in 1997 and 2001 respectively. The current three building blocks of OpenU were not enough to support the full-time and distant learning programmes with a student population of about 20,000. Students did not have a strong sense of belonging to the university as there was insufficient space for student and recreational activities. Based on a questionnaire survey recently conducted, over 90% of the students welcomed the provision of more facilities and more than 60% of the students suggested more than one facility should be added.

[Actual speaking time: 2 minutes]

25. As the presentations from the representers' representatives had been completed, the Chairman invited questions from Members.

26. Members had no question to raise. The Chairman said that the hearing of Group 2 had been completed. The Chairman thanked the government representatives as well as the representers' representatives for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers and commenter of the Board's decision in due course. They all left the meeting at this point.

Deliberation

27. Members noted the supportive views of the representers and commenter including the point that the proposed expansion would be a better use of land, enhance post-secondary education for working adults, relieve the space shortage of OpenU and involve no new students intake nor hostel development.

28. As for the adverse representations, Members also noted that the Site was well served by public transport with a future MTR station 1,000m away, there was reserved capacity of the nearby road junctions, the provision of open space in the area was more than the HKPSG requirement, OpenU also provided education to adult learners, and the proposed extension was reasonable.

29. After deliberation, Members noted the supportive views of R3(Part), R4(Part), R5(Part), R7 to R251 on Item B and R252 on Items B and E and the general views of R10374(Part) to R10376(Part). Members also decided not to uphold representations R1(Part) and R6 and considered that the Plan should not be amended to meet the representations. Members then went through the proposed reasons for not upholding R1(Part) and R6 in paragraph 8.2 of the TPB Paper No. 9929 and considered that they were appropriate. The reasons were:

“R1

- (a) taking into account the developments under planning/construction in the vicinity, no significant traffic impact is anticipated to be caused by the proposed Open University of Hong Kong (OpenU) development at the Site which will not induce additional students;

R1 and R6

- (b) after rezoning the three sites from “Open Space” to other uses under Items A to C, there is still adequate land reserved for open space use to serve the planned population in Ho Man Tin;

R6

- (c) a landscaped open plaza of not less than 500m² shall be provided at ground floor of the proposed development for public use;

R1

- (d) the proposed OpenU campus development is intended to provide more space and facilities to improve the learning environment for the students of OpenU, which has a comparatively compact environment as compared with other University Grants Committee (UGC)-funded institutions. OpenU provides post-secondary education not only to senior secondary graduates but also adult learners.”

[The meeting was adjourned for a short break of 5 minutes.]

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

Group 3 Hearing – Amendment Item C

(Representations and Comment: R1(Part), R253 to R10366, R10374(Part), R10375(Part), R10376(Part) and C2)

Presentation and Question Session

30. The following government representatives, representers, representers’ and

commenter's representatives were invited to the meeting:

Mr Tom C.K. Yip - DPO/K, PlanD

Ms S.H. Lam - STP/K2, PlanD

Mr Raymond T.C. Leung - E/KC, TD

R256 DLA Piper Hong Kong

R2742 Kung Kam Tim

Mr Kung Kam Tim - Representer
Ms Cheryl Lo]
Ms Heidi Chan]
Ms Ng Miu Yee Maria] Representers' Representatives
Mrs Leung Li Po Ching]
Ms Wong King Shan]
Mr Roy Chan]

R274 Chau Man Lok, Alex

R428 Mr Johnny Chau

Chau Man Lok, Alex - Representer and Representers' Representative

R3361 Miss Yvonne Cheung

Ms Tracy Ng - Representers' Representative

R7290 Ms Fion Leung Yuen Ting

Mr Chong Yan Kit, Sam - Representers' Representatives

R7291 Miss Cecilia Chim

Ir Professor Fred Ng - Representers' Representative

R7499 Professor Timothy W. Tong

Ir Professor Ko Jan-ming - Representer's Representative

R7869 Mr S. K. Chan

Mr S. K. Chan - Representer

R7870 Ir Professor Johnny Fan Siu Kay

Ir Professor Johnny Fan Siu Kay - Representer

C2 The Hong Kong Polytechnic

University (PolyU)

Mr Kenneth To]	
Ms Pauline Lam]	
Ms Chow Yuen Sai, Esther]	Commenter's Representatives
Mr Andy K.Y. Lai]	
Mr Gary Tsui]	
Mr Daniel Suen]	

31. The Chairman extended a welcome and explained the procedures of the hearing. The Board agreed that presentation of each representer/commenter or his/her representative, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers/commenter and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. The oral submission should be confined to the grounds of representation/comment in the written representations/comment already submitted to the Board during the exhibition period of the Plan/publication period of the representations.

32. He then invited Mr Tom C.K. Yip, DPO/K, to brief Members on the background to the representations and comment.

33. With the aid of a Powerpoint presentation, Mr Yip made the following main points as detailed in the TPB Paper No. 9930:

Introduction

- (a) on 14.11.2014, the Plan was exhibited for public inspection under section 5 of the Ordinance. A total of 10,369 valid representations and 2 comments were received;
- (b) the Board agreed to consider the representations and comments in three groups. Group 3 was on the rezoning of a site at Chung Hau Street/Oi Sen Path from “O” to “G/IC(3)”.

Group 3 Representations and Comment

- (c) a total of 10,115 representations were related to Item C, which was the rezoning of a site from “O” to “G/IC(3)” for proposed campus development of PolyU. 7,056 of them supported the item whilst 3,058 were adverse representations. One representation (R10366) provided view only without indicating support or objection to Item C;
- (d) three representations (R10374 to R10376) were general in nature as explained in paragraph 13(d) above;
- (e) one comment (C2) was submitted by PolyU to provide responses to five adverse representations, R1, R255, R256, R267 and R3309 on Item C;

Background

- (f) on 9.5.2014, MPC of the Board partially agreed to a section 12A planning application No. Y/K7/9 (the s.12A application) for rezoning a site at Chung Hau Street/Oi Sen Path (the Site) from “O” to “G/IC” for campus development of PolyU, requiring future development to be subject to planning permission;
- (g) on 31.10.2014, MPC agreed to exhibit for public inspection the proposal of rezoning the Site from “O” to “G/IC(3)” on the Plan intended for campus

development of PolyU. A letter by DLA Piper Hong Kong on behalf of Carmel Secondary School (CSS) was tabled at the meeting requesting the Board to withhold decision on the application pending a mutually acceptable scheme to be reached between PolyU and CSS;

- (h) on 20.11.2014, KCDC HIC was consulted on the OZP amendments. Some HIC members raised objection to Item C and the views of HIC were submitted as representation R1;

The Site and Its Surrounding Areas

- (i) the Site was about 1.2ha for campus development of PolyU subject to a maximum gross floor area (GFA) of 43,400m², stepped maximum building heights (BH) of 69mPD and 87mPD, together with a non-building area (NBA) of 12m, a 25m-wide strip of land in the central as a building gap and an open space of not less than 3,250m² for public use;
- (j) it was adjoining CSS at a prominent location overlooking Hung Hom and Tsim Sha Tsui;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

Grounds and Proposals of Representations and Comment

Supportive Representations R3308, R3310, R3311 and R3313 to R10365 on Item C

- (k) the proposed PolyU campus expansion would relieve its current shortfalls of academic and student hostel space, and facilitate the advancement of higher education and students' opportunity to experience hostel culture. The Site, which was near PolyU, had been abandoned for many years. The current rezoning for education purposes reflected a better use of land resource;
- (l) the PolyU campus was widely used by business community and

organizations. Expansion with more space and facilities would benefit the business community and the general community;

- (m) the proposed campus would provide public accessible landscaped area/public space and facilities for community use. It would also include public pedestrian access routes to enhance the convenience of people travelling between Ho Man Tin and Hung Hom/East Tsim Sha Tsui area; and
- (n) the 12m-wide NBA and the stepped BH profile together with the 25m-wide building gap would minimize the likely impacts on the adjoining CSS and help maintain spatial relief for visual permeability and wind penetration respectively, and the proposed campus expansion focusing on green features and sustainable development was commensurate with the surrounding environment and would bring about improvement to the Site.

Adverse Representations R1, R253 to R3307, R3312 and R3309 on Item C

Adverse Air Ventilation Impact

- (o) the proposed campus expansion would have a negative air ventilation effect on CSS. The Hong Kong Observatory's (HKO) record of lower level wind showed that CSS was subject to a prevailing east-south-east wind;
- (p) the school playground of CSS, being an opening for the prevailing winds, would be blocked by the proposed hostel block and it was doubtful whether the 12m NBA would be sufficient to effectively address the air ventilation concern;

Adverse Noise Impact/Interface Problems between PolyU Campus and CSS

- (q) noise generated from air-conditioners of the hostel block would pose adverse noise impact on students of CSS. Due to proximity, the proposed hostel block of the PolyU development would pose adverse noise impact on the students of CSS, and the operation and activities of CSS would cause disturbance/noise nuisance to PolyU students;

Adverse Traffic Impact

- (r) the local road network could not cope with the additional traffic from the proposed PolyU and high-end residential developments in the area. After completion of PolyU's development, students were likely to compete for the scarce resources of public transport;

Insufficient Open Space

- (s) R1 disagreed that there would be adequate open space after rezoning the three "O" sites under Items A to C;

Adverse Landscape and Air Quality Impacts

- (t) felling of trees at the Site would adversely affect the natural landscape and air quality of the Site and area along Chung Hau Street respectively;

Unjustified Campus Expansion and Hostel Places

- (u) the need to build additional hostel was doubtful given that there was a new one recently provided at Fat Kwong Street. The allocation of the Site to PolyU was objected to as the Site should be open for bidding by other educational organizations. R1 opposed the concentration of university campus expansion in urban area as university town was set up on the outskirts in many cities;

Improper and Unreasonable Decision of the Board

- (v) with insufficient information, MPC should not have agreed to the maximum BHs of the PolyU development and left the other matters to be resolved at s.16 planning application stage. PolyU's scheme would have to be reviewed;
- (w) PolyU would not lower the BH in the future planning application. PolyU would propose the BH up to the BH restriction stated on the OZP if maximum BH was not specified as an approval condition. Even if the maximum BH was to be specified as an approval condition, it would neither be reasonable nor logical to have two sets of maximum BHs in place at the

same time;

Geotechnical Aspect

- (x) the geotechnical stability of the Site was a concern;

Representers' Proposals on Item C

- (y) the separation distance between the proposed PolyU development and CSS should be increased to 25m (R3312), 32m (R254, R263, R264 and R267) or 50m (R253, R261 and R262);
- (z) the Board should request PolyU to review the proposed development scheme, in particular the BH of the proposed student hostel blocks and the NBA adjoining CSS for incorporation into the OZP (R256);
- (aa) the Site or part of it should remain as "O" because the proposed hostel was not justified (R259);

Representation Providing Views on Item C

- (bb) representer R10366 supported that PolyU's building should be moved back at least 32m from CSS to safeguard a healthy environment for CSS;

Comment on R1, R255, R256, R267 and R3309 on Item B (C2)

Air Ventilation

- (cc) the Air Ventilation Assessment (AVA) undertaken by PolyU was carried out according to the Housing, Planning and Lands Bureau Technical Circular No. 1/06 on Air Ventilation Assessments (Technical Circular No. 1/06). East wind was the prevailing wind. Mitigation measures were proposed to effectively ameliorate the impact of the proposed development on the neighbouring areas;

Noise Impact

- (dd) various measures would be adopted to mitigate noise impacts, including the use of window-type air-conditioners; separation of approximately 20m between the proposed hostel and CSS building; non-noise sensitive rooms to be located at the north-western end of the hostel units; and hostel units to be located away from the outdoor area of the CSS;

Impact on CSS

- (ee) there would be 20m separation between the proposed PolyU hostel and CSS, which was sufficient to alleviate the impacts on CSS;

Traffic Impact

- (ff) the proposed development, which generated only very small amount of traffic, should not cause any significant traffic impact. Most students and staff would travel by public transport;

Decision of MPC

- (gg) in the s.12A application, PolyU had demonstrated to MPC that the proposed maximum BH and GFA were appropriate with regard to demand for academic space, optimized use of land resources and compatibility with the surrounding area;

Responses to representations, representers' proposals and comment on Item C

Responses to Supportive Representations on Item C

- (hh) the supportive views of representers R3308, R3310, R3311 and R3313 to R10365 were noted;

Responses to Adverse Representations on Item C

Adverse Air Ventilation Impact

- (ii) topography and building morphology around the HKO meteorological station concerned were different from the Site. Either experimental site wind data or simulated MM5 wind data at higher levels was normally

adopted. According to the AVA for the Ho Man Tin area, the most prevailing annual wind was east wind. The proposed design features and mitigation measures had minimized the impact on the local wind environment;

