

**Minutes of 1116th Meeting of the  
Town Planning Board held on 8.7.2016**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Professor S.C. Wong

Vice-Chairman

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Deputy Director of Environmental Protection (1)  
Mr C.W. Tse

Assistant Director of Lands/Region (3)  
Mr Edwin W.K. Chan (a.m.)

Deputy Director of Lands/General  
Mr Jeff Lam (p.m.)

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Mr. Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr David Y.T. Lui

Dr C.H. Hau

Mr T.Y. Ip

Miss Winnie W.M. Ng

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Mr Andy S.H. Lam

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planners/Town Planning Board

Mr Louis K.H. Kau (a.m.)

Ms Lily Y.M. Yam (p.m.)

Senior Town Planners/Town Planning Board

Ms Doris S.Y. Ting (a.m.)

Ms Wendy W.L. Li (p.m.)

### **Opening Remarks**

[Open Meeting] [The item was conducted in Cantonese.]

1. The Chairman announced and congratulated Mr Frankie W.C. Yeung for having been awarded the Bronze Bauhinia Star and Mr Ivan C.S. Fu for having been appointed as Justice of the Peace on 1.7.2016.

### **Agenda Item 1**

[Open Meeting]

#### **Confirmation of Minutes of the 1114th Meeting held on 13.6.2016**

[The item was conducted in Cantonese.]

2. The minutes of the 1114th meeting held on 13.6.2016 were confirmed without amendments.

[Mr H.F. Leung arrived to join the meeting at this point.]

### **Agenda Item 2**

[Open Meeting]

#### **Confirmation of Minutes of the 1115th Meeting held on 17.6.2016**

[The item was conducted in Cantonese.]

3. The minutes of the 1115th meeting held on 17.6.2016 were confirmed subject to the rectification of the declared interest of Mr Franklin Yu in paragraph 3 on page 5 of the minutes which should read as 'having *past* business dealings with ARUP' instead of 'having current business dealing with ARUP'.

[Ms Janice W.M. Lai arrived to join the meeting at this point.]

### **Agenda Item 3**

[Open Meeting]

#### **Confirmation of Minutes of the 1110th Meeting held on 17.6.2016**

[The item was conducted in Cantonese.]

4. In response to a Member's question on whether the number of votes had been recorded in the minutes, the Secretary said that the general result of voting was recorded in paragraph 33 of the minutes. This was consistent with the practice adopted in recording voting results in previous meetings. The Chairman said that the wording adopted followed the past practice. Suggestions for revision to the practice, where any, could be studied separately in slower time.

5. Since Members expressed no other views, the minutes of the 1110th meeting held on 17.6.2016 were confirmed without amendments.

6. Another Member asked whether the confirmed minutes would be available for public inspection. In response, the Chairman said that the minutes would be uploaded to the website for public viewing after its confirmation by the Board. In response to the same Member's enquiry on why the names of those Members participating in the discussion were not recorded in the minutes, the Chairman said that it was the established practice not to disclose the name of individual non-official members in the discussion of individual items. Suggestions for revision to the practice, where any, could be studied separately in slower time.

### **Agenda Item 4**

[Open Meeting]

#### **Matters Arising**

[The item was conducted in Cantonese.]

- (i) Judicial Review against the Decision of the Town Planning Board in respect of the Draft Tai Po Outline Zoning Plan No. S/TP/25 (HCAL 67/2015 )

7. The Secretary reported that the Chairman and the following Members had declared interests in the item for owning properties in Tai Po or having affiliation/business dealings with the Hong Kong Housing Authority (HKHA), Sun Hung Kai Properties Limited (SHK) which was the mother company of Honour More Limited (R1274), MTR Corporation Limited (MTRCL) (R3) and Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (R2):

- |  |   |   |
|--|---|---|
| Mr Michael W.L. Wong<br>(Chairman)   | - | co-owning with spouse a townhouse at Lo Fai Road  |
| Mr H.W. Cheung   | - | owning a flat at Heung Sze Wui Street   |
| Mr Frankie W.C. Yeung  | - | owning a flat at On Chee Road   |
| Mr H.F. Leung  | - | being a member of the Tender Committee of HKHA; being a Convenor of the Railway Objections Hearing Panel; and being an employee of the University of Hong Kong (HKU) which received donation from a family member of the Chairman of Henderson before |
| Mr K.K. Ling<br>(as Director of Planning)                                      | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA   |
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works),<br>Home Affairs Department) | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA  |
| Miss Winnie W.M. Ng  | - | being a Director of Kowloon Motor Bus   |

Co. Ltd. (KMB) and SHK was one of the shareholders of KMB

- Dr Lawrence W.C. Poon - his spouse being an employee of the Housing Department but was not involved in planning work
- Mr Patrick H.T. Lau ] having current business dealings with  
Ms Janice W.M. Lai ] HKHA, Henderson, MTRCL and SHK  
Mr Stephen L.H. Liu ]
- Mr Ivan C.S. Fu - having current business dealings with Henderson, MTRCL and SHK; and having past business dealings with HKHA
- Mr Franklin Yu - having past business dealings with HKHA, Henderson, MTRCL and SHK; and his spouse was an employee of a subsidiary of SHK
- Mr Thomas O.S. Ho - having current business dealings with HKHA, MTRCL and SHK
- Dr C.H. Hau - having current business dealings with HKHA
- Mr K.K. Cheung - having current business dealings with MTRCL
- Mr Dominic K.K. Lam - having past business dealings with MTRCL

- Professor S.C. Wong  
(Vice-chairman)
- being an employee of HKU which received donation from a family member of the Chairman of Henderson; and being the Chair Professor and Head of Department of Civil Engineering of HKU which MTRCL sponsored some activities of the department before
- Dr Wilton W.T. Fok
- being an employee of HKU which received donation from a family member of the Chairman of Henderson before
- Professor K.C. Chau
- being an employee of the Chinese University of Hong Kong which received donation from a family member of the Chairman of Henderson before
- Dr Lawrence K.C. Li
- being the Treasurer of the Hong Kong Polytechnic University which obtained sponsorship from Henderson before
- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which obtained sponsorship from Henderson and SHK before
- Mr Wilson Y.W. Fung
- being a director of the Hong Kong Business Accountants Association which obtained sponsorship from Henderson before
- Mr Peter K.T. Yuen
- being a member of the Board of Governors of the Hong Kong Arts Centre

which received donation from an Executive Director of Henderson before

8. As the item was to report the setting aside of leave previously granted for the judicial review (JR) application, Members agreed that the Chairman and the above Members should be allowed to stay in the meeting.

9. The Secretary reported that on 13.5.2015, a JR application was lodged by Mr Yau Ka Bo (the Applicant) against the decision of the Town Planning Board (the Board) (JR No. 1) made on 13.2.2015 regarding the rezoning of “Green Belt” (“GB”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25. The Applicant sought relief from the Court to quash the Board’s decision in respect of the draft OZP. On 16.10.2015, the Court of First Instance (CFI) granted leave to JR No. 1.

10. On 18.11.2015, the Applicant filed another JR application against the decision of the Chief Executive in Council (CE in C) (JR No. 2) to approve the draft Tai Po OZP and sought an order of injunction restraining the Lands Department from awarding the tender for a sale site at Shan Tong Road, or an order of stay regarding the CE in C’s decision. On 29.1.2016, CFI granted leave to JR No. 2 but dismissed the application for injunction or stay.