Adverse Noise Impact/Interface Problems between PolyU Campus and CSS

- (jj) noise from air-conditioners was subject to control under the Noise Control Ordinance. Adverse noise impact from air-conditioners at neighbouring buildings were not anticipated. The main façade of CSS and playground were facing south-west and were not facing PolyU's proposed hostel. With a building-to-building distance of about 20m, the noise impact/nuisance between the proposed PolyU hostel and CSS should not be significant under their normal operation. PolyU had also pledged to adopt a series of measures, which were to be incorporated into the s.16 scheme, to minimize the possible adverse impact on CSS. Besides, secondary school and higher education institution with hostel were not incompatible uses;

Adverse Traffic Impact

- (kk) the traffic capacities at nearby road junctions were not saturated. The additional traffic flow generated by the proposed development and the planned developments in the vicinity would have insignificant impact on the existing road network. The Site was well served by public transport and the level of public transport services would be suitably adjusted to cope with the possible additional passenger demand;

Insufficient Open Space

- (ll) LCSD had no programme to develop the three "O" sites and had no objection to the rezoning. After deducting the "O" sites under Items A, B and C, it was estimated that there would still be about 23.48ha of existing and planned open space in the Ho Man Tin area, which were about 3.3ha more than the HKPSG requirement;

Adverse Landscape and Air Quality Impacts

- (mm) there would be an overall greening ratio of over 50% and a compensatory

planting of 1:1 for the proposed development. Existing tree clusters at the central part of the Site would be preserved. Green roofs, terraced gardens and vertical greening were also proposed to minimize the impacts on landscape quality;

Unjustified Campus Expansion and Hostel Places

(nn) PolyU had a projected shortfall of about 2,750 hostel places and 14,560m² GFA of academic space for 2015/16 academic year. The proposed campus expansion with 1,279 hostel places would help meet part of PolyU's hostel shortfall and the projected shortfall in academic space. Taking into account students' convenience and the operational need of PolyU, it was considered reasonable to find an expansion site in the vicinity of the existing campus;

Improper and Unreasonable Decision of the Board

(oo) views of CSS and other commenters had been thoroughly considered by MPC when partially agreeing to the s.12A application on 9.5.2014. Future development would be subject to planning approval. In the s.16 planning application to the Board, the applicant would need to provide sufficient justifications and technical assessments for the development scheme, including its BHs. If considered appropriate, the Board might consider imposing an approval condition to stipulate a maximum BH that was lower than the OZP restriction;

Geotechnical Aspect

(pp) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department had no adverse comment on the proposed development as well as the Geotechnical Assessment submitted for the s.12A application;

Responses to Representatives' Proposals on Item C

(qq) regarding the proposal to widen the distance between the buildings of CSS and PolyU, with the mitigation measures proposed by PolyU, significant adverse air and noise impacts on CSS were not anticipated. It was

considered that the proposed 12m-wide NBA and building separation of 20m was appropriate. For the proposal that PolyU should work out a revised scheme with the stakeholders and the Board should incorporate their revised BH restrictions and NBA requirements into the OZP, MPC agreed that the stepped BH restrictions and NBA were acceptable when the s.12A application was considered. A balance had been struck between the need for higher education use and the possible air ventilation and visual impacts of the proposed development. Nevertheless, PolyU would need to minimize adverse impacts on the local area and CSS in preparing the detailed design of the scheme for submission to MPC in the s.16 application stage. For the proposal that the Site should remain as “O”, there would be adequate open space to serve the planned population in Ho Man Tin after rezoning of the three “O” sites under Items A to C;

Responses to Representation Providing Views on Item C

- (rr) with the mitigation measures proposed by PolyU, significant adverse air and noise impacts on CSS were not anticipated. It was considered that the proposed 12m-wide NBA and building separation of 20m was appropriate;

Responses to Comment on Representations on Item C

- (ss) the views of PolyU, C2, to some adverse representations on Item C were noted;

PlanD's view

- (tt) PlanD noted the the supportive views of R3308, R3310, R3311, R3313 to R10365 to Item C and the general views of R10374(Part) to R10376(Part); and
- (uu) PlanD did not support the representations R1(Part), R253 to R3307, R3312, R3309 and R10366, and the Plan should not be amended to meet the representations.

- 34. The Chairman then invited the representers' and commenter's representatives to

elaborate on their representations and comment.

R256 DLA Piper Hong Kong

R2742 Kung Kam Tim

35. With the aid of a Powerpoint presentation, Mr Kung Kam Tim, Ms Cheryl Lo and Ms Heidi Chan made the following main points:

The Site and the Surrounding Areas

- (a) the Site was on a slope leading to the top of a knoll where CSS was situated;
- (b) the slope where the proposed PolyU hostel was situated was covered by dense vegetation and was habitats for birds, and Oi Sen Path at the foot of the slope was frequently used by local residents. It would be difficult to find another similar site in the urban areas of Hong Kong;

History of Discussions with PolyU on the Proposed Hostel Development

- (c) PolyU first visited CSS to discuss the proposed project on 28.3.2012. As shown on the initial design, a hostel of 5-6 storey tall would be built on a stepped height profile with the maximum BH of the block adjacent to CSS at 67.5mPD, i.e. about 3.5m lower than the main roof of CSS. That reflected a win-win design which had taken into account the adjoining land uses and air ventilation. The design was accepted by CSS;
- (d) however, the height of the building block of the proposed hostel adjacent to CSS was subsequently revised to 86.3mPD, which would be about 15.3m higher than CSS;
- (e) on 20.5.2013, CSS put forward four appeals to PolyU, i.e. the proposed hostel should not be a nuisance to CSS, the height of the hostel should be reduced, the design should not hamper efficient air ventilation to CSS and there had to be a minimal distance of 30m from the PolyU hostel to the lot

boundary of CSS. However, the proposal submitted by PolyU to MPC on 7.6.2013 reflected none of CSS's appeals;

- (f) on 19.6.2013, PolyU presented a revised set of plans featuring an open deck from first to fifth floor of the PolyU hostel. In response, CSS demanded an enlarged open deck to be widened by 8m to ensure efficient air ventilation, reduction of height of the hostel by two storeys and a minimum distance of 20m between PolyU's hostel and the lot boundary of CSS. CSS's subsequent repeated requests for revised drawings and more information from PolyU were made but to no avail. Although open decks for air ventilation were proposed, there were still concerns on overlooking by PolyU and nuisance caused by student activities on the open decks;
- (g) on 3.10.2014, Dr Fred S.H. Ng of PolyU presented to CSS a drawing of the design of the future hostel, which showed a 40m distance between the buildings of the proposed hostel and CSS. However, the design was not adopted. If the buildings of PolyU and CSS were too close to each other, CSS had concerns that the bell ringing of CSS early in the morning would be a nuisance to students in the PolyU hostel. There had been complaints received from the neighbours of CSS and CSS's sister schools in Tseung Kwan O and Tuen Mun on the noise nuisance generated by the schools;

Concerns of MPC

- (h) it was noted that Members of MPC, on consideration of the s.12A application on 9.5.2014, had expressed concerns on the design of the hostel buildings and considered that a review of the proposed scheme was required. The applicant had to demonstrate at the planning application stage why lower buildings could not be adopted for the proposed development;

Compatibility of Land Uses

- (i) it was stated in paragraph 6.4.5 of the TPB Paper No 9930 that from the land use planning perspective, secondary schools and higher education

institutions with hostel were not incompatible uses, there would not be insurmountable interface problems and, through proper management practice, appropriate measures could be adopted to avoid excessive adverse impacts. However, it was considered more effective to resolve the potential problems at the outset rather than devising measures to mitigate the impacts at a later stage. Besides, management measures, such as avoiding student assembly/activities in the open areas or compulsory use of air-conditioning, might not be effective nor desirable sometimes;

Town Planning Procedures

- (j) MPC was aware of the objections of CSS during the consideration of the s.12A application. MPC still agreed to the proposed amendments to the OZP despite that a letter had been tabled at the meeting on 31.10.2014 requesting withholding the consideration of the proposed amendments pending further discussion between the stakeholders and PolyU for an acceptable scheme. In response to the request, MPC considered that the relevant stakeholders would still have two occasions to express their views, one on making representations when the amendments to the OZP were gazetted and another one on making comments during the s.16 application stage;
- (k) the explanation given was not cogent in that MPC should resolve the problems in the plan making stage rather than at the s.16 application stage. It was because if the final decision warranted an amendment to the OZP, the whole plan-making process would need to start afresh, resulting in a waste of time;

Air Ventilation

- (l) PolyU had adopted wind data collected at 596mPD. However, data provided by the HKO, which showed that CSS was subject to a prevailing southeast wind for two-thirds of a year, was more representative of the wind environment of the Site as it had taken into account wind conditions at a low

level and the surrounding topography;

- (m) the PolyU hostel to be situated on the south-eastern side of CSS with a BH higher than CSS would block the southeast wind and would hence have adverse air ventilation impacts on CSS. The usefulness of the NBA and the architectural features within the Site was in doubt considering that the prevailing wind to CSS was southeast wind;
- (n) although it was stated in paragraph 6.4.2 of the TPB Paper No. 9930 that the proposed campus development was compatible with the existing surrounding developments, there was no elaboration on how valid the statement was in terms of air ventilation. There was no explanation on how or to what extent the NBA or the building gap within the Site would mitigate the adverse air ventilation impacts on CSS, or whether the mitigation was acceptable;
- (o) PlanD opined that wind data at higher levels (i.e. measured at 200mPD or above) should be adopted to avoid distortion due to existing developments and topographic features in the surrounding. It was wondered why wind data provided by HKO, which was more appropriate to the local topography, was not used. Besides, questions on whether wind data at a high level, which was 596mPD in the subject case, was relevant and whether HKO had been consulted on the use of wind data had yet to be answered; and
- (p) according to the last two sentences of paragraph 6.4.2 of the TPB Paper No. 9930, the most prevailing annual wind for the area would be east wind. If that was so, the usefulness of the wind corridors as shown on Plan H-4 of the TPB Paper No. 9930 would be in doubt.

[Actual speaking time: 25 minutes]

R274 Chau Man Lok, Alex

R428 Mr Johnny Chau

36. Mr Chau Man Lok, Alex made the following main points:

- (a) he was an alumnus of CSS and PolyU about 21 and 18 years ago respectively and opposed Item C;
- (b) all the issues involved in the proposed development had to be addressed before green light should be given to the project. However, the proposed development was approved in May 2014 when issues such as traffic impacts were still yet to be addressed;

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

- (c) he had reviewed all relevant documents and noted that the Principal of CSS did not oppose the proposed development. The Principal just wanted more details of and justifications for the development for assessment;
- (d) PolyU should review whether it was necessary to have over 1,200 hostel places at the Site. No hostel places were provided by PolyU in the past when he was a PolyU student. If only academic space was required, there would not be a need to build a massive structure on the slope; and
- (e) unlike PolyU, CSS did not have a huge financial support. Being a tertiary education provider, PolyU should carefully consider the way forward for the proposed development, i.e., whether a solution should be worked out through mutual agreement or PolyU just paid lip services without addressing CSS's concerns. What PolyU did would be exemplary to the younger generation;

[Actual speaking time: 5 minutes]

R7290 Ms Fion Leung Yuen Ting

37. Mr Chong Yan Kit, Sam made the following points:

- (a) he was a representative of PolyU students and understood the importance of the proposed campus expansion to the further development of PolyU. There was insufficient space within the main campus for teaching, research and student activities;
- (b) hostel was a place where students could meet with people of different cultures and backgrounds and to fulfil a complete university life. Through the live-in programme, students could save more time for studying and networking for future career development;
- (c) hostel was of particular importance to students living in the remote areas;
- (d) the pedestrian link of the proposed development connecting up the Site with Hung Hom and Tsim Sha Tsui would benefit not only the students but also residents in the area; and
- (e) if the proposed campus development was approved, it would provide the necessary conditions for further scientific and creativity research of the university.

[Actual speaking time: 2 minutes]

R7499 Professor Timothy W. Tong

38. Ir Professor Ko Jan-ming made the following points:

- (a) he supported the proposal as the Site would be better utilized to provide land to help meet part of PolyU's shortfall in teaching and hostel space;

- (b) apart from supporting higher education, the proposed development would provide various green features, public area and pedestrian link which would help improve the environment and pedestrian linkage to Hung Hom and Tsim Sha Tsui;
- (c) some of the proposed facilities, such as assembly hall, rehabilitation and eyes clinics would be made available for public use;
- (d) only a preliminary design had been made and any comments would be welcomed to improve the final design of the proposed development;
- (e) all planning procedures in accordance with the Ordinance had been properly followed; and
- (f) PolyU was not a developer but a higher education institute financed by public fund. What the university did represented the best interest of the Government and the community.

[Actual speaking time: 7 minutes]

R7870 Ir Professor Johnny Fan Siu Kay

39. Ir Professor Johnny Fan Siu Kay made the following points:

- (a) he was the President of the Federation of the Hong Kong Polytechnic University Alumni Associations Ltd.;
- (b) hostels would provide the opportunity for university students to learn through interactions with other students and to further develop their thinking and talents. It was a part of higher education;
- (c) with the implementation of the 3-3-4 education system, the need for expansion of PolyU's teaching facilities and student facilities was recognized by the Education Bureau (EDB). The Site in close proximity to

the existing main campus provided a convenient location for learning, particularly for part-time students; and

- (d) the proposed expansion for promoting higher education to the future generations was supported.

[Actual speaking time: 4 minutes]

[Mr H.W. Cheung left the meeting temporarily at this point.]

C2 The Hong Kong Polytechnic University

40. With the aid of a Powerpoint presentation, Mr Kenneth To made the following main points:

- (a) the planning of the proposed campus development had started since 2011. The Site was subject to various constraints including railway noise, traffic noise, existing trees, slope terrain and adjoining existing uses. A lot of time had been spent on addressing the various issues including the provision of a 24-hour illuminated pedestrian walkway along Oi Sen Path due to the security concerns raised by the locals;
- (b) various development options with different plot ratios and BHs had been tested, and government departments, local communities as well as secondary schools and district councils concerned had been consulted in order to determine the optimal scheme which was subsequently approved by MPC on 9.5.2014. The scheme was optimal in that it could meet the PolyU's requirement on academic and hostel floor space, as well as meeting the technical requirements including visual and air ventilation aspects;

Air Ventilation

- (c) after consultation with relevant government departments, wind data at higher levels was adopted to avoid distortion. The AVA had followed the

requirements of the Technical Circular No. 1/06 issued by the Government. According to the average wind data at high levels collected in 20 years, while the annual prevailing wind of the Site was mainly east, there were also northeast, west and northwest winds;

- (d) taking into account the wind environment of the Site, the proposed campus development would be built with stepped heights to allow a corridor for the southeast wind to penetrate through the Site to CSS. The 20m NBA would also provide a breezeway for the east wind. Open decks of the proposed campus development facing the playground of CSS were specially designed to facilitate air ventilation;

[Mr H.W. Cheung returned to join the meeting at this point.]

Noise Impact

- (e) to mitigate the noise impacts on CSS, window-type air-conditioners would be used. Non-noise sensitive facilities such as student common rooms and activities rooms would be located at the north-western end of the hostel block while the hostel units with tilted windows would be located away from the outdoor area of CSS;

Interface Issues

- (f) there would be no insurmountable interface problems as a secondary school and a higher education institution with hostel were compatible in land use terms;

Traffic Impact

- (g) the Site was well served by public transport and traffic would not be a problem;

MPC Decision

- (h) MPC had taken all relevant considerations into account before partially agreeing to the s.12A application. Further details of the scheme would be worked out at the s.16 application stage; and

Building lesser

- (i) as a responsible and accountable higher education institution, PolyU had made effort to optimize the development potential of the Site while at the same time minimizing any possible adverse impacts on the surrounding areas in order to meet the much-needed higher education facilities.

[Actual speaking time: 10 minutes]

41. As the presentations from the representers, representers' and commenter's representatives had been completed, the Chairman invited questions from Members.

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

42. The Vice-chairman noted that the Principal of CSS (R2742) considered that there would be a land use incompatibility between a secondary school and a higher education institution. However, in his opinion, a higher education institution might not necessarily be incompatible with a secondary school from the land use point of view. As both were educational uses, the dispute would rather be on the scale of the proposed development. It was noted that the initial layout of the campus development proposed in 2012 was acceptable to the CSS but not those proposed later on. He asked PolyU what had hindered the dialogue between the parties concerned in coming up with a mutually agreed proposal. In response, Mr Daniel Suen (C2), Associate Director of the Campus Development Office of PolyU, said that there had been continuous communication among the stakeholders, including CSS and PolyU since 2012. Two meetings had been conducted with CSS so far in 2015. However, the communication with CSS was not smooth at times. Mr Kenneth To supplemented that details of the technical constraints, e.g. those on railway noise and slope cutting, were not

known when the initial design option was first drawn up in 2012. It was found out during the various rounds of discussions with EDB and PlanD that there was scope for increasing the provision of hostel space in the Site to help relieve the acute shortage of PolyU's hostel places and to optimise the utilization of the Site. Provision of hostel places was then increased from the original 1,000 to 1,279, which necessitated a revision to the original scheme having regard to the technical constraints of the Site. In response to the Chairman's question on whether there was an increase in GFA with an increase in the number of hostel places, Mr Suen said that the GFA for hostel in the current proposal was larger than that proposed in 2012.

43. In response to a Member's question on the details of MPC's partial agreement to the s.12A application on 9.5.2014, Mr Yip said that taking into account all the comments received including those from CSS and relevant government departments, MPC considered that the key parameters, such as the maximum BH and GFA of the proposed development were acceptable but decided that 'Educational Institution' should also require planning permission from the Board in the "G/IC(3)" zone instead of a Column 1 use as proposed by the applicant. MPC also considered that there were two main areas which could be further improved at the s.16 application stage. One was on the landscape and tree felling proposal and the other on the design and layout of the proposed development. It was envisaged that continuous dialogues between PolyU and the stakeholders, including CSS, would be conducive to formulation of a better scheme for the campus development. At the s.12A application stage, MPC only considered whether the key development parameters proposed were appropriate. Details of the design and layout of the proposed development would be examined at the s.16 application stage.

44. In response to a Member's question on how the maximum BH of the proposed development was determined and the Chairman's question on whether it was the maximum BH on the OZP that would be determined by the Board in this meeting rather than the proposed development scheme, Mr Yip said that the maximum BHs for the southern, central and northern part of the Site on the OZP were 69mPD, 45mPD and 87mPD respectively. Under the s.12A application, the applicant had demonstrated with the support of relevant technical assessments that the proposed maximum BH would not have significant adverse visual or air ventilation impacts on the surrounding areas. The maximum BHs were accepted by MPC. From his understanding, CSS was concerned that PolyU would develop

the Site up to the maximum BH permitted on the OZP. As rightly pointed out by the Chairman, the focus of this meeting should be on the maximum BH of the Site, as the proposed scheme would be further assessed at the s.16 application stage. If MPC considered that the proposed scheme was exceedingly bulky, it could reject the application.

45. In response to the Chairman's questions on why wind data at the higher level was adopted and how the orientation of the NBA and the building gap of the Site had taken into account the prevailing wind directions, Mr Yip said that wind data of HKO was collected from HKO's King's Park Meteorological Station at a level of 65mPD. The data was subject to influence of the surrounding buildings, e.g. if there was a building to the east of the meteorological station, it would block the east wind. As both the topography and building layout in King's Park and Ho Man Tin, in which the Site was situated, were different, adopting HKO's wind data might not be representative and appropriate, and was hence not adopted. According to paragraph 12 of the Technical Circular No. 1/06, either "simulated" site wind data or "experimental" site wind data could be used for the initial AVA study. For the Site, "simulated" wind data was adopted based on a mathematical model MM5, in which wind data collected at 596mPD was modified by a multiplier to estimate the wind at lower level. Wind data obtained from MM5 was used in PolyU's AVA because the data was more representative and it met the requirement of the relevant technical circular. Given that the prevailing wind of the Site in winter was east and northeast and in summer east and southwest, the southwest to northeast alignment of the NBA and building gap would facilitate air ventilation. Besides, the arrangement of the proposed campus blocks with stepped heights would facilitate penetration of the southeast wind.

46. A Members asked whether the increase in hostel places from 1,000 to 1,279 places was required by UGC and whether it was appropriate to increase GFA and BH of the Site only to fulfil UGC's requirement. In response, Mr Suen (C2) said that the main objective of UGC was to optimize the use of the Site. As PolyU was in short of about 2,700 student hostel places, after balancing all relevant factors, it was found that 1,279 hostel places within the Site could be accommodated. Mr Yip supplemented that under the earlier proposal with 1,000 hostel places, some academic floor space were proposed by PolyU for non-publicly funded facilities. As advised by UGC, the facilities to be provided in the Site should be more for publicly funded facilities. Since there was a shortage of 2,700 publicly funded student hostel places, adjustment had been made to reallocate some of the academic

floor space to hostel space, and an increase of hostel places from 1,000 to 1,279 was proposed in the current submission.

47. Members had no further question to raise. The Chairman said that the hearing of Group 3 had been completed. The Chairman thanked the representers, the representers' representatives and the commenter's representatives, as well as the government representatives for attending the meeting. He said that the Board would deliberate on the representations in their absence and would inform the representers and commenter of the Board's decision in due course. They all left the meeting at this point.

Deliberation

48. The Chairman advised Members that the Public Works Subcommittee of the Legislative Council was very conscious about how GIC sites were used. Due to the scarce land resources, optimal use of GIC sites should be pursued if such was permissible in planning and design terms.

49. The Chairman recapitulated some of the impacts/problems caused by the proposed PolyU campus development as made in the oral submissions, which included adverse air ventilation impacts, overlooking on CSS and potential noise nuisance. Details of the proposed development, including height of buildings would be further assessed at the s.16 planning application stage.

50. Members discussed and agreed that the air ventilation, noise and traffic issues of the proposed development had been addressed. Noise caused by air conditioners would be controlled by the Noise Control Ordinance and traffic generated by the proposed PolyU development would not be significant. The existing and planned open space provision in the Ho Man Tin area would also be more than what was recommended in the HKPSG. Members also noted that there was a need for PolyU expansion. Even the proposed development was approved, there would still be a shortfall in student hostel places.

51. In response to a question raised by a Member, the Chairman said that MPC had agreed to the zoning and key development parameters of the Site when the s.12A application was considered in May 2014. Approval of the development scheme of the proposed

development with detailed design would be at the s.16 application stage.

52. A Member said that the focus of the current meeting should not be on PolyU's proposed development scheme. There was still room for improvement on the proposed development, particularly in terms of BH, and MPC could still reject the s.16 application if it considered that a BH profile lower than the maximum BH stipulated in the OZP was desirable, taking into account the overall design. Other Members in general agreed that MPC should make reference to the discussion of the current meeting in considering the future s.16 applications at the Site. The Secretary said that according to the minutes of meeting of MPC on the s.12A application concerned, the applicant had to demonstrate at the planning application stage why a lower BH could not be adopted. The concerns raised by Members had already been deliberated when the s.12A application was considered.

53. Mr K.K. Ling, Director of Planning, supplemented that the applicant would have to translate all development parameters and requirements into a development scheme at the s.16 planning application stage with a view to, amongst others, addressing the concerns of CSS. MPC was very conscious about the spatial relationship of the proposed development with CSS when the s.12A application was considered. The maximum BHs shown on the Plan had allowed design flexibility for future proposals. As development in the subject site would require planning permission, MPC could consider the proposed development in more detail at the s.16 application stage and CSS, amongst others, would have an opportunity to make comments when s.16 application was submitted.

54. A Member recalled that as the issues involved in the proposed development, including the point that the site constraints, were very complicated, it was considered by MPC at that time that the layout and design of the proposed development should be assessed in greater detail at the s.16 planning application stage.

55. Members agreed that as both the proposed Campus development of PolyU and CSS were educational institutions, there was no issue of land use compatibility.