11. On 15.2.2016, the Board applied to the court for setting aside the leave granted to JR No. 1 as the Applicant had failed to disclose material facts and information (mainly related to the CE in C’s decision to approve the draft OZP and the Secretary for Development’s explanations that the stage 2 GB review involved vegetated sites) to the Court before the leave was granted. The set aside leave application was heard by CFI on 20.5.2016. On 14.6.2016, CFI handed down its judgment setting aside the leave granted to JR No. 1. In gist, the Court considered that there had been material non-disclosure by the Applicant and it would be an abuse of process to continue the JR application. The Court made an order nisi that the Applicant should bear the cost of the Board.

12. Members noted that leave granted for JR No. 1 had been set aside by CFI.

- (ii) Two Judicial Reviews against the Decision of the Town Planning Board in respect of Application No. A/I-NEL/6 for Temporary Concrete Batching Plant for a Period of 3 Years in “Undetermined” zone, Tsing Chau Wan, Lantau (HCAL 231/2015 and 110/2016)
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13. The Secretary reported that the following Members had declared interests in the item for having affiliation/business dealings with RHL Surveyors Limited and Ramboll Environ Hong Kong Limited (Environ) which were consultants of the section 16 applicant:

Mr H.F. Leung - being an employee of the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which received a donation from RHL before

Mr Ivan C.S. Fu ] having current business dealings with  
Ms Janice W.M. Lai ] Environ

14. As the item was to report the withdrawal of a judicial review (JR) application and the receipt of a new JR application, Members agreed that the above Members should be allowed to stay in the meeting.

15. The Secretary reported that both JR applications were related to a section 16 application No. A/I-NEL/6 for temporary concrete batching plant for a period of 3 years at Lot 30(Part) in D.D.362, Tsing Chau Wan at the northeastern shore of Lantau Island which fell within the “Undetermined” zone on the approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12. On 28.8.2015, application No. A/I-NEL/6 was approved with conditions upon review by the Town Planning Board (the Board).

Withdrawal of JR Application (HCAL 231/2015)

16. On 26.11.2015, a JR application (HCAL 231/2015) was filed by Chung Shui Mui (Applicant 1) against the decision of the Board to approve upon review application No. A/I-NEL/6. The Court had not yet granted leave to the JR application.

17. On 17.6.2016, Applicant 1 applied to the Court for withdrawing the JR application. On 20.6.2016, the Court approved the withdrawal of the JR application.

New JR Application (HCAL 110/2016)

18. On 14.6.2016, a new JR application (HCAL 110/2016) was filed by Lam Ka Lun (Applicant 2) against the decision of the Board to approve upon review Application No. A/I-NEL/6. The Applicant was a member of the general public.

19. Applicant 2 raised two grounds of JR, i.e. (a) procedural *ultra vires* and unfairness, and (b) frustration of legislative intent. Applicant 2 sought, inter alia, the following reliefs from the Court:

- (a) an order to quash the Board's decision; and
- (b) if leave was granted, an order to stay the decision.

20. Members noted that a JR application (HCAL 231/2015) was withdrawn and a new JR application (HCAL 110/2016) was filed, and agreed that the Secretary should represent the Board in all matters relating to the new JR in the usual manner.

(iii) Town Planning Appeal Decisions Received

- (a) Town Planning Appeals No. 7 of 2014  
Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lots 1024 S.C, 1025 S.B and 1028 S.A in D.D. 29, Ting Kok, Tai Po  
(Application No. A/NE-TK/495)
- (b) Town Planning Appeals No. 8 of 2014  
Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lots 1024 S.D and 1028 S.B in D.D. 29, Ting Kok, Tai Po

(Application No. A/NE-TK/496)

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21. The Secretary reported that the subject appeals were against the Town Planning Board (the Board)'s decisions to reject on review two applications (No. A/NE-TK/495 and A/NE-TK/496) for proposed house (NTEH – Small House) at each of the sites zoned “Agriculture” (“AGR”) on the Ting Kok Outline Zoning Plan (OZP).

22. The appeals were heard by the Appeal Board Panel (Town Planning) (TPAB) on 26, 28, 29.10.2015 and 14, 16, 17.3.2016. On 29.6.2016, the appeals were dismissed by the TPAB. The main reasons for the decisions were as follows:

- (a) the applications, if granted, would seriously frustrate the planning intention of the “AGR” zone, which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Although the appeal sites were currently concrete paved, they had good potential for rehabilitation for agricultural purpose;
- (b) allowing Small Houses to the south of Ting Kok Road at the appeal sites would have substantial adverse impact on the landscape and environment and would be substantially incompatible with the surrounding area;
- (c) there was land available within the “Village Type Development” (“V”) zone for Small House developments and the appellants should not be unable to find land within the “V” zone for their two Small Houses;
- (d) granting the applications would have an undesirable precedent effect in respect of the other possible future applications for Small House development in the vicinity of the appeal sites; and
- (e) TPAB did not accept that the appellants intended to build the Small Houses for their own use as their residences.

23. Members noted the appeal decisions.

24. MA item (iii)(c) was recorded under confidential cover.

(iv) Appeal Statistics

25. The Secretary reported that as at 8.7.2016, a total of 12 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	35
Dismissed	:	144
Abandoned/Withdrawn/Invalid	:	193
Yet to be Heard	:	12
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	384

26. MA items (v) and (vi) were recorded under confidential cover.

### **Sai Kung and Islands District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Yi O Outline Zoning Plan No. S/I-YO/1

(TPB Paper No. 10130)

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[The item was conducted in Cantonese and English.]

#### **Hearing arrangement**

[Closed Meeting]

27. The Secretary said that on 15.4.2016, Members agreed that all the 20 valid representations and 1,401 valid comments, which were inter-related and similar in nature, would be considered collectively in one group at the Town Planning Board (the Board)'s regular meeting.

28. On 10.6.2016, the Secretariat of the Board received emails from the representatives of Kadoorie Farm & Botanic Garden Corporation (KFBG) (R11), World Wide Fund for Nature Hong Kong (WWF) (R14/C7) and The Conservancy Association (CA) (R16) requesting to separate the hearing for the villagers/land owners and green groups during the hearing in order to smoothen the process and to prevent any inconvenience.

29. The Chairman said that it was not uncommon for the hearing of representations submitted by local villagers and green groups to be conducted separately in order to ensure the efficient conduct of the meeting. As the requests from R11, R14/C7 and R16 would not affect the interests of other concerned parties or the conduct of the hearing, it was suggested that their requests could be acceded to. Members agreed.

30. A Member asked whether other green groups, apart from R11, R14/C7 and R16, would be allowed to join the hearing for Session 2. The meeting agreed that other green groups could be given a choice as to which session to attend. The Secretariat would liaise further with other green groups on this point.

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

### Session 1

#### Presentation and Question Sessions

[Open Meeting]

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

*Government representatives*

- Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)
- Ms S.H. Lam - Senior Town Planner/Sai Kung and Islands (STP/SKIs), PlanD
- Mr Kelvin K.H. Chan - Town Planner/Sai Kung and Islands (TP/SKIs), PlanD

*Representers/Commenters or their representatives*

R1/C1-Greencourt Limited

- Mr Alan Macdonald ]  
(Urbis Limited) ]
- Mr John Ho ] Representers' and commenters'  
Mr Peter Li ] representatives
- Dr Lam Hoi Ham ]
- Mr Ronnie Hui ]
- Ms Winona Ip ]

R4 – Kung Hok Shing

- Mr Kung Hok Shing - Representer

R5 - Tai O Rural Committee

- Mr Lou Cheuk Wing ]
- Mr Ho Siu Keu ] Representers' representatives
- Mr So Kwong ]

R6 - Yu Hon Kwan

- Mr Yu Hon Kwan - Representer

R7/C2 – Yi O Agricultural Cooperation Ltd.