56. After further deliberation, Members noted the supportive views of R3308, R3310, R3311, R3313 to R10365 on Item C and the general views of R10374(Part) to R10376(Part). Members also decided not to uphold representations R1(Part), R253 to R3307, R3309,

R3312 and R10366 and considered that the Plan should not be amended to meet the representations. Members then went through the proposed reasons for not upholding R1(Part), R253 to R3307, R3309, R3312 and R10366 in paragraph 8.2 of the TPB Paper No. 9930 and considered that they were appropriate. The reasons were:

- “(a) to enhance the air ventilation to the surrounding areas, a 12m wide non-building area (NBA), a building gap of 25m and stepped BH profile have been designated for the Site on the Outline Zoning Plan (OZP). In particular, with the 12m NBA at the northwestern boundary of the Site, a separation of 20m will be provided between the buildings of Carmel Secondary School (CSS) and the proposed Hong Kong Polytechnic University (PolyU) hostel. Further mitigation measures such as lower hostel block facing CSS and open green decks in the hostel block could also be scrutinized by the Board at the s.16 planning application stage. Thus, adverse air ventilation impact on CSS and surrounding areas would be minimized;
- (b) from the land use planning perspective, secondary school and university campus development are not considered incompatible uses, and shall not have the effect of posing an unacceptable impact on each other. With building separation of 20m, excessive noise impact on each other is not anticipated. Besides, noise from the air-conditioners of the proposed hostel is subject to control under the Noise Control Ordinance. A balance has been struck between the need for higher education use, and possible impacts of the proposed development and compatibility issue between CSS and PolyU hostel. There is no strong justification to amend the building height restrictions and NBA requirement;
- (c) taking into account the residential developments under planning or implementation in the vicinity, no significant traffic impact is anticipated to be caused by the proposed PolyU development. Besides, being close to the future MTR Ho Man Tin Station, the proposed development will be well served by public transport;

- (d) after rezoning the three sites under Items A to C from “O” to other uses, there will still be adequate existing and planned open space use to serve the population in Ho Man Tin. Rezoning the Site for “O” use is considered unnecessary;
- (e) through appropriate measures, like higher green ratio, landscape treatment, compensatory planting and preservation of existing tree, the possible impacts on the landscape quality of the area could be minimised. The concerned measures will be subject to scrutiny by the Board at the s.16 planning application stage. It is anticipated that the proposed development will not cause unacceptable impact on the air quality in the area;
- (f) the rezoning will facilitate the proposed PolyU campus development to meet PolyU’s shortfall for publicly-funded academic space and hostel places, and contribute to the high education development for the territory;
- (g) the amendments to the OZP are processed in accordance with established procedures and the provisions of the Town Planning Ordinance. In agreeing to the s.12A application and proposed amendments to the OZP, MPC has thoroughly considered the public comments, including those from CSS, on the proposed PolyU development, and the comments of concerned departments. Moreover, the PolyU development is subject to scrutiny by the Board and the public at OZP amendment and s.16 application stages. Thus, there are sufficient statutory channels for the public, including CSS, to provide views on the proposed development; and
- (h) no insurmountable geotechnical problem in relation to the proposed development is anticipated.”

57. Members also agreed to advise C2, PolyU to discuss with CSS to take into

account their concerns and minimize the impacts on CSS in drawing up the scheme for s.16 planning application to the Board.

58. Members also agreed that in considering future s.16 application for the proposed development, Members' concerns on the BH and layout of the proposed development as raised in the deliberation should be taken into account. The proposed development scheme presented should not be taken to have been approved by the Board.

[Mr Laurence L.J. Li arrived to join the meeting while Ms Janice W.M. Lai and Mr David Y.T. Lui left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 4

[Open Meeting]

Consideration of Representation in respect of the Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/7
(TPB Paper No. 9932)

[The meeting was conducted in Cantonese.]

Declaration of Interests

59. As the representation opposed Item A involving rezoning an area comprising private land for donation to the Pok Oi Hospital (POH) for a proposed elderly care centre and Henderson Land Development Ltd. (HLD) was the donor of the private land, the following Members had declared interests in this item:

Mr Clarence W.C. Leung - being a Director of a non-governmental organization (NGO) that had received a private donation from a family member of the Chairman of HLD

- | | | |
|---------------------|---|--|
| Mr Patrick H.T. Lau |] | |
| Mr Dominic K.K. Lam |] | having business dealings with HLD |
| Mr Ivan C.S. Fu |] | |
| Ms Janice W.M. Lai |] | |
| | | |
| Mr Roger K.H. Luk |] | being member of the Council or employees of the |
| Professor P.P. Ho |] | Chinese University of Hong Kong which had |
| Professor K.C. Chau |] | received a donation from a family member of the
Chairman of HLD |
| | | |
| Dr W.K. Yau | - | being a Director of an NGO which had received a
donation from HLD |
| | | |
| Dr Wilton W.T. Fok |] | being employees of the University of Hong Kong |
| Mr H.F. Leung |] | which had received a donation from a family |
| Professor S.C. Wong |] | member of the Chairman of HLD |
| | | |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong
Metropolitan Sports Events Association which
had obtained sponsorship from HLD |
| | | |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of the
Hong Kong Arts Centre which had received a
donation from the Executive Director of HLD |

60. Since the interests of Mr Ivan C.S. Fu, Mr Roger K.H. Luk, Professor K.C. Chau, Mr H.F. Leung and Mr Peter K.T. Yuen were indirect, Members agreed that they should be allowed to stay in the meeting.

61. Members also noted that Mr Clarence W.C. Leung, Ms Janice W.M. Lai and Dr Wilton W.T. Fok had left the meeting while Professor S.C. Wong, Professor P.P. Ho, Dr W.K. Yau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had tendered apologies for not being able to attend the meeting, and Ms Christina M. Lee had not yet arrived to join the

meeting.

Presentation and Question Session

62. The following representative of the Planning Department (PlanD) and representer were invited to the meeting at this point:

Mr David C.M. Lam - District Planning Officer/Tuen Men & Yuen Long West (DPO/TM&YLW), PlanD

R1 Mr Fu Ka Ho

Mr Fu Ka Ho - Representer

63. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representative of PlanD to brief Members on the background to the representation.

64. With the aid of a Powerpoint presentation, Mr David C.M. Lam, DPO/TM&YLW, PlanD, made the following main points as detailed in the Paper:

Introduction

- (a) On 12.12.2014, the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/7 (the Plan) incorporating rezoning of an area to the east of Fuk Hang Tsuen Road from “Residential (Group C)” (“R(C)”), “Government, Institution or Community” (“G/IC”) and “Residential (Group D)” (“R(D)”) to “Government, Institution or Community (1)” (“G/IC(1)”) for elderly care services (Item A) and rezoning of an area mainly beneath an elevated section of Kong Sham Western Highway from “R(C)”, “R(D)” and “G/IC” to an area shown as ‘Road’ to reflect the completed Kong Sham Western Highway (Item B) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) the proposed elderly centre under Item A was one of the proposals received under the “Special Scheme”;
- (c) the proposed elderly care centre would have a maximum gross floor area of 35,000m², a maximum building height of 50mPD and provide about 1,400 places;

Representations and Comments

- (d) during the 2-month exhibition period, a total of 4 representations were received. On 27.2.2015, the representations were published for 3 weeks for public comments. A total of two comments were received;
- (e) on 24.4.2015, the Town Planning Board (the Board) considered R2 to R4 invalid since they were not related to Items A and B, and there was no basis for consideration of the two comments which commented on R2 and R3. Hence, there was only one valid representation and no valid comment;

Representation

- (f) R1 submitted by an individual objected to Item A for a proposed elderly centre, which was mainly on private land to be donated to POH for development and operation;

Grounds of Representation

- (g) a system on handling the donation of land by private developers was not in place in Hong Kong;
- (h) there was no public consensus on donation of land by private developers;
- (i) it was unclear whether the procedures involved were legal;

Representer's Proposal

- (j) the Board should not approve the amendment before a public consensus was reached and there was a system for handling donations of land in place;

Responses to representation and proposal

- (k) the proposed development at the site was a cooperation project between the land owner and the non-governmental organization (NGO). The Government would process any concerned application in accordance with applicable policies and procedures;
- (l) the representation site was suitable for the proposed elderly care centre to meet the local and territorial needs for the services;
- (m) the Tuen Mun District Council was duly consulted before and after gazetting of the amendments and raised no objection. The public had also been consulted on the zoning amendments in accordance with the provision of the Ordinance. The exhibition of the OZP for public inspection and the provisions of submission of representations and comments on representations formed part of the statutory public consultation process under the Ordinance

PlanD's view

- (n) PlanD did not support R1, and no amendment should be made to the OZP to meet the representation.

65. The Chairman then invited the representer to elaborate on his representation.

R1 Mr Fu Ka Ho

66. Mr Fu Ka Ho made the following main points:

- (a) although the proposed development of elderly care centre was supported, the amendment item was opposed to as it would have long-term implications on use of land hoarded by developers;
- (b) donation of private land by developers started about two to three years ago by HLD. Initially, land was proposed to be donated to the Government. Since there was speculation on possible collusion between the Government and developers, HLD then proposed to donate land to NGO for social welfare development;
- (c) although the donation of land to POH was through mutual agreement between HLD and POH subject to no condition to be fulfilled on the part of POH, he still considered that HLD would make use of the opportunity to reactivate its residential development proposal at the site, which had previously been turned down by the Board, by requesting POH to permit residential development on top of the proposed elderly care centre at a later stage. This would set an undesirable precedent; and
- (d) improper management and lack of monitoring of the operation of elderly care centres had aroused public concerns lately. Since donation of private land was not under any specific statutory control and a regulatory mechanism had yet to establish, allowing donation of private land for elderly care centre at the present stage was considered not appropriate.

67. As the presentation of the representer was completed, the Chairman invited questions from Members.

68. As Members had no question to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representation in the absence of the representer and would inform him of the Board's decision in due course. The Chairman thanked the representer and the representative of PlanD for attending the hearing. They all left the meeting at this point.

Deliberation

69. The Chairman said that land donation to the Government could be effected through a surrender mechanism by which the donor had to surrender the land free of encumbrances. In any event, the present case involved donation of land to an NGO. He said and Members agreed that the focus of the discussion should be on land use, i.e. whether the proposed elderly care centre on the Site was appropriate, rather than on the subject of land donation.

70. After deliberation, Members decided not to uphold representation R1 and considered that the Plan should not be amended to meet the representation. Members then went through the proposed reason for not upholding R1 in paragraph 8 of the Paper and considered that it was appropriate. The reason was:

“the representation site is considered suitable for the proposed elderly centre development. The “Government, Institution or Community (1)” zoning is considered appropriate for the planned development.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PH/697

Proposed Temporary Open Storage of Building Materials with Ancillary Office and Parking Facilities for Lorries and Private Cars for a Period of 3 Years in “Agriculture” zone, Lots No. 369 (Part) and 390 (Part) in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long

(TPB Paper No. 9933)

[The meeting was conducted in Cantonese.]

Declaration of Interests

71. Ms Janice W.M. Lai had declared an interest in this item as her family members had a house at Cheung Po Tsuen, Pat Heung, Yuen Long. Members noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

72. The following representative from the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Ms Maggie M.Y. Chin - District Planning Officer/Fanling,
Sheung Shui and Yuen Long East
(DPO/FS&YLE), PlanD

Mr Tang Tak Kwan]
Mr Chan Tung Hei] Applicant's Representatives
Mr Lam Hung Kwan]

73. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/FS&YLE to brief Members on the review application.

74. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, presented the review application and covered the following main points as detailed in the Paper:

- (a) the application was for proposed temporary open storage of building materials with ancillary office and parking facilities for lorries and private cars at Lots 369(Part) and 390(Part) in D.D. 110 and adjoining government land (the Site) in an area zoned "Agriculture" ("AGR") on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 for a period of 3 years;
- (b) the Site was about 918m². According to the applicant, two single-storey structures with a total floor area of about 100m² and

building height of about 5m to 8m would be erected in the Site for office and storage use. Two parking spaces for private cars, 2 parking spaces for lorries and 2 loading/unloading spaces for lorries would also be provided. The operating hours would be from 8:00 a.m. to 6:00 p.m. Mondays to Fridays, 8:00 a.m. to 2:00 p.m. on Saturdays and between 8:00 a.m. and 12:00 noon on Sundays and public holidays

- (c) on 22.8.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:
- (i) the proposed development was not in line with the planning intention of the “AGR” zone;
 - (ii) the application did not comply with TPB Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the proposed development was not compatible with the surrounding land uses. There was no previous approval granted at the Site and there were adverse departmental comment and public objections against the application;
 - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
 - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (d) the applicant claimed that the four reasons of rejection of the application by RNTPC of the Board were not substantiated. No

technical submission had been submitted by the applicant;

- (e) the justifications put forth by the applicant were as follows:
 - (i) the planning intention of the “AGR” zone was contrary to urban development and not in line with the development situation in the surrounding area where a sizeable agricultural land had been approved for non-agricultural purpose. A precedent had already been set;
 - (ii) the small size of the site was only suitable for small scale open storage rather than for container port backup facilities. The proposed development would not aggravate the environmental problems as the surrounding areas were occupied by open storage/storage yards and workshops;
 - (iii) villagers and residents in the surrounding area had no objection to the application;
 - (iv) objections raised by environmental/green groups were related to the wider Pat Heung district, rather than Tsat Sing Kong which was largely built-up land for non-cultivation purpose;
- (f) there was no previous application;
- (g) 18 similar applications were found within the same “AGR” zone, of which 11 within the Category 2 area were approved, 5 within the Category 3 area were approved on exceptional circumstances as the original sites had been resumed by the Express Rail Link (XRL) project and the applied uses were not incompatible with the nearby open storage uses, while the remaining 2 within the Category 3 area were rejected on similar grounds as those in the current application;
- (h) the Director of Environmental Protection did not support the application

as there were residential structures in the vicinity (about 30m to the southeast) and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application since agricultural activities were still active in the vicinity and the Site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, PlanD, the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services required the submission and implementation of a landscape and tree preservation proposal, a drainage proposal and a fire services installations proposal respectively;

- (i) a total of 7 public comments which objected to or expressed concerns on the application were received, of which 3 were received at the s.17 review and 4 at the s.16 application stage;
- (j) the objection reasons of the public comments were:
 - the applied use was not in line with the planning intention of the “AGR” zone;
 - agricultural area should be conserved to safeguard the food supply for Hong Kong and to protect the livelihoods of the people in the rural community;
 - the proposed development would cause adverse traffic, environmental, drainage and sewerage impacts and no relevant impact assessment had been conducted;
 - the site was a suspected “Destroy First and Build Later” case. Approval of the application would set an undesirable precedent;
- (k) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments in paragraph 7 of the Paper as summarized below:
 - (i) the development was not in line with the planning intention of the “AGR” zone;

- (ii) the site fell within Category 3 areas under the TPB PG-No. 13E. The development did not comply with TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse comments from the relevant departments and local objections against the application;
- (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (iv) approval of the application would set an undesirable precedent for similar applications to proliferate into the “AGR” zone. The cumulative effect of approving such similar applications would result in general degradation of rural environment.

75. The Chairman then invited the applicant’s representatives to elaborate on the review application.

76. Mr Lam Hung Kwan and Mr Tang Tak Kwan made the following main points:

- (a) although the Site was zoned “AGR”, there was no source of water for agriculture or agricultural rehabilitation. Paddy farm was not feasible. Use of tap water for irrigation was unrealistic;
- (b) there were a lot of open storage uses and workshops in the surrounding areas. Precedent for such uses had already been set and it was unfair to the owner of the Site for not allowing them to undertake the applied use;
- (c) the proposed development was supported by villagers. As the Site was land owned under a ‘Tso’, rent collected from the Site would be shared by the villagers concerned; and

- (d) the Site had no conservation value. There was a need for development. As compared to land used for the XRL project, which had a greater environmental impact, the Site was just a small piece of land.

77. The Chairman invited questions from Members. In response to a Member's question on whether there were supportive comments on the application, Ms Maggie M.Y. Chin said that there were supportive views from villagers, including some from Tsat Sing Kong, provided by the applicant's representatives which had been attached to the Paper. During the first three weeks when the application was made available for public inspection, objecting public comments had been received.

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

Deliberation

79. Mr Jeff Y.T. Lam, Deputy Director of Lands (General), pointed out that the Site was an old schedule agricultural lot, and erection of structures would require application to the District Lands Office/Yuen Long. Members noted.

80. Members generally agreed that there was no justification for a departure from TPB PG-No. 13E. The Site fell within a Category 3 area and there was no previous approval granted at the Site.

81. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality

agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with TPB PG-No. 13E in that the proposed development is not compatible with the surrounding land uses which are rural in character with residential dwellings/structures and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

[The meeting was adjourned for lunch break at 1:15 p.m.]

82. The meeting was resumed at 2:45 p.m.

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

Mr. Thomas T. M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Ms Julia M. K. Lau

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/483

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lots 873 S.B and 875 S.C in D.D. 9, Yuen Leng Village, Tai Po

(TPB Paper No. 9934)

[The meeting was conducted in Cantonese]

84. Mr Stanley Y.F. Wong had declared an interest in the item for owning a property in Tai Po. Since the property of Mr Stanley Y.F. Wong was not located in the vicinity of the application site, his interest was remote and indirect. Members agreed that he should be allowed to stay in the meeting and participate in the discussion.

Presentation and Question Sessions

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

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

Mr Lee Ah Yau) Applicant’s representatives

Ms Lee Chung Ping Kiu)

Mr Lee Yau Wai)

86. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN, PlanD to brief Members on the application.

87. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented

the applications and covered the following main points as detailed in the Paper:

Background

- (a) on 25.7.2014, the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site (the Site) which fell within an area partly zoned “Agriculture” (“AGR”) (57%) and partly “Village Type Development” (“V”) (43%) on the Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11;
- (b) on 12.9.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:
 - (i) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the proposed Small House located within the water gathering ground (WGG) could not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture; and
 - (ii) the applicant failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area;

The Application Site and the Surrounding Areas

- (c) the Site was paved and vacant, and located at the western fringe of the village cluster of Yuen Leng which fell within the upper indirect WGG. It was accessible via a local track;
- (d) the surrounding areas were predominantly rural in character occupied by village houses and fallow agricultural land. There were two village houses adjacent to the Site, one to the immediate east and the other to the immediate north of the Site;

Planning Intention

- (e) the planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (f) the planning intention of the “V” zone was to reflect existing recognised villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;

Applicant’s Justifications

- (g) the justifications put forth by the applicant in support of the review application were summarized as follows:
 - (i) the Site was the subject of a previously approved application No. A/NE-KLH/368 for the same development and the land grant for Small House was being processed by LandsD. However, the planning permission lapsed on 18.4.2012 and thereafter application for renewal of planning application could not be processed;
 - (ii) the applicant would provide proper sewerage facilities. The septic tank would be re-located from the back to the front of the proposed Small House;
 - (iii) two adjoining Small Houses had been approved and constructed with the septic tanks within their sites;

Departmental Comments

- (h) District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application. Approval-in-principle for the Small House application had been given by his office on 10.11.2011. Execution of the land grant document was pending one year before the completion of the sewerage project in Yuen Leng. The latest figures on 10-year Small House demand and outstanding Small House applications for Yuen Leng and Kau Lung Hang Villages were 290 and 127 respectively;
- (i) the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point would be provided in the vicinity of the Site. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme at that juncture for the concerned public sewerage works;
- (j) Director of Environmental Protection (DEP) did not support the application. She advised that according to the Hong Kong Planning Standards and Guidelines, the use of septic tank/soakaway systems should be avoided in WGG;
- (k) Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application. He considered that the relocation of the septic tank and soakaway system would not affect the status of public sewerage connection. The Site was located within upper indirect WGG and the majority of the proposed Small House footprint fell outside the 'extended' "V" zone. Public sewerage system was not available for connection in the vicinity of the Site as there was no fixed programme for implementation of the planned system. The applicant had not provided sufficient information to demonstrate that the water quality within the WGG would not be affected by the proposed development;

- (l) the other relevant government departments consulted had no objection to or no adverse comments on the review application;

Public Comments

- (m) no public comment was received;

PlanD's Views

- (n) PlanD did not support the review application based on the planning considerations and assessments summarized below:
 - (i) the Site was located within the upper indirect WGG and about 89% of the footprint of the proposed Small House fell outside the "V" zone. CE/CM, DSD advised that public sewerage connection point would be provided in the vicinity of the Site. However, the planned sewerage scheme for Yuen Leng Village was degazetted on 29.10.2010 and there was still no fixed implementation programme for the concerned public sewerage works. The project would mainly cover the "V" zone of the villages and had been postponed to allow villagers to have more time to comment on the extent of land resumption requirement;
 - (ii) although the applicant had proposed to relocate the septic tank of the proposed Small House within the "V" zone to address the sewerage issue, DEP advised that the use of septic tank/soakaway system should be avoided in WGG. CE/Dev(2), WSD considered that the relocation of the septic tank and soakaway system would not affect the status of public sewerage connection. The applicant had still failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area. Both DEP and CE/Dev(2), WSD maintained their views of not supporting the application;
 - (iii) although the site was the subject of a previously approved application (No. A/NE-KLH/368) for the same development, the

planning permission lapsed on 18.4.2012. According to the Interim Criteria, application for NTEH/Small House with previous planning permission lapsed would be considered on its own merits. For the current application, there had been changes in planning circumstances in that the planned sewerage scheme for Yuen Leng Village was degazetted and there was no fixed programme for its implementation, thus the proposed Small House would not be able to be connected to the planned sewerage system in the area;

- (iv) since the degazetting of the planned sewerage scheme for Yuen Leng Village on 29.10.2010, there were 12 similar applications within the same “AGR” zone at the southern part of Yuen Leng Village and some of the cases were near the Site. Seven of them (No. A/NE-KLH/439, 444, 445, 455, 478, 479 and 484), which fell entirely/mainly within “AGR” zone and/or failed to demonstrate that the water quality in the area would not be adversely affected, were rejected by the Committee or the Board on review. Both DEP and CE/Dev(2), WSD raised objection to those applications as the proposed Small Houses would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of sewerage system. The circumstances of the current application were similar to those rejected applications. For the other five similar applications (No. A/NE-KLH/438, 467, 482, 487 and 488) straddling between “AGR” and “V” zones, they were approved with conditions mainly on consideration that the proposed development complied with the Interim Criteria and DEP and CE/Dev(2), WSD had no objection to them provided that the construction of the respective Small House would not commence before the completion of the planned sewerage system and should be connected to the future public sewer when available. Whilst the planned sewerage system had no fixed programme at that juncture, Small House developments in “V” zone would be covered by the project;
- (v) for the two adjoining Small Houses with the septic tanks

constructed within their sites mentioned by the applicant, they were located entirely within “V” zone and no planning permission for building Small Houses from the Board was required. Their circumstances were not comparable to the current application; and

[Mr Sunny L.K. Ho and Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (vi) there had been no major change in planning circumstances for the Site and the surrounding areas since the rejection of the application. The planning assessment at the s.16 application stage was still valid. There was no strong reason to warrant a departure from the RNTPC’s previous decision.

88. The Chairman then invited the applicant’s representatives to elaborate on the review application. Mr Lee Yau Wai made the following main points:

- (a) a previous planning application (No. A/NE-KLH/368) for Small House development at the Site was approved by the Board in 2008 but the planning permission lapsed on 18.4.2012. He did not understand why the current application, which aimed to extend the permission period, could not be approved;

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (b) the proposed septic tank had been re-located from the back to the front of the proposed Small House and fell within the “V” zone; and
- (c) he questioned why two adjoining Small House applications, with septic tanks constructed within their sites and located to the north of the Site, were approved despite those applications were submitted later than his application.

89. Mr Lee Ah Yau supplemented that the Small House grant application was submitted to LandsD in 1997. After that, the northern part of the original site was sold, and the application needed to be re-submitted to LandsD. He did not understand why the Small

House developments at the northern part of the Site previously owned by the applicant had been approved but his application had not been approved.

90. In response to the Chairman's query, Mr C.K. Soh, DPO/STN, clarified that the two adjoining Small Houses mentioned by the applicant were located entirely within "V" zone and no planning permission from the Board was required. Their circumstances were not comparable to the current application. Mr. C.K. Soh further explained that the original "V" zone had been extended to the south. DEP and WSD considered that whilst the use of septic tank was tolerated within the original "V" zone, there was a general understanding with the villagers that for Small House developments within the extended "V" zone, new sewerage system was required to ensure that the increase in sewerage discharge would not cause adverse impact on the water quality in the area which was within the upper indirect WGG. As such, new Small House developments within the extended "V" zone could not commence before the completion of the planned sewerage system. In the current application, since about 89% of the footprint of the Small House fell outside the "V" zone, EPD and WSD would not support the application before there was a fixed implementation programme for the planned sewerage system.

91. In response to the Chairman's further query why there were Small Houses with septic tank located within the extended "V" zone, Mr. C.K. Soh explained that those Small Houses were in existence for a long time.

92. With the permission of the Chairman, Ms Lee Chung Ping Kiu supplemented that their Small House grant application had been processed by LandsD for a long time due to some unexpected problems, and the issue of sewerage connection had not been raised at the time of application. Besides, she was not aware that the planning permission granted in 2008 would lapse in 4 years' time. She was willing to construct the Small House after the completion of the planned sewerage system and asked if temporary approval could be granted.

93. In response to the Chairman, Mr. C.K. Soh clarified that the applicant was informed in writing on 9.5.2008 when the planning permission (No. A/NE-KLH/368) was granted that the permission should cease to have effect on 18.4.2012 unless prior to that date, the permitted development had commenced or an extension of time for commencement of

development was granted. The Chairman further asked whether the current application could be approved similar to those approved cases, such as application No. A/NE-KLH/491, subject to the condition that the construction of the Small House would not commence before the completion of the planned sewerage system. In response, Mr. C.K. Soh explained that the proposed alignment of the planned sewerage system was subject to changes due to land resumption issues. As the sewerage system was mainly planned to serve the developments within the “V” zone, EPD and WSD would tolerate Small House developments with majority of their footprints falling within the “V” zone provided that the construction of the Small House would not commence before the completion of the planned sewerage system and should be connected to the future public sewer when available. However, if majority of the footprints of the Small Houses fell outside the “V” zone, EPD and WSD were not certain whether they would be served by the planned sewerage system. He further said that the extent of the Small House footprint falling within the “V” zone for the current application and application No. A/NE-KLH/491 was different.