- Mr Lee Lap Hong ]

Ms Sophia Wong	]	Representer' and commenter's
Mr Fergus Ho	]	representatives
Ms Ada Chow	]	

R17 – Designing Hong Kong Limited

C1264 – Paul Zimmerman

Mr Paul Zimmerman - Representer's representative and commenter

C10 - Mary Mulvihill

Ms Mary Mulvihill - Commenter

32. The Secretary reported that the following Members had declared interests in the item for having affiliations with a representer, The Conservancy Association (CA) (R16), or business dealings with the representer (R1)/commenter (C1)'s representative (Urbis Limited):

Dr C.H. Hau - being the Vice-chairman of CA (R16)

Mr Ivan C.S. Fu	]	having current business dealings with
Ms Janice W.M. Lai	]	Urbis Limited

Mr Franklin Yu - having past business dealings with Urbis Limited

33. Members noted that Dr C.H. Hau whose interest was direct had tendered apology for being unable to attend the meeting. Members agreed that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Franklin Yu whose interests were remote should be allowed to stay at the meeting. Members also noted that Mr Franklin Yu had not yet arrived to join the meeting.

34. At this point, the following Members also declared interests in the item:

Professor T.S. Liu - personally knowing some of the representers

Mr Thomas O.S. Ho - his company having current business

dealings with Urbis Limited and personally knowing Mr Paul Zimmerman, C1264 and representative of R17

35. Noting that Professor T.S. Liu and Mr Thomas O.S. Ho's relationship with those representers and commenter were remote and they had no discussion on or involvement in the subject matter, Members considered that the interests of Professor Liu and Mr Ho were remote and agreed that they should be allowed to stay at the meeting.

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

37. The Chairman extended a welcome and briefly explained the procedures of the hearing. Upon the requests of some representers, Members agreed that the hearing could be conducted in two sessions and the procedures would be applicable to both sessions. DPO would be invited to brief Members on the background in the first session. Representers or their representatives would then be invited to make oral submissions in turn according to their representation numbers, followed by the oral submissions by the commenters or their representatives. To ensure the efficient operation of the meeting, each representer/commenter or their representatives would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up. The Chairman then invited the representative of PlanD to brief Members on the representations and comments.

38. With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/SKIs, made the following main points as detailed in the Paper:

Background

- (a) on 30.11.2015, the draft Yi O Outline Zoning Plan (OZP) No. S/I-YO/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 20 valid representations and 1,401 valid comments were received;

#### The Representations

- (b) among the 20 representations, one (R1) expressed both support and objection, one (R19) indicated support and provided views, two (R2 and R3) indicated support, 12 (R4 to R6, R11 to R18 and R20) indicated objection or provided adverse comments, and the remaining four (R7 to R10) provided views without indicating support or objection;
- (c) the supportive representations were submitted by a land owner (R1), individuals (R2 and R19) and Tai O Environment and Development Association (R3);
- (d) the adverse representations were submitted by R1, Yi O Indigenous Inhabitant Resident (YOIIR) (R4), Tai O Rural Committee (TORC) (R5) and an Island District Council (IsDC) member (R6), KFBG (R11), WWF (R14), Hong Kong Bird Watching Society (HKBWS) (R15), CA (R16), Designing Hong Kong Limited (DHK) (R17) and individuals (R12, R13, R18 and R20). The content of R20 was indecipherable;
- (e) the four representations providing views were submitted by Yi O Agricultural Cooperation Ltd. (YOAC) (R7), an individual (R8), Alien United (R9) and Trinity Trail Association (R10);

#### Major Grounds of Representations, Representers' Proposals and Responses

- (f) the major grounds of the representations and representers' proposals, as summarised in paragraphs 2.6 to 2.11 of the Paper, and responses to grounds of representations and responses to representers' proposals, as summarised in paragraphs 6.7 to 6.26 of the Paper, were highlighted

below:

Supportive Representations (R1(part), R2, R3 and R19(part))

- (i) R1 supported the OZP which put Yi O area under statutory planning control and the “Coastal Protection Area” (“CPA”) zoning of his land which helped preserve the natural coastline;
- (ii) R2 supported the provisions, spirit and intent of the OZP and proposed to accord higher protection to certain land;
- (iii) R3 supported the designation of “Green Belt” (“GB”) and “CPA” zonings to areas with mangrove, provision of appropriate level of agricultural activities to facilitate sustainable development of Yi O; and maintaining existing streams and wetland farming which were important to the ecological environment of Yi O;
- (iv) R19 commended the Notes of the OZP and supported the designation of “CPA” zoning for foreshore area;
- (v) response - all the supportive views were noted;

Adverse Representations/Providing Comments on Similar Issues

(R1(Part), R4 to R18 and R19(Part))

*Objection to a “GB” Site and Rezoning for Proposed Eco-lodge Development (R1)*

- (vi) objected to the “GB” zoning of a site to the east of Yi O bay and proposed to develop eco-lodge at the site and its adjoining area. The proposed eco-lodge development was of strategic importance in making Lantau as a genuine tourism hub for both overseas and local visitors and would have synergy effect with the farming activities at Yi O San Tsuen;

- (vii) the proposed development was to be built on abandoned farmland. The site was not located within any sensitive zoning or country park. No vehicular road, pond filling nor stream diversion was proposed;
- (viii) proposal - rezoning the site (about 2.68 ha) from “GB” to “Other Specified Use” annotated “Eco-lodge” (“OU(Eco-lodge)”) with a maximum plot ratio of 0.2 to 0.25 and maximum building height of 2 storeys to facilitate a proposed 70-room eco-lodge development with a field study/education/visitor centre;
- (ix) subsequently, R1 submitted a comment (C1) suggesting an “AGR” zone with ancillary accommodation use in Column 2 for the site instead of the “OU(Eco-lodge)” zone;
- (x) the responses to the above grounds and proposal were:
- the “GB” site in close proximity to Yi O bay was sandwiched between “CPA” at the west and Lantau North Country Park at the east. Several streams ran through the site from uphill in the Country Park supporting freshwater marsh and coastal vegetation. The site was largely covered by vegetation with abandoned farmland and ruins;
  - the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that the proposed eco-lodge was incompatible with the surrounding environment and might induce adverse visual impact on the natural environment;
  - both CTP/UD&L, PlanD and the Director of Agriculture, Fisheries and Conservation (DAFC) considered the current “GB” zoning was appropriate to reflect the existing natural

landscape;

- concerned departments considered that there was insufficient information to demonstrate the acceptability of the proposed eco-lodge from environmental, geotechnical and infrastructural aspects;
- without any impact assessments, it would be inappropriate to rezone the site from “GB” to any other zone to facilitate the proposed eco-lodge development;
- there was no building status for R1’s lots within the site;

*“V” zone (R4 to R6, R8 and R19)*

- (xi) requested for the revitalisation of Yi O village;
- (xii) the “V” zone of 0.33 ha (13 Small House sites) was insufficient to meet the 10-year Small House demand;
- (xiii) the designation of “V” zone was not realistic as there would be no development at all in view of the remote location and the village was abandoned many years ago;
- (xiv) proposals
  - land within the village ‘environs’ (‘VE’) should be designated as “V” zone;
  - to impose restriction on the use of “V” land;
- (xv) the responses to the above grounds and proposals were:
  - the boundaries of the “V” zone for Yi O Village had been drawn up around existing house clusters having regard to existing building structures, the extent of ‘VE’, approved

Small House applications, outstanding Small House application, building lots, local topography, site characteristics and estimated Small House demand. Areas of dense vegetation, active agricultural land, ecologically sensitive areas and streamcourses had been avoided. Views and comments from relevant stakeholders including IsDC, TORC, YOIR and green/concern groups and government departments had also been taken into account;

- the Small House demand forecast was only one of the factors in drawing up the “V” zone;
- given there was no outstanding Small House application and the lack of infrastructure facilities in Yi O, an incremental approach had been adopted in designating the “V” zone to confine Small House developments at suitable locations. Small House development outside the “V” zone could be processed through the planning application system. There was no strong justification to expand the “V” zone to the ‘VE’ boundary;
- there was no justification or concrete suggestion on how to restrict the use of “V” land;

*“CPA” Zone and Private Land within “GB” and “CPA” Zones (R4 to R7)*

(xvi) private land should not be zoned “GB” or “CPA” without agreement of villagers;

(xvii) proposals

- private farmlands in Yi O San Tsuen should be zoned as “AGR”;
- deletion of “CPA” zone as the zone would affect the future

development of Yi O;

(xviii) the responses to the above ground and proposals were:

- the designation of conservation zonings on the OZP had taken into account the ecological values, landscape character, local topography, site characteristics, stakeholders' views and concerned departmental advice;
- the "CPA" zone covered the existing natural coastal area with coastal vegetation, mudflat, rocky shore, and associated estuarine landscape. CTP/UD&L, PlanD considered that the current "CPA" zoning was appropriate for protection of the natural coastline and its landscape features;
- most active farmland and fallow land with potential for agricultural rehabilitation were already zoned "AGR";
- the private land within "CPA" and "GB" zone were agricultural lots. Since 'Agricultural Use' was always permitted under "CPA" and "GB" zones, there was no deprivation of the rights of the landowners;

*Lack of Transport and Infrastructure Facilities (R4 to R10)*

(xix) there was no vehicular access to Yi O and it took about an hour to commute between Tai O and Yi O on foot. A vehicular access should be provided or designated on the OZP to facilitate farming activities and meet the need of future population growth (estimated to be 1,560 living and 80 working population);

(xx) a standard pier was required to facilitate provision of emergency services, farming rehabilitation, rural farming experience/ education activities or to enhance safety;

(xxi) proposals

- provision of a pier at 漁苗埔 with a vehicular access connecting the proposed pier and Yi O village;
- provision of vehicular access, water supply, drainage and sewerage facilities to serve the future growing population;

(xxii) the responses to the above grounds and proposals were:

- at present, concerned departments had not put forth any request for land reservation within the area for road or drainage, sewerage and water supply facilities;
- the Commissioner for Transport (C for T) had no plan to provide vehicular access to Yi O or widen the track between Tai O and Yi O. The utilization of nearby piers was low and there was currently no need for providing a new pier from transport operational point of view;
- flexibility had been provided in the covering Notes of the OZP for carrying out such public works co-ordinated or implemented by the Government, if required in future;
- 漁苗埔 was located outside the boundary of the OZP but within the Lantau South Country Park. Consent of the Country and Marine Parks Authority on the proposal was required;
- relevant departments advised that the proposed location was in very shallow water and a long catwalk leading to deeper water might be required;
- the proposed vehicular access would need to go through a

vegetated area to the west of Yi O Bay and the impact should be carefully assessed;

- there was an existing jetty at the eastern side of the bay;

*“AGR” and “GB” Zones (R8, R11 to R17 and R19)*

(xxiii) “AGR” zone was not sufficient to protect farmland from development pressure of Small House, in particular the area within the ‘VE’ encircling Yi O San Tsuen;

(xxiv) “GB” zone could be raided for development;

(xxv) proposals

- the “AGR” zone should be replaced by a more restrictive “AGR(2)” zoning to prohibit development of new house and ensure genuine agricultural practice in the area;
- the “GB” zone should be replaced by a more restrictive “GB(1)” zoning to restrict Small House development and for the protection of the natural habitats;
- any diversion of stream, filling of land, or excavation of land required permission from the Board;
- to retain farmland/increase farmland development and designating it as “AGR” instead of “GB” so as to perform its farming function;

(xxvi) the responses to the above grounds and proposals were:

- ‘House’ use in “GB” and “AGR” zones required permission from the Board;
- “GB” was a conservation zone and there was a general

presumption against development within the zone;

- each application would be considered by the Board based on its individual merits. There was no strong justification to impose further restrictions on “GB” and “AGR” zones;
- provision had already been made under the current Notes for the “AGR”, “GB” zones covering/immediately abutting on stream that diversion of stream, filling of land and/or excavation of land within these zones required planning permission from the Board. The current requirements were considered appropriate;
- most active farmland and fallow land with potential for agricultural rehabilitation were already zoned “AGR”;

*Riparian zone of Stream (R11 to R17)*

- (xxvii) two freshwater fish species of high conservation importance, *Metzia lineate* (線細鯪) and *Oryzias curvinotus* (弓背青鱗) had been found in the main stream of Yi O. “AGR” zone could not reflect the ecological sensitivity of the stream course and its riparian;
- (xxviii) much of lowland areas at the riparian were still largely covered with vegetation or natural wetlands, which should not be zoned as “AGR”;
- (xxix) many non Ecologically Important Stream (EIS) in other Country Park Enclaves were covered by conservation zoning;
- (xxx) proposal – to rezone the main stream of Yi O and its riparian zone to conservation zoning under which agricultural use was always permitted;

(xxxix) the responses to the above grounds and proposal were:

- the stream and its western riparian zone was already zoned “GB”. DAFC advised that the eastern riparian area zoned “AGR” mainly covered abandoned farmland. There were active agricultural activities in the southern part and the northern area had good potential of agricultural rehabilitation. The “AGR” zone was considered appropriate to reflect the planning intention and existing planning landscape;
- under the remarks of “AGR” zone, permission from the Board was required for diversion of streams and filling of land which might cause adverse environmental impacts on the adjacent areas;
- the stream was not an EIS. The current zoning of “GB” and “AGR” covering western and eastern sides of the stream respectively was considered appropriate to reflect the existing natural landscape. Each stream and its riparian area were different and the zoning should be considered on its own characters and merits;

*Woodland and Coastal Vegetation within “AGR” zone (R11 to R17)*

(xxxix) the areas with woodland within “AGR” zone at the east and west of Yi O San Tsuen were not suitable for cultivation and other agricultural purposes;

(xxxix) woodland provided habitat for Romer’s Tree Frog and foraging and nursery grounds for animals;

(xxxix) the areas with coastal vegetation within “AGR” zone had no farming activities and were the ecological buffer between the

inland agricultural activities and the sensitive coastal habitat;

(xxxv) proposal – rezoning the areas with woodland and coastal vegetation within “AGR” zone to conservation zoning;

(xxxvi) the responses to the above grounds and proposal were:

- there were no particular species of conservation importance and no registered old and valuable trees within the woodland;
- while DAFC advised that Romer’s Tree Frog had been recorded in the woodland area near agricultural fields in the south of Yi O near Yi O Kau Tsuen and near a stream to the east of Yi O, it was widespread in Lantau;
- DAFC also advised that active farming activities were observed in the vicinity of the woodland to the east of Yi O San Tsuen. Woodland to the west of Yi O San Tsuen formed part of the continuous flat land under active farming. It was considered appropriate to zone the area close to Yi O San Tsuen as “AGR”;
- for the area with coastal vegetation at Yi O San Tsuen, it was largely a piece of continuous flatland, with no particular species of conservation importance;
- DAFC advised that the areas with coastal vegetation were connected to existing active farmland and possessed potential for agricultural rehabilitation;

Other Views Not Directly Related to the OZP

(xxxvii) other views not directly related to the OZP and mainly related to

agricultural policy and operation, tree survey and impact assessments were detailed in paragraph 2.12 of the Paper and responses to those views were detailed in paragraph 6.27 of the Paper;

Comments on Representations and Responses

- (g) of the 1,401 valid comments, C1 was submitted by land owner (also R1), C2 was submitted by YOAC(also R7), C3 was submitted by Lantau Area Committee. Eight comments were submitted by green/concern groups and the remaining 1,390 comments were submitted by individuals mainly in standard forms;
- (h) the major grounds of the comments and responses, as summarised in paragraphs 3 and 6.2 of the Paper respectively, were highlighted below:
  - (i) C1 (also R1) objected to the “GB” zoning on his land and suggested an “AGR” zone for the site to ensure and commit the use of the land to agriculture and related ancillary uses (hobby farming/greenhouse and farming tutorial). Ancillary accommodation could be listed as Column 2 use. C1 also supported R4 to R6’s proposal for provision of a standard pier and water supply; R5 and R6’s objection to zone private land as “GB”; and R7 and R8’s views agricultural matter;
  - (ii) C2 (also R7) provided responses to R17’s queries on YOAC;
  - (iii) C3 supported the right and requests of Yi O villagers and considered that their rights should not be affected by the planning of Yi O;
  - (iv) the views of 1,393 comments submitted by green/concern groups and individuals mostly in standard forms could generally be summarised as follows:

- objecting R1's proposal to rezone a site from "GB" to "OU(Eco-lodge)" for the proposed development would destroy the continuity of Country Parks, affect the trail to Shui Lo Cho, No detailed proposal and comprehensive technical assessments were submitted by R1;
  - opposing R4, R5, R7, R9 and/or R10's proposals for a pier and vehicular access connecting the pier, Tai O and Yi O mainly for reasons that the proposal would cause adverse environmental, ecological, landscape and/or traffic impacts on the area and nearby Country Parks;
  - supporting R14, R15, R16 and/or R17's proposal to protect farming by replacing 'House (NTEH' only)' with 'House (Redevelopment only)' in Column 2 of the "AGR" and/or "GB" zones;
  - supporting R11 to R17's proposal to protect ecologically sensitive areas/habitats in Yi O by rezoning the areas of riparian zone of stream, woodland, low-lying area and/or coastal vegetation to conservation zoning;
  - objecting R4, R5 and R7's proposals on the expansion of "V" zone, and objecting rezoning private farmland from "GB" to "AGR" zone as most private farmlands were abandoned;
- (i) the views of the comments were similar to the grounds of representations and the responses to the representations as detailed in paragraphs 38(f)(x) , (xv), (xviii), (xxii), (xxvi), (xxxi) and (xxxvi) above were relevant;

PlanD's Views

- (j) the supportive views of R1(part), R2, R3 and R19(part) were noted; and

- (k) PlanD did not support the views of R1(part), R4 to R18, R19(part) and R20 and considered that the Plan should not be amended to meet the representations.

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

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

#### R4 – Kung Hok Shing

40. Mr Kung Hok Shing, YOIR, made the following main points:

- (a) the views of Yi O villagers and local land owners should take precedence over those of other parties. In planning for the Yi O area, the Government was duty bound to improve the living environment and provide facilities to meet the daily needs of the local villagers;
- (b) the consultations conducted by PlanD during the past few years were merely to satisfy the procedural requirement. The views and needs of the local villagers were totally disregarded in the plan-making process;
- (c) majority of the TORC and IsDC members had raised strong objection to the draft statutory plan for Yi O during PlanD's consultations. One DC member had proposed a motion requesting PlanD to further revise the draft plan taking into account the views of the local villagers and resubmit the revised draft plan to TORC and IsDC for consultation again. However, the request was ignored by PlanD. He and the local villagers were strongly dissatisfied with PlanD's action in this respect;
- (d) the objections and proposals put forth by the local villagers were clearly specified in the written submission and the Board was urged to incorporate the views of the local villagers into the statutory plan;

- (e) since the commencement of the revitalization of Yi O village in 2005, the Government had not provided any assistance to the local villagers. Various government departments had been approached for assistance in providing the basic infrastructure such as transport facilities, water supply and electricity over the past 10 years but none of them had offered any help. Request for the provision of a standard pier had been made for more than 10 years but it was yet to identify which government department was responsible. The Board was urged to help identify the concerned department to handle the request.

R5 – Tai O Rural Committee (TORC)

41. Mr Lou Cheuk Wing, Chairman of TORC, made the following main points:

- (a) the OZP should facilitate the future development of Yi O instead of restricting its development potential as currently proposed;
- (b) all along, the rural development of Yi O was ignored by the Government and the essential infrastructure such as transport facilities and vehicular access were not provided. The remoteness of Yi O and the lack of employment opportunities at Tai O had forced many villagers to leave the village in order to earn their living in the urban area;
- (c) many views on the future planning for the area were previously provided by the local villagers during various consultations but their views were totally ignored by PlanD;
- (d) the village revitalization project commenced in 2005 had never received any support from the Government. They would maintain their objection to the OZP unless their proposals were duly incorporated into the OZP;
- (e) the Board was urged to accede to the following requests previously put forth by the local villagers:

- (i) the incorporation of a vehicular access onto the OZP to enhance the accessibility to Yi O;
- (ii) the provision of a standard pier on the OZP which would substantially reduce the travelling time between Tai O and Yi O and facilitate more efficient passenger and freight transportation. This was essential to the village revitalization project;
- (iii) the provision of potable water supply should be properly planned on the OZP. Shui Lo Cho in Yi O was a natural stream which provided continuous water supply for the entire Lantau and some parts of Hong Kong. It was ridiculous that Yi O itself was not provided with any portable water supply facilities. The use of stream water which was untreated might pose health risk to the local villagers;
- (iv) the provision of sewerage facilities to cater for the anticipated increase in future population of Yi O upon the revitalisation of the village;
- (v) the reservation of more land to cater for the future increase in the demand of Small House. The current provision of “V” land which was only sufficient for 13 Small Houses development was largely inadequate to meet the future increase in Small House demand. It was anticipated that the number of local villagers would be increased upon the provision of essential supporting and infrastructural facilities;
- (vi) to rezone the “CPA” area to “AGR” as the former zoning would hinder the development rights of the local villagers. Private agricultural land within the area should not be zoned “GB”; and
- (vii) to expand the “V” zone to tally with the boundary of ‘VE’ which was drawn up in 1979; and

- (f) the Board was urged to adopt a people-oriented approach in planning for Yi O by incorporating the villagers' proposals as set out above.