94. Ms Lee Chung Ping Kiu asked if the subject application would be approved by shifting the footprint of the Small House to the “V” zone. The Chairman replied that a new application should be required for such a change.

95. As Members had no further questions, the Chairman informed that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant’s representatives and inform the applicant of the Board’s decision in due course. The Chairman thanked Mr C.K. Soh, DPO/STN, and the applicant’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation

96. The Chairman invited Members to consider whether the applicant had addressed in the review application RNTPC’s concerns as stated in the rejection reasons for the s.16 application. He said that as only 11% of the footprint of the proposed Small House fell within the “V” zone, both DEP and CE/Dev(2), WSD raised objection to the application as the proposed Small House would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of the

sewerage system. Besides, the applicant failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

97. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground could not be able to be connected to the existing/planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture; and
- (b) the applicant fails to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.”

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the
Draft Mau Ping Outline Zoning Plan No. S/ST-MP/1
(TPB Paper No. 9931)

[The meeting was conducted in Cantonese and English]

Declaration of Interests

98. The Secretary reported that Dr W.K. Yau and Dr C.P. Lau, being co-opted councillors of Heung Yee Kuk New Territories, had declared interests in the item. Members noted that Dr C.P. Lau had already left the meeting and Dr W.K. Yau had tendered apologies

for not being able to attend the meeting.

Presentation and Question Sessions

99. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. However, other than those who were present or indicated that they would attend the meeting, the rest had either indicated not to attend the hearing or made no reply. Members agreed to proceed with the hearing of the representations and comments in the absence of the other representers/commenters who had indicated that they would not attend or had made no reply.

100. The following government representatives and the representers/commenters and their representatives were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), Planning Department (PlanD)

Ms C. Yang, Channy - Senior Town Planner/Country Park Enclave 2, PlanD

Mr K.K. Pang - Principal Land Executive (Village Improvement and Lease Enforcement/Land Control Section), Lands Department (PLE/VI&C, LandsD)

Mr Mok King Kwong, - Senior Nature Conservation Officer (Central),
Dennis Agriculture, Fisheries and Conservation Department (AFCD)

Dr Shih Chun Hat, Rex - Nature Conservation Officer (Shatin), AFCD

R1-Heung Yee Kuk New Territories (HYK) and R259-Lau Tak, Francis

Mr Lau Tak, Francis (劉德)) Representer and Representer's
Ms Chan Shui Man (陳瑞雯)) Representatives
Mr Tse Chun Yu (謝進宇))

R493-華文豪

Mr Wah Man Ho (華文豪) - Representer

R555-劉偉忠 and R556-吳婉媚

Mr Lau Wai Chi (劉偉忠)) Representers' Representatives

Ms Ng Wai Chi (吳惠貞))

R567-鍾潤華, R588-鍾展彪, R603-鍾華生, R623-鍾民華, R648-鍾天來, R660-鍾勝文, R710 and C2-李月芬

鍾展彪) Representers and Representers'

鍾民華) Representative

Ms Lee Yuet Fun, Agnes (李月芬))

R619-鍾潤華

Mr Chung Yun Wah - Representer

R711-The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's Representative

R712 and C1-Kadoorie Farm and Botanic Garden Corporation

Dr Chiu Sein Tuck) Representer's Representatives

Mr Tony Nip)

R714-World Wide Fund for Nature Hong Kong

Mr Tobi Lau) Representer's Representatives

Mr Andrew Chan)

R715-Designing Hong Kong Limited

Mr Paul Zimmerman) Representer's Representatives

Ms Chan Ka Lam, Debby)

101. The Chairman extended a welcome and explained the procedures of the

hearing. He then invited Mr C.K. Soh, DPO/STN, to brief Members on the representations and the comments on the representations.

102. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, made the following main points as detailed in the Paper:

Background

- (a) on 22.8.2014, the draft Mau Ping Outline Zoning Plan (OZP) No. S/ST-MP/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 704 valid representations and two comments were received. On 20.3.2015, the Town Planning Board (the Board) decided to consider all the representations and comments collectively in two groups;

Group 1 Representations (R1 to R710)

- (b) Group 1 comprised 699 representations and one comment (C2) which were submitted by HYK, various Rural Committees (RC), members of Sai Kung District Council (SKDC), Village Representatives (VRs) of Mau Ping New Village (MPNV), Wong Chuk Shan New Village (WCSNV) and other villages, as well as individuals. They mainly objected to the OZP on grounds of inadequate “Village Type Development” (“V”) zones and the zoning of private agricultural land as “Conservation Area” (“CA”). The main grounds and proposals of the representations in Group 1 as detailed in paragraphs 2.2 to 2.10 of the Paper were summarised below:

Inadequate “V” Zones

- (i) the planning of the “V” zones was unreasonable as reference had not been made to the ‘village environs’ (‘VE’) and not all building lots were included. The area of the “V” zones had been reduced from 1.25ha to 0.81ha as compared with that on the Development Permission Area (DPA) Plan which was insufficient to accommodate a population of 80 and was inadequate to meet the villagers’ aspiration for returning to their home village in future;

- (ii) the “V” zones should be expanded based on the Small House Policy so that there would be an appropriate amount of land to meet the future development needs of the villagers. A strategy and plan for sustainable (re)development of the villages should be formulated and the draft OZP should strike a balance between conservation and development;

Agricultural Land in the “CA” Zone

- (iii) private agricultural land should not be zoned “CA” without compensation or landowners’ consent. The “CA” zoning on the draft OZP could not truly protect the ecological environment as villagers could clear the vegetation on their agricultural land to reinstate its original condition in order to safeguard their land interests;
- (iv) to withdraw the “CA” zone, to provide land exchange as compensation or to rezone private land in the “CA” zone to “Agriculture” (“AGR”);

The Rights of Villagers and Landowners

- (v) the draft OZP showed no respect to the right and need of landowners/villagers for Small House development and agriculture, as well as their property right. Their rights should be protected under Articles 40 and 105 of the Basic Law;

Provision of Infrastructure and Development Plan

- (vi) there was no planning for infrastructure including water, electricity, road and other facilities for the recognized villages. The villages should be provided with such facilities and plan for sustainable development;

Incorrect and Misleading Information and Proposal to Rename the Draft OZP

- (vii) the draft OZP had been prepared based on incorrect and misleading information. Whilst it was indicated in the approved DPA Plan and the Plan that there was no population in the Area based on the 2006 By-census and 2011 Census, there were two residents in Mau Ping Village in 2013;
- (viii) the title of the Plan was false as “Wong Chuk Shan” should be included to ensure fairness;

Other Views

- (ix) the village access should not be incorporated into the Country Park; and objection to the restriction imposed under the “Green Belt” (“GB”) and “Site of Special Scientific Interest” (“SSSI”) zones;

Group 2 Representations (R711 to R715)

- (c) Group 2 comprised five representations and one comment (C1) which were submitted by green/concern groups, including The Hong Kong Bird Watching Society (R711), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R712), Conservancy Association (R713), World Wide Fund for Nature Hong Kong (WWF-HK) (R714) and Designing Hong Kong Limited (R715). They largely supported the general planning intention of the Area, considered that the “V” zones should be deleted, and the entire Area should be covered by conservation zones and incorporated into the Ma On Shan Country Park (MOSCP). The main grounds and proposals of the representations in Group 2 as detailed in paragraphs 2.11 to 2.16 of the Paper were summarised below:

General Planning Intention of the Draft OZP

- (i) the general approach of zoning the entire Area as “CA” and the remaining existing village clusters as “V” was in line with the general planning intention of the Area to protect its conservation

and landscape value which complemented the overall naturalness and landscape beauty of the surrounding MOSCP;

Adverse Impacts of Small House Development

- (ii) Small House development in the “V” zones might have adverse ecological and environmental impacts on the Area which was characterized by high ecological importance;
- (iii) the villages in Mau Ping had been abandoned, and the villagers moved to Sai Kung, exercising their rights to build Small Houses there. There was no justification for the “V” zones in the Area, particularly in view of its remote mountainous location with no road connection or sewerage;
- (iv) to delete all the “V” zones, cover the entire Area by conservation zones such as “CA”, and require planning permission for both development and redevelopment of Small Houses in the “V” zones;

Other Views

- (v) the general approach of zoning the entire Area as “CA” except the existing village clusters as “V” in the draft OZP should be applied to the OZPs in other Country Park Enclaves;
- (vi) Mau Ping should be incorporated into the Country Park;

Comments on Representations

- (d) two comments were received. One comment (C1) was submitted by KFBG (R712) on the representations in Group 1 and reiterated the main grounds and proposals of zoning the entire Area as “CA” and deletion of the “V” zones similar to those of R712. Another comment (C2) was submitted by an individual (R710) conveying the objecting views from the VRs and villagers of the two villages in Group 1 mainly on the ground of inadequate “V” zones, proposal on provision of infrastructure and the “V” zones should be expanded to cover an area of 1.25ha as on the DPA Plan and to include the building lots. It was also proposed that the Area

should be rezoned from “CA” to “GB”, “Recreation” (“REC”), “AGR” and “Government, Institution or Community” (“G/IC”) for the development and conservation of village community; and the current way of protecting *Camellia crapnelliana* (紅皮糙果茶) should be reviewed;

Local Consultation

- (e) after the Board had given preliminary consideration to the draft Mau Ping OZP No. S/ST-MP/B on 11.4.2014, STDC, STRC and Sai Kung Rural Committee (SKRC) were consulted. STDC in general had no objection to the draft OZP at its meeting on 3.7.2014. No comment was received from STRC and SKRC. Two submissions were later received from KFBG and WWF-HK which suggested that the Area should be covered by “CA” zone as it was predominantly covered with mature secondary woodland with high plant diversity and many rare plant species were found. Director of Agriculture, Fisheries and Conservation (DAFC) and Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that “CA” instead of “GB” would better reflect the high ecological value of the habitats in the Area. The VRs of MPNV and WCSNV were consulted on the proposed “CA” zone on 22.7.2014. They did not agree to the proposed “CA” zone as this would further restrict the use and development right of their private properties. The draft OZP was subsequently revised by rezoning the “GB”, comprising mainly woodland and natural streams, to “CA” and re-numbered to S/ST-MP/C;
- (f) after the Board’s further consideration of the draft OZP on 1.8.2014 and the draft Mau Ping OZP No. S/ST-MP/1 was exhibited for public inspection under section 5 of the Ordinance on 22.8.2014, STDC, STRC and SKRC were further consulted. STDC in general had no objection to the draft OZP but raised that consideration should be given to the objecting views from the VRs of MPNV and WCSNV and to arrange land exchange with the villagers for the private land in the “CA” zone. Subsequently, STRC (R3), SKRC (R5) and the VRs of the MPNV and WCSNV (R8, R182, R302 and R709) submitted representations opposing

the draft OZP. KFBG (R712) and WWF-HK (R714) also submitted representations providing comments on the draft OZP;

General Planning Intention of the Area

- (g) the general planning intention of the Area was to protect its conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding MOSCP, and to reflect the existing recognized villages of Mau Ping and Wong Chuk Shan;

The Planning Scheme Area

- (h) the Area was an upland valley at about 300m above sea level surrounded by the MOSCP. The predominant habitat types were lowland forest and *fung shui* forest which were high value ecological habitats. The native woodlands were natural in character and ecologically linked with the MOSCP, and protected plant species as well as a number of animal species of conservation interest had been recorded therein. The natural stream supported a number of species of conservation interest. The Mau Ping Site of Special Scientific Interest (SSSI) for the protection of the *Camellia crapnelliana* (紅皮糙果茶) was located to the north just outside the Area. Trees of this species were also found in the northern part of the Area. The Area was part of the Mui Tsz Lam and Mau Ping Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Pak Kong - Mui Tsz Lam Trackway was a site of archaeological interest;
- (i) two recognized villages, namely Mau Ping and Wong Chuk Shan which were mostly in ruin, were located in the middle and southern parts, and a burial ground was located in the northeastern part of the Area. The Area was not served by any vehicular access except the Pak Kong – Mui Tsz Lam Trackway from Pak Kong in Sai Kung to Mui Tsz Lam in Ma On Shan. The Area was located within upper indirect Water Gathering Ground (WGG) and there was no existing or proposed public sewer;