R6 – Yu Hon Kwan

42. Mr Yu Hon Kwan made the following main points:

- (a) over the past three years, he had attended a few representation hearing meetings relating to a number of OZPs. Every time he was frustrated to learn that the Board had never given due consideration to the views of local villagers;
- (b) he was an elected DC member who was born in Tai O and had close attachments to the area and the local villagers. He was disappointed to learn that PlanD had ignored the views expressed by the local villagers, TORC and IsDC during various consultations;
- (c) since the incorporation of Yi O Kau Tsuen into the Country Park boundary in 1970s, the villagers were forced to relocate to the Yi O San Tsuen area where basic infrastructure such as water and electricity supply were not available. As a result, the villagers had reluctantly left the village to earn their living and the village was abandoned;
- (d) planning should guide the future development of the area instead of reflecting the existing conditions. Given that the local villagers had commenced the agricultural rehabilitation and village revitalisation projects in the area, planning should be revised to meet the changing circumstances of the area;
- (e) the designation of the existing cluster of some 10 existing dilapidated houses as “V” zone was unnecessary if its primary intention was to facilitate the redevelopment of those houses in future. Redevelopment of the existing houses would be allowed on application to the Lands Department and no Small House grant would be involved. Hence, the

designation of that area under a residential zoning with appropriate restrictions on development parameters would still be able to achieve the same planning purpose;

- (f) it was also inappropriate to designate a “V” zone on the OZP merely to reflect the six approved Small Houses. In view of the anticipated 10-year demand of about 140 Small Houses, consideration should be given to expanding the “V” zone to cater for about 30 to 50 Small Houses. The boundary of the “V” zone could be subject to review in future if it was demonstrated that the Small House demand was unrealistic for the reason that the local villagers might not have enough money for the construction of Small Houses in Yi O;
- (g) it was unrealistic to request the provision of a vehicular access connecting Tai O and Yi O which was estimated to be at a cost of about \$1.6 billion by the Lantau Development Advisory Committee. The construction of a rural track by the District Office to cater for the basic transportation needs of the local villagers would be acceptable to him;
- (h) planning should be for the local people and should aim at achieving sustainable development for the area which required striking a careful balance among the three basic principles of environmental protection, social needs and economic development; and
- (i) planning should not be bias towards conservation with the needs of the local villagers being ignored. The current land use proposals would hinder the village revitalization project which might lead to the loss of the historic Yi O Village in the long run.

R7/C2 – YOAC

43. With the aid of a PowerPoint presentation, Mr Lee Lap Hong made the following main points:

- (a) planning for Yi O should aim at facilitating the integration of policy, government departments and infrastructure provision for transforming Yi O into a livable place;
- (b) Yi O was a rural area where inhabitants, houses and economic activities were found. It should not be treated as a deserted area;
- (c) village should be a major component in the planning of the area. The provision of basic infrastructural facilities such as water supply, electricity, transport and emergency services as well as the improvement of local economy through the revival of agricultural activities should be encouraged. With the revitalisation of village and rehabilitation of agricultural land in the area, its environment and ecology would be naturally preserved. Hence, planning for facilitating village revitalization would not be in conflict with that for nature conservation;
- (d) despite support from the local villagers, there were many public criticisms, as reported in the newspaper in 2013 and recently, that YOAC had destroyed the natural environment and ecological habitat of Yi O by adopting a ‘destroy first, build later’ approach to pave way for large-scale property development. The grounds of such criticisms were unfounded. Two videos taken by members of public showing the existing conditions of the farm and rice-growing activities were displayed to demonstrate that genuine farming was taking place on their land;

*Production-oriented agriculture*

- (e) the success of production-oriented agriculture advocated by YOAC would depend on three important factors: systematic operation and management; commercial production; and branding of local produce;
- (f) systematic operation and management – the use of excavators was an integral part of commercial farming. A video was shown to demonstrate the important functions of excavators including transportation of goods

and farm machineries, land excavation and lifting of heavy goods. The provision of (i) a standard pier for transportation of production equipments/farm produce, daily commuting to/from Tai O and emergency rescue; (ii) water supply for daily consumption and supplementary irrigation source; and (iii) drainage facilities to address the flooding problem were fundamental to support the daily lives of local villagers and farming activities in the area. Yi O San Tsuen and Yi O Kau Tsuen, where different functions were carried out, were only connected by a local track of about 1.8m wide. This had adversely affected the efficient operation of the farm;

- (g) commercial production – out of a total of about 85 ‘dau’ of private farmland, only 18 ‘dau’ were developed at the moment. YOAC had adopted a three-layer operation mode comprising growing of rice and seasonal crops; producing commercial products from their own produce; and organizing agricultural workshops and ecotours for various organisations;
- (h) branding of local produce – the farm produce produced by YOAC had attracted wide media coverage since its production in 2014. YOAC had successfully secured partnership with some restaurants by supplying their quality produce to those restaurants. Gradually, the local farming had gained more public attention and support;
- (i) since the implementation of agricultural rehabilitation in the area, increasing number of animal, fish and insect species were spotted in the area, such as ‘rice fish’ in the rice field. From 2014 onwards, some volunteers had been carrying out ecological survey and monitoring programme in the area and diversity of species have significantly been increased. The laws of nature had contributed to the improvement of the ecology of the area and no extra control was required;
- (j) the farming experience of YOAC had proved that economic development, social integration and environment were not in conflict with one another.

The Government was urged to provide potable water supply, a standard pier and drainage system and flooding management to assist the agricultural rehabilitation of Yi O;

*Provision of supporting infrastructure*

- (k) a reliable and safe water supply was the basic necessity for the Yi O villagers. It was also an essential part of the agricultural practice and commercial production as it could serve as an important irrigation source during the dry seasons;
- (l) due to the lack of road access, a standard pier would facilitate the safe and routine passenger and freight transportation by sea as well as emergency rescue. A video was shown to demonstrate that the existing substandard jetty was not suitable for use during tides and inclement weather;
- (m) the provision of drainage/flooding management facilities was necessary to avoid the existing problems of seawater intrusion after typhoon or heavy rain which would cause destruction to plants, human and livestock, farmland and other facilities;
- (n) planning should not be a paper exercise designating different zonings for the area. Planning should complement the New Agricultural Policy and Lantau development currently promoted by the Government;

*Responses to the comments made by DHK*

- (o) YOAC would not accept the ungrounded comments and allegations made by DHK that (i) the owners and operators had no intention or interest in genuine farming and had not provided detailed development plan; (ii) YOAC intended to pursue a tourist centre and had taken a 'destroy first, develop later' approach by practicing fake agriculture. DHK was welcomed to visit YOAC to have an in-depth exchange of views and

first-hand experience of the agricultural rehabilitation by the joint efforts of the local villagers and YOAC;

*Vision*

- (p) restoration of rural environment should respect the original elements of the area including local economy, ecological protection and community development. Planning should be carried out in a comprehensive and integrated manner to provide the basic supporting infrastructure such as a standard pier and water supply; and
- (q) the local villagers and YOAC were carrying out agricultural rehabilitation in Yi O wholeheartedly. The Board was requested to note and record the demand of YOAC that the Government should provide the basic infrastructural facilities for Yi O village and such request should be conveyed to concerned departments for consideration.

R1/C1 – Greencourt Limited

44. With the aid of a PowerPoint presentation, Mr Alan Macdonald made the following main points:

*Background*

- (a) he was representing his client which had a substantial land holding in the area previously allowed for agricultural use. The current OZP had prevented sensible and practical use of the land to promote agricultural use;
- (b) given there was a general presumption against development within the “GB” zoning where his client’s land (the site) was designated, it would be difficult to carry out agricultural practice with ancillary facilities. The “AGR” zoning was preferred as it would allow sufficient flexibility for various uses in line with the planning intention and encourage eco-tourism where people would participate in farming activities. Eco-tourism had

become increasingly popular in Hong Kong and such uses had proven to help the conservation of various areas;

- (c) there was inconsistency in the designation of “AGR” zone for the area. As revealed from the aerial photos taken in 1963, agricultural activities were found within the site along the coastal area. Moreover, the lots within the site were demised for agriculture or associated uses under the lease. The “GB” zoning of the site would undermine the uses permitted under the lease;

*Supportive views*

- (d) the gazettal of the draft OZP to provide statutory planning control for the Yi O area; the designation of “CPA” zoning for preservation of natural coastline; and the expansion of agriculture land with sustainable agricultural practices were supported;

*Adverse comments and proposals*

- (e) the “GB” zoning of the site which conferred a presumption against development was opposed and the site was proposed to be rezoned to “AGR” to allow reinstatement of agricultural uses with eco-lodge and other associated uses under column 2 to permit planning control over development;
- (f) his client did not intend to develop a large-scale resort type development/accommodation and due regard would be given to the ecological environment of the area;
- (g) his client sought to obtain more flexibility to promote agriculture and farming experience for public and only simple dormitory style accommodation would be built;
- (h) the eco-lodge use was proposed to be put under Column 2 of the Notes for

“AGR” zone such that the Board could exercise planning control over the proposed development. Various technical assessments would be submitted to demonstrate that the proposed development would not have adverse impacts on the area;

- (i) a horticultural survey was conducted within the site which revealed that a majority of the area was regenerated scrubland intermixed with some abandoned developments with no major landscape value. Some cleared areas were not regenerated after the abandonment of agriculture. A variety of trees and plants were found and there were no endangered species or old and valuable trees;

*Responses to PlanD's comments*

- (j) on the concern of dense vegetation, the site was largely made up of regenerated scrubland with no significant ecological value which should not pose any constraint to the restoration of agricultural activities as well as other supporting facilities;
- (k) on the “GB” zoning, while agricultural use was always permitted within the “GB” zone, other supporting facilities which required the construction of various structures might not be permitted under the zoning given that there was a general presumption against development. Those supporting uses could attract people to visit the area to maintain the viability of the agricultural use;
- (l) on visual impact, the proposed development would be low-key buildings setting back from the public area and neatly integrating with the overall landscape area. The scale of the building which was similar to that of a village housing would not be substantial;
- (m) a revitalization programme was carried out in Lai Chi Wo where accommodation at specific areas was provided to visitors who participated in farming activities. This had demonstrated that the reinstatement of

agricultural activities would help to maintain, restore and revitalise the village. The “GB” zoning of the site had prohibited his client from carrying out similar revitalization programme;

- (n) on the concern of insufficient information, while a few technical assessments had been conducted, all the required technical assessments would be submitted to the Board for consideration at the planning application stage to demonstrate that the proposed agricultural use and other developments was technically feasible;
- (o) on the aspect of water supply, the proposed eco-lodge was very small-scale and low-density development with a low consumption of water. Water pipe and supply was available at the camp site nearby. No problem in respect of water supply was anticipated;
- (p) on the provision of septic tank/soakaway system, the facilities would be properly designed and carefully positioned to avoid polluting the water courses; and

#### *Conclusion*

- (q) the “GB” zoning of the site had undermined the right of his client previously enjoyed under the lease and had removed the traditional right of agricultural practice. It would become difficult for his client to restore agricultural use with supporting uses such as eco-lodge at the site.

45. As the presentations from the representers/commenters or their representatives were completed, the Chairman invited questions from Members.

#### Provision of pier and other facilities

46. A Member sought clarification from DPO on whether the proposed pier fell within the OZP boundary. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that the pier

proposed to be built by YOIR and other local villagers was located at 漁苗埔 which was outside the OZP boundary and within the Lantau South Country Park.

47. In response to a Member's question on the assessment criteria for building a pier, Ms Tam said that concerned departments including the Transport Department (TD) and the Marine Department were consulted on the subject during the preparation of OZP and the current hearing paper. TD considered that there was insufficient demand to justify the construction of a pier from transport operational point of view and there was no regular ferry service to/from Yi O. Besides, other factors such as location, site condition and water depth of the proposed pier as well as its impact on the surrounding natural environment should also be considered. The proposed pier at 漁苗埔 was in very shallow water and fell within the Country Park boundary. The construction of a vehicular access connecting the pier and the village would need to pass through a vegetated area which might cause adverse impact on the existing trees and habitats.

48. The same Member asked under what circumstances the general public would be allowed to improve an existing pier. In response, Ms Tam said that the existing jetty at the eastern part of the OZP fell within the "CPA" zone. The jetty was an existing use which was always permitted within the OZP. Under the existing provision of the OZP, improvement works to the jetty co-ordinated or implemented by government would be allowed.

49. A Member enquired whether other suitable site for pier development was identified within the OZP boundary. In response, Ms Tam said that at present, the existing jetty at the eastern part of the OZP was used by the local villagers for commuting, though its use might be subject to some constraints at times of low tides and inclement weather.

50. A Member asked under what circumstances the Government would provide water supply and drainage facilities for Yi O. In response, Ms Tam said that concerned departments were consulted and they had no plan to provide such facilities at the moment having considered that Yi O was remotely located with few inhabitants. Concerned departments would keep in view the need for infrastructural facilities in Yi O subject to their priority in resources allocation. Flexibility had been provided in the covering Notes of the OZP for carrying out of such public works co-ordinated or implemented by Government if

there were plans in future to provide those infrastructure facilities in the area.

### Operation of YOAC

51. A Member asked about the future 5-year plan of YOAC (R7) and the background/investors of YOAC. In response, Mr Lee Lap Hong, R7's representative, said that YOAC was targeted at production-oriented agriculture which involved farming activities, processing and packaging of unconsumed produce to become locally grown farm products, and organising visits and tours for the general public to enjoy farming experience and rural lifestyle. In view of the large area operated by YOAC, it was possible to concentrate all such activities within the area. The provision of infrastructure such as a standard pier and potable water supply was essential to the future development of YOAC. However, in the absence of such facilities, it would be difficult for YOAC to formulate a very concrete 5-year plan. Mr Fergus Ho, R7's representative, supplemented that YOAC had been at the experimental stage of its agricultural practice over the past three years. Less than one-fifth of the total arable land was farmed. Having familiarised themselves with the farming practice and the micro-climate, YOAC planned to develop more land for farming which could increase the yield and crop diversity in the coming years. However, their development plan might be constrained by the lack of manpower and other supporting facilities such as pier and water supply. On the question of investor, Mr Ho said that YOAC was a company of private investments.

52. In response to the Chairman's question, Mr Lee said that the public who visited YOAC could either walk from Tai O to Yi O via Lantau Trail, which took about 45 to 60 minutes, or travelled on a small boat to the existing substandard jetty which could not be used during inclement weather. Mr Ho supplemented that the jetty in the east could only be used a few hours every day due to tides.

53. A Member considered that the operation of YOAC was a commercial production and requested R7 to substantiate why the Government should provide infrastructure to support such commercial activities. In response, Mr Lee reiterated that YOAC carried out three major activities including farming, producing local farm products from local produce to share with the general public, and organising visits and tours to promote farming experience. It helped to revive the local economy which was an integral part of the village revitalisation of

Yi O. Commercial activities inevitably intertwined with our daily lives and whether such commercial activities should be supported by the Government was a matter of judgement.