Responses to the Grounds and Proposals of the Representations

Designation of “V” and “CA” Zones

- (j) there was a need to cover the environmentally sensitive areas including woodland and natural stream by “CA” zone in order to protect the natural environment, and to reflect the two recognized villages and to reserve land for their Small House developments. The boundaries of the “V” zones had been drawn up having regard to the ‘VEs’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. About 0.81 ha of land mainly comprising the building lots within the existing village clusters had been zoned “V”, within which about 0.28 ha of land was available (or equivalent to about 11 Small House sites). It was expected that the total planned population of the Area would be around 80 persons;
- (k) designation of both “CA” and “V” zones was in line with the general planning intention of the Area and struck a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development;
- (l) according to LandsD’s record, MPNV and WCSNV in the Sai Kung district (the new villages) were established in 1969 and 1967 respectively as offshoots of the original villages prior to the promulgation of the Small House Policy in 1972. Nevertheless, the original villages were still recognized villages with ‘VEs’ drawn, thus if the indigenous villagers applied for Small House grants therein, LandsD had to process their applications. The two original villages had no population in the 2011 Census, and there was no outstanding Small House application and no 10-year Small House demand forecast;

Adverse Impacts of Small House Development

- (m) in processing Small House grant applications, LandsD would consult concerned government departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications to avoid adverse impacts of Small House development on the

surrounding environment;

- (n) the planning intention of the “V” zones was to provide land for New Territories Exempted House (NTEH) and the current “V” zones mainly covered the existing village clusters. It was appropriate to allow development and redevelopment of Small Houses in the “V” zones;

Agricultural Land in the “CA” Zone

- (o) ‘Agricultural Use (other than Plant Nursery)’ was always permitted within the “CA” zone. There was no hindrance to farming activities by the draft OZP. At present, no active agricultural activities could be found in the Area. There was no deprivation of landowners’ right in using their private agricultural lots for agricultural use;

The Rights of Villagers and Landowners

- (p) ‘House (NTEH only)’ was always permitted in the “V” zones. In the “CA” zone, whilst new house development was not permitted, ‘House (Redevelopment only)’ might be permitted on application to the Board;
- (q) the right to build Small House by indigenous villagers had already been qualified by the Ordinance before the Basic Law came into force, and subjecting such a right to the planning controls that might be lawfully imposed pursuant to the Ordinance by way of the draft OZP would not be inconsistent with Article 40 of the Basic Law. The zoning on the OZP would unlikely constitute “deprivation” of property for the purpose of Article 105 of Basic Law requiring payment of compensation. The draft OZP would not affect any land owner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. The draft OZP pursued the legitimate aim of providing better planning control and the land concerned could be put to “always permitted uses” and other uses as long as planning approval was obtained. It would not be inconsistent with protection of property rights under Article 105 of Basic Law;

Provision of Infrastructure and Development Plan

- (r) the need for the provision of infrastructure would be kept in view by relevant government departments subject to resource availability. According to the covering Notes of the Plan, flexibility had been given to public works coordinated or implemented by the Government;

Incorrect and Misleading Information and Proposal to Rename the Draft OZP

- (s) the official 2011 Census information had been adopted as background information in the preparation of the draft OZP which was consistent with the established practices adopted in the plan-making process;
- (t) the title of the draft OZP was mainly to indicate the broad geographical area concerned without any intention to reflect all the recognized villages situated in the Area;

Other Views

- (u) both the objection to the incorporation of the village access and the proposal to incorporate Mau Ping into the Country Park fell outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park;
- (v) the objection to the “GB” and “SSSI” zones was irrelevant as there were no such zones on the Plan. Regarding the application of the general approach of the Plan to the OZPs in other Country Park Enclaves, each Country Park Enclave should be considered on the circumstances and characteristics of individual areas;

Responses to the Grounds and Proposals of the Comments

- (w) the grounds and proposals of C1 and C2 were similar to those raised by R712 and Group 1 respectively and the above responses were relevant. The proposal to rezone the area from “CA” to various zones for the development and conservation of village community was neither in line with the general planning intention of the Area nor pragmatic given its development constraints. Besides, DAFC advised that *Camellia*

crapnelliana was a species of conservation interest and had the largest wild population in the Area, which should be protected with appropriate conservation zoning; and

PlanD's Views

- (x) the supportive views of part of R711 to R714 were noted. R1 to R710, the remaining part of R711 to 714, and R715 were not supported.

103. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R1-HYK and R259-Lau Tak, Francis

104. With the aid of a PowerPoint presentation, Mr Lau Tak, Francis made the following main points:

- (a) opposed the draft Mau Ping OZP No. S/ST-MP/1 and proposed to zone the private land as "AGR" zone;
- (b) the conservation proposal was partial and incomplete. The proposed "CA" zone on the Plan, with an area of about 44 ha, only formed a small portion (1%) of the marco "green" environment which had a total area of 4,050 ha comprising MOSCP, and "GB" and "CA" zones in the nearby OZPs. The current proposal only focused on Mau Ping which comprised building land and private lots, without a thorough assessment on the situation of the whole "green" area. The north-eastern corner of Mau Ping with rare plant species had been proposed for "CA" on government land on the draft OZP No. S/ST-MP/B, which was already good enough to serve the conservation purpose. Regarding other species, comprehensive information on the whole "green" area should be provided before deciding if the concerned area on the Plan, which only constituted about 1% of the whole "green" area, should be conserved;
- (c) conservation of rare species on private land could not be achieved by

designation of “CA” zone on the Plan. As tree felling and agricultural activities were not illegal in the “CA” zone, plant species could not be protected from felling on private land. Besides, animal species could not be protected because they might not survive under normal agricultural activities. It was also misleading to state that rare species were protected under the Forest and Countryside Ordinance (Cap. 96) since conservation of rare species under the Forest Regulation (Cap. 96A) did not apply to private land held under lease;

- (d) no consent from VRs of MPNV and WCSNV as well as the concerned landowners had been obtained for the proposed conservation zoning on private land. The intention for conservation overrode the opinions of the landowners and the proposed zoning was acting against their will;
- (e) the proposers for conservation, who did not have any interest on the land, was using other people’s land to achieve the unrealistic “conservation proposal” under which trees could not be prohibited from felling and animal species could not be protected. The proposal would create direct conflict between land owners and the proposers;

[Mr Ivan C.S. Fu left the meeting at this point.]

- (f) there was no proper balance between protection of private property rights and conservation of public natural assets. While 11.08ha of private land had been zoned “CA”, the “V” zone was only 0.81ha (6.8% of private land). Using other people’s land to achieve conservation was not a righteous means as landowners had no obligation to use their own private resources for public purpose. If people considered it important to use private property for public purpose, public resources should be used to resume the land and compensate for the landowners. Reference should be made to the preservation of King Yin Lei, which was a good example to achieve proper balance of private property rights and public assets with compensation. Private property rights should be respected instead of being frozen for development/redevelopment;

[Actual speaking time: 21 minutes]

R567-鐘潤華, R588-鐘展彪, R603-鐘華生, R623-鍾民華, R648-鍾天來, R660-鍾勝文, R710 and C2-李月芬

105. With the aid of a PowerPoint presentation, Ms Lee Yuet Fun, Agnes made the following main points:

- (a) many villagers wanted to go back and rebuild their villages in Mau Ping and Wong Chuk Shan, with a view to preserving the Hakka culture. Making reference to HYK's proposal (鄉郊人文環境發展小組建議書) in 2006, the area could be developed into an educational base for ecological study and history learning and a small community of multifarious nature, including a museum about the history of villages in the New Territories, a study base for ecology and fung shui woodlands, an exhibition room showing the ruins of Hong Kong during Japanese occupation in World War II, a holiday village for ecological study and history learning, and a daily living zone for the villagers;
- (b) it was found that house lots under the Block Crown Lease had been incorporated into the "CA" zone. It was unfair to the landowners as development right under the Block Crown Lease had been deprived of by the designation of the "CA" zone;
- (c) many villages in the New Territories were extinct in the 1950s/1960s due to the lack of the necessary infrastructure and supporting facilities. The Government was urged to provide the basic infrastructure such as road to facilitate the villagers to move back to their original villages, which in turn would help resolve the shortage of housing land supply. The natural environment would not be adversely affected if suitable traffic management measures such as close road permit were introduced;
- (d) the objective of town planning should promote urban-rural integration with a view to striking a balance between development and conservation. Village conservation did not mean prohibiting

development/redevelopment, but preserving the ecological, landscape and recreation value of an area. The potential pollution problems arising from development could be tackled by innovative measures and the provision of essential infrastructure; and

- (e) the proposal to revitalize village development and agricultural activities in the Area was a proactive response to the Policy Address to promote agricultural development in the territory. Urban agricultural development contributed to enhancing the economic, social and environmental well beings of the society.

[Actual speaking time: 17 minutes]

[Mr Frankie W.C. Yeung left the meeting at this point.]

R711-The Hong Kong Bird Watching Society

106. With the aid of a PowerPoint presentation, Ms Woo Ming Chuan made the following main points:

- (a) the Area was part of the Mui Tsz Lam and Mau Ping Priority Site for Enhanced Conservation under the New Nature Conservation Policy. A number of plant, mammal and bird species with conservation interest were found in the Area, which had a high conservation value and was ecologically connected to and encircled by the MOSCP;
- (b) due to remoteness of the original villages, villagers of Mau Ping Village and Wong Chuk Shan Village had moved to Sai Kung in 1960s. The two original villages had no population as recorded in 2011 Census, and there was no outstanding Small House application and no 10-year Small House demand forecast;
- (c) given the above considerations, the hilly natural terrain of the area, and redevelopment of Small House which might be permitted in the “CA” zone on application to the Board, it was doubtful why “V” zone, which would potentially lead to habitat fragmentation, was designated within

such an ecologically sensitive area. The provision of “V” zone in the Area was not in line with the principle of conservation as stated in Chapter 10 of the Hong Kong Planning Standards and Guidelines; and

- (d) the “CA” zoning was necessary to protect the Planning Scheme Area which had significant ecological value. The Board was requested to uphold the representation of extending the “CA” zone to cover the existing “V” zones and support Mau Ping to be incorporated into MOSCP.

[Actual speaking time: 10 minutes]

[Mr Lincoln L.H. Huang left the meeting at this point.]

R714-World Wide Fund for Nature Hong Kong

107. With the aid of a PowerPoint presentation, Mr Tobi Lau made the following main points:

- (a) Mau Ping was one of the 12 priority sites for enhanced conservation and was ecologically integrated with MOSCP. The endangered habitat of *Camellia crapnelliana* should be better protected. Given the high ecological importance of the Area, the “CA” zoning was supported. He proposed to delete the “V” zones and covered the Area with “CA” zone;
- (b) the villagers had already moved to and settled in MPNV and WCSNV in Sai Kung with improved living environment. As there was no population in the two original villages, the proposed “V” zones on the Plan were unjustified. Besides, the limited land zoned “V” could not cater for the unlimited Small House demand from the indigenous villagers. In fact, the redevelopment right of the villagers was respected by the “CA” zoning as redevelopment of house might be permitted on application to the Board; and

[Ms Julia M. K. Lau arrived to join the meeting at this point.]

- (c) designation of zonings on the Plan was not just a matter of striking the balance between nature conservation and villagers' needs. A decision for such an ecological and landscape important area of Mau Ping should be made based on the conscience deriving from ethical or moral principles.

[Actual speaking time: 7 minutes]

R715-Designing Hong Kong Limited

108. Mr Paul Zimmerman made the following main points:

- (a) if the private land in the Area was incorporated into country park for conservation purpose and the landowners were denied of the right to use their land for the uses allowed under the lease, they could ask for compensation. He did not know why HYK did not support the incorporation of Mau Ping into country park;
- (b) he was not sure why AFCD did not designate Mau Ping as country park to protect the Area under the Country Parks Ordinance. If the Area would be designated as country park at a later stage, it should ensure that the proposed zonings under the OZP was adequate for conservation purpose;
- (c) he supported the "CA" zoning for the conservation of the Area which had high ecological value. The "CA" zone should not be rezoned to "GB"; otherwise the ecological value of Mau Ping would be destroyed. Under the current relevant legislation, government departments did not have enforcement power to stop the destruction of private land with high conservation value. The "CA" zoning had already allowed agricultural activities and rebuilding of Small Houses. The difference between "CA" and "GB" zones was that redevelopment of houses in the "CA" zone required planning permission from the Board, thus creating uncertainty to the villagers; and
- (d) taking a Small House application in Ko Tong of Tai Po approved by the

Rural and New Town Planning Committee (RNTPC) of the Board on 27.2.2015 as an example, it seemed that the Board mainly looked at the existing conditions of the site in determining whether the application should be approved. In that application, the site had been used as the sportsground of a former village school, which had been formed, and it was considered that adverse impacts on the surrounding environment were not anticipated. On the other hand, two applications in Uk Tau were previously rejected on the ground, among others, that they were located within native woodland. As applications for Small House would be approved if the site did not have high conservation value, it would invite the landowners to destroy the land first before seeking approval from the Board.

[Actual speaking time: 8 minutes]

R712 and C1-Kadoorie Farm and Botanic Garden Corporation (KFBG)

109. With the aid of a PowerPoint presentation, Mr. Tony Nip made the following main points:

- (a) according to a half-day botanic survey by KFBG along the major trails in the Area in early 2014, 310 wild plant species including 10 species of conservation interest were found. Including the other rare plant species recorded in Mau Ping, there were about 23 plant species of conservation interest in such a small area;
- (b) the Area, which was characterised by a seasonal river valley habitat and covered with dense woodland with high vegetation diversity, was ecologically linked with the MOSCP. As the vegetations in Mau Ping were native and natural in character, their ecological value was greater than those in MOSCP which were mainly covered with plantations;
- (c) access to the Area was mainly through the ancient trail of Pak Kong - Mui Tsz Lam Trackway and other walking trails. The buildings found in the abandoned and derelict villages were in ruins and covered with vegetations or rare plant species;

- (d) designation of “V” zone in the Area, within which Small House development was always permitted, would create potential conflict between conservation and development. There was nothing in such a remote area to support a modern life style except with the provision of extensive infrastructure, which was unlikely and should not be realised in the future as it would lead to far-reaching destruction of the natural environment. Given that the ruined buildings were surrounded by and covered with dense vegetations, including *Camellia crapnelliana*, extensive tree felling would be required for the redevelopment of the houses and for transporting of building materials to the sites without proper roads;
- (e) the proposed “CA” zone on the Plan was fully supported. However, he doubted whether it made sense to designate “V” zones in such a pristine natural environment. He questioned why the original villages would need to be retained given that new villages had already been reprovisioned in Sai Kung; and
- (f) he noted in King Yin Lei and other conservation projects that having property right was not equivalent to having development right.

[Actual speaking time: 20 minutes]

110. As the representers, commenters and their representatives had completed their presentations, the Chairman invited questions from Members.

111. The Vice-chairman asked the representative of LandsD to explain (a) why Mau Ping Village and Wong Chuk Shan Village were still regarded as recognized villages with ‘VEs’ drawn, despite that the MPNV and WCSNV were established in 1969 and 1967 respectively and the indigenous villagers had already moved to and settled in the new villages; and (b) whether the indigenous villagers could choose to apply for Small House grants in the original and new villages. Mr K.K. Pang, PLE/VI&C, LandsD explained that after the promulgation of the New Territories Small House Policy in 1972, the then District Offices (理民府) (DO) were instructed to prepare a list of recognized villages. The criterion of a recognized village was that the village was in existence since 1898. As Mau

Ping Village and Wong Chuk Shan Village still existed at that time, they met the criterion and were incorporated in the list by the then Shatin DO. For the MPNV and WCSNV, given that they were branches of Mau Ping Village and Wong Chuk Shan Village, they also met the criterion and were incorporated in the list by the then Sai Kung DO. The list of recognized village was endorsed by the then Secretary for the New Territories in 1975. After the establishment of the LandsD, the list was reviewed and was endorsed by the Director of Lands in 1983. The list was also provided to HYK for information. According to LandsD's current record, both the concerned original villages and new villages, with their respective "VEs" drawn, were included in the list of recognized villages in Shatin and Sai Kung respectively. As such, the indigenous villagers could apply for Small House grants either in the original villages or the new villages.

112. As Members had no further questions to raise, the Chairman said that the hearing procedure had been completed. The Chairman thanked the representers, commenters and their representatives and government's representatives for attending the hearing. They all left the meeting at this point.

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

Deliberation Session

113. The Secretary reported that written submissions from the general public mainly in a standard format to the Board were received via email from 26.5.2015. Up to 29.5.2015 before the meeting, 49 written submissions had been received. The written submissions opposed village type development in the former Mau Ping Village and Wong Chuk Shan Village as they were ruins without population, and the demand for Small House could be catered for in MPNV and WCSNV. Mau Ping should be incorporated into MOSCP given its high ecological, landscape and recreational values. Prior to the formal incorporation of the Area into the country park, the enclave and the nearby area should be protected from development by designating the Area as "CA" zone on the OZP. The Secretary said that as the written submissions were received outside the statutory exhibition period of the Plan, they should be treated as not having been made under s.6(3)(a) of the Ordinance.

114. The Chairman invited Members to consider the representations and comments,

taking into consideration all the written and oral submissions.

115. With regard to HYK(R1)'s objection to the Plan due to inadequate "V" zone and the incorporation of private agricultural land into "CA" zone without compensation, Members noted that the planning intention for Country Park Enclave was to protect the ecological and landscape values. That was why the "GB" zone on the previous version of the draft OZP (No. S/ST-MP/B) had been rezoned to "CA" on the draft OZP No. S/ST-MP/C and the current OZP (No. S/ST-MP/1). The boundaries of the "V" zones had been drawn up having regard to the 'VEs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics such as the remoteness of the area and the lack of a proper road. About 0.81 ha of land mainly comprising the building lots within the existing village clusters had been zoned "V", within which about 0.28 ha of land was available for the development of about 11 Small Houses. The total planned population of the Area would be around 80 persons. The proposal had already struck a balance between conservation and development.

116. A Member agreed that the proposed "V" zone was appropriate as Mau Ping Village and Wong Chuk Shan Village were still included in the list of recognized villages. While the indigenous villagers were allowed to choose building their Small Houses in either the original or new villages, the incentive for them to build Small Houses in the original villages would not be high given the high construction cost in such a remote area.

117. Regarding the proposal to rezone the private land from "CA" to "AGR", the Chairman said that as agricultural activities were always permitted in the "CA" zone, there should be no deprivation of the landowners' right in using their private agricultural lots for agricultural use. In fact, no agricultural activity was found in the Area. With respect to the accusation that the property right of the landowners was adversely affected by the Plan, Members noted that the land concerned was mostly agricultural lots. As for the question of whether the zonings on the Plan would infringe Basic Law Article 105, Members considered that the issue had been considered by the Board before and as confirmed by legal advice, the imposition of zoning control on the OZP would not infringe the Basic Law on the protection of private property. Regarding the request for the provision of access road for the revitalization of the original villages, Members noted that the villagers had already moved to the new villages in Sai Kung.

118. With respect to the green groups' objection to the designation of "V" zone in the Area on grounds of adverse ecological and environmental impacts, Members noted that in processing Small House grant applications, LandsD would consult concerned government departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications to avoid adverse impacts of Small House development on the surrounding environment. As the planning intention of the "V" zones was to provide land for NTEH and the current "V" zones mainly covered the existing village clusters, it was appropriate to allow development and redevelopment of Small Houses in the "V" zones. Members agreed that the Plan had struck a proper balance between conservation and development.

119. After further deliberation, the Board noted the supportive views of part of R711 to R714. The Board also decided not to support R1 to R710, the remaining part of R711 to 714, and R715 and considered that no amendment should be made to the OZP to meet those representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.2 of the Paper and considered them appropriate. The reasons were :

"Designation of "V" and "CA" Zones (R1 to R710, R712, R713 and R715)

- (a) designation of both "Conservation Area" ("CA") and "Village Type Development" ("V") zones is in line with the general planning intention of the Area to protect its conservation and landscape value as well as to reflect the existing recognized villages. "CA" zone has been designated to cover areas having ecological and landscape significance to protect the natural environment, whilst "V" zone has been designated at the existing village clusters for Small House development by the indigenous villagers. The boundaries of the "V" zones for the recognized villages have been drawn up having regard to the 'village environs' ('VEs') , local topography, settlement pattern, Small House demand, areas of ecological importance, as well as other site-specific characteristics;

Agricultural Land in the "CA" Zone (R1 to R709)

- (b) as 'Agricultural Use (other than Plant Nursery)' is always permitted within

the “CA” zone on the draft Outline Zoning Plan (OZP), there is no deprivation of landowners’ right in using their private agricultural lots for agricultural use;

The Rights of Villagers and Landowners (R1 to R556, R709 and R710)

- (c) the right to build Small House by the indigenous villagers has already been qualified by the Town Planning Ordinance before the Basic Law came into force, subjecting such a right to the planning controls that may be lawfully imposed pursuant to the Ordinance would not be inconsistent with Article 40 of the Basic Law. Besides, the draft OZP would not affect any land owner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. The draft OZP pursues the legitimate aim of providing better planning control and the land concerned could be put to “always permitted uses” and other uses as long as planning approval is obtained, it would not be inconsistent with protection of property rights under Article 105 of Basic Law;

Provision of Infrastructure and Development Plan (R1, R8, R483 to R707 and R710)

- (d) the need for provision of infrastructure would be kept in view by the concerned government departments subject to resource availability. According to the covering Notes of the draft OZP, flexibility has been given to public works coordinated or implemented by the Government;

Incorrect and Misleading Information (R1, R557 to R707 and R710)

- (e) the 2011 Census information has been adopted as background information in the preparation of the draft OZP, which is consistent with established practice;

Proposal to Rename the Draft OZP (R557 to R707 and R710)

- (f) the title of the draft OZP is mainly to indicate the broad geographical area concerned without any intention to reflect all the recognized villages situated in the Area;

Adverse Impacts of Small House Development (R712, R714 and R715)

- (g) there is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment. There is no need to put development and redevelopment of Small Houses under Column 2 of the “V” zone;

Other Views

- (h) the objection to the incorporation of the village access into the Country Park falls outside the purview of the Board and has been relayed to relevant government departments for consideration as appropriate. The objection to the “Green Belt” and “Site of Special Scientific Interest” zones is irrelevant as there are no such zones on the draft OZP; (R1) and
- (i) incorporation of the Area into Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. (R711 to 715)”

Procedural Matters

Agenda Item 8

[Open Meeting]

Submission of the Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9935)

[The meeting was conducted in Cantonese]

120. The Secretary reported that the following Members had declared interests related to Representation R3 submitted by CLP Power Hong Kong Limited:

Ms Christina M. Lee - being Secretary General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP Power Hong Kong Limited

Dr W. K. Yau - being a Member of the Education Committee and the Energy Resources Education Committee of CLP

121. In addition, the following Members had declared interests related to the Hong Kong Housing Authority (HKHA), since there were public housing estate and Home Ownership Scheme (HOS) developments within the planning scheme area which had been developed and managed by the Housing Department (HD), an executive arm of HKHA:

Mr Stanley Y.F. Wong - being a member of HKHA and the Strategic Planning Committee as well as Chairman of the Subsidized Housing Committee of HKHA

Professor P.P. Ho - being a member of the Building Committee of HKHA

Mr H.F. Leung - being a member of the Tender Committee of HKHA

Ms Julia M.K. Lau - being a member of HKHA and the Commercial Properties Committee and Tender Committee of HKHA

Mr Dominic K.K. Lam) having business dealing with HKHA

Ms Janice W.M. Lai)

Mr Patrick H.T. Lau)

Dr Lawrence W. C. Poon - his wife being an employee of HD

Mr K.K. Ling - being a member of the Strategic Planning
(as Director of Planning) Committee and the Building Committee of
HKHA

Ms Bernadette H. H. Linn - being a member of HKHA
(as Director of Lands)

Mr Martin W.C. Kwan - being a representative of the Director of Home
(as Chief Engineer Affairs who was a member of the Strategic
(Works), Home Affairs Planning Committee and Subsidized Housing
Department) Committee of HKHA

122. As the item was procedural in nature, the above Members should be allowed to stay in the meeting. Members also noted that Mr H.F. Leung, Ms Janice W.M. Lai and Mr Martin W.C. Kwan had already left the meeting and Dr W. K. Yau, Professor P.P. Ho, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had attended apologies for not being able to attend the meeting.

123. The Secretary reported that on 25.7.2014, the draft Tai O Town Centre Outline Zoning Plan (OZP) No. S/I-TOTC/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 41 representations were received. On 17.10.2014, the representations were published for public comment and in the first three weeks of the publication period, one comment was received. After giving consideration to the representations and comment on 23.1.2015, the Board decided to partially uphold one representation by amending the building height restriction of the existing Tai O Electricity Substation site under the "Government, Institution or Community" ("G/IC") zone at Shek Tsai Po Street from one storey to two storeys, and not to propose any amendment to meet the remaining 40 representations. On 13.2.2015, the proposed amendment to the OZP was published for three weeks for further representation. A total of three further representations were received and all were not related to the proposed amendment to the OZP. On 24.4.2015, the Board agreed that the further representations were invalid and should be treated as not having been made, and that the draft OZP should be amended by the proposed amendment.

124. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council for approval.

125. After deliberation, the Board agreed:

- (a) that the draft Tai O Town Centre OZP No. S/I-TOTC/1A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tai O Town Centre OZP No. S/I-TOTC/1A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 9

Any Other Business

[Closed Meeting] [Confidential Item]

126. The item was recorded under confidential cover.

127. There being no other business, the meeting was closed at 5:20 p.m.