54. In response to a Member's questions on whether YOAC had attempted to address the problems of lack of drainage/flooding facilities and potable water supply; and whether commercial farming was sustainable given the existing yield and produce quality, Mr Lee said that it was not possible for YOAC to provide its own drainage facilities as it involved some government land and any works to be carried out on the government land would require prior approval from the Lands Department (LandsD). While YOAC could use the muddy water from the natural stream for irrigation purpose, the provision of potable water supply would benefit their farmers, visitors and other villagers as well. All the crops of YOAC were organically grown even though they had not applied for any organic certification. Members of the public who had visited their farm would witness their organic farming practices.

55. In response to a Member's question, Mr Lee said that there were at present 5 to 6 farmers at YOAC and they were employed to carry out agricultural activities and production of farm products. Those farmers, who came from different background such as Tai O residents, college graduate and office lady, worked closely and harmoniously as a team.

56. In response to a Member's questions on whether the local villagers were involved in the operation of YOAC and their relationship with YOAC, Mr Lee said that with the support of the village representative of Yi O village, about 80% of the private land owners had permitted YOAC to use their land. They participated in the project on a profit-sharing basis instead of lease agreement. Although Yi O might not be conducive to farming due to the lack of necessary infrastructure, the unique characteristics of the Yi O village, which was located within a valley subject to fewer pollution as compared to other villages in Northern New Territories, would facilitate the production of high quality produce. The original intention of YOAC was to demonstrate that economic development was not in conflict with environmental protection and could meet social needs as well. Planning should not merely focus on environmental protection. The involvement of local villagers in the operation of YOAC during the past three years was low since the early stage of work was largely related to preparation of suitable land for farming. It was anticipated that the involvement of local villagers would increase in coming years through their engagement in the actual agricultural

activities.

57. Another Member asked about the rice growing cycle and the annual yield of rice at YOAC. In response, Mr Lee said that there was currently about 10 acres of farmland at YOAC. There were two rice-growing cycles every year with a total annual yield of about 2,800 kg under normal circumstances.

#### R1's proposal

58. In response to a Member's question on whether the agricultural activities promoted by YOAC and the eco-lodge development proposed by R1 were compatible with each other, Mr Alan Macdonald, representative of R1, said his client fully supported the operation mode of YOAC though its development was constrained by the lack of infrastructure. His client would like to carry out similar agricultural activities on his own land but the original right for agricultural use was taken away by the improper zoning. Should his client's land be given the same zoning as those of YOAC, agricultural rehabilitation would become possible and his client might be able to cooperate with YOAC in future.

59. The Chairman asked whether agricultural activities were carried out on his client's land at the moment. Mr Macdonald replied in the negative and said that his client would like to be assured of the correct zoning before using the land for agriculture and other positive uses.

60. In response to the Chairman's follow-up question on whether R1 had any plan to use the land for agricultural use in the short run, Mr Macdonald said that the land could not be restored to agricultural use within a short period of time due to the existing topography of the site. However, should the site be given a correct zoning, his client would commence the necessary preparatory works which might take some time to complete.

61. A Member noted from the written submission of R1 that the site was suitable for a luxurious spa/resort development with golf course and sought clarification from R1's representative on the eco-lodge concept. In response, Mr Macdonald said that overnight accommodation to be provided in his client's site would be very simple, low-key lodge. His

client had no intention to develop luxurious spa/resort having regard to the fact that it would be difficult to obtain the necessary planning permission from the Board. The golf course development which was ecologically and topographically unsuitable would not be pursued.

62. In response to a Member's question on whether the representer's proposal to rezone the "GB" zone for eco-lodge development would have precedent effect on other OZPs, Ms Tam said that in considering whether the representer's proposal was acceptable or not, relevant planning considerations including the appropriateness of the current zoning, details and justifications of the development proposal, and the results of technical assessment, etc. would have to be taken into account. For the representer's proposal to rezone its site from "GB" to "AGR" to facilitate eco-lodge development, there was insufficient information to demonstrate that the proposed eco-lodge would be acceptable from environmental, geotechnical and infrastructural aspects and without any technical assessments submitted by the representer, it was inappropriate to rezone the site from "GB" to other zones. Given that the site was on well vegetated steep slopes, the current "GB" zoning was considered appropriate to reflect the existing landscape.

63. In response to a Member's question on whether the shareholders of Greencourt Limited (R1) comprised any indigenous villagers, Mr Macdonald said that there was no indigenous villager as shareholders of the company. Yet, the local people might be benefitted from the potential employment opportunities generated from his client's development proposal.

#### "V" zone

64. Noting that R4 to R6 had requested for an expansion of "V" zone, and the recent concern on alleged illegal collusion between indigenous villagers and developers over Small House developments, a Member asked whether more justifications to substantiate the expansion of "V" zone could be provided. In response, Mr Yu Hon Kwan (R6) said that most of the land within the 'VE' was private land owned by the indigenous villagers. After the recent court conviction, it was unlikely that those indigenous villagers would commit the offence again. Land belonged to local villagers and they should be given the right to return to the village. Despite there was a 10-year Small House demand forecast of 140 as indicated by YOIRR, the figure might not be realistic having regard to the difficulty for local villagers to

raise sufficient money for building their own Small Houses. On balance, the “V” zone should be suitably expanded to provide sufficient land to meet some of the future Small House demand, say 30 to 50 Small Houses.

[Mr Franklin Yu arrived to join the meeting at this point.]

65. A Member enquired about the boundary of the ‘VE’ and the considerations in formulating the existing “V” zone boundary on the OZP. With the aid of the PowerPoint slide showing the ‘VE’ boundary, Ms Tam explained that the ‘VE’ was drawn up by LandsD as an administrative measure to guide the Small House development under Small House Policy, whereas the boundaries of the “V” zone on the OZP had been drawn up having regard to existing building structures, the extent of ‘VE’, approved Small House applications, outstanding Small House application, building lots, local topography, site characteristics and estimated future Small House demand. Areas of dense vegetation, active agricultural land, ecologically sensitive areas and stream courses had been avoided where possible.

66. In response to the same Member’s enquiry on how the ‘VE’ was drawn up, Ms Tam said that as a general rule, the ‘VE’ was delineated to include the area falling within the 300-foot radius from the edge of the last village house built before the introduction of the Small House Policy. In determining the “V” zone boundary of the OZP, the extent of ‘VE’ was only one of the factors to be considered. For the subject ‘VE’ of Yi O village, its northern area which consisted of active farmland and fallow land with potential for agricultural rehabilitation was zoned “AGR”, while the southern part currently covered by woodlands was zoned “GB”. The current “AGR” and “GB” zoning for those lands within the ‘VE’ were considered appropriate.

67. In response to a Member’s question on how planning would help the village revitalisation currently implemented by the local villagers, Ms Tam said that Yi O was a remote area surrounded by Country Parks. The area was of high ecological value and some human activities were found thereat as demonstrated by the village cluster and agricultural practice. The general planning intention of the Yi O area was to protect its high conservation and landscape value and the rural settings and to make provision for various human activities through the designation of appropriate zonings on the OZP. Conservation zonings such as “GB” were designated for those areas largely covered by vegetation including

undisturbed woodland, grass and bushes. The “V” zone was designated to reflect both existing recognized village and areas of land considered suitable for village expansion. Those areas covered by existing active agricultural land and fallow agricultural land with good potential for rehabilitation were designated “AGR”.

68. Noting the representer’s proposal to revitalise Yi O village, the same Member asked about the existing number of indigenous villagers of Yi O. In response, Mr Yu Hon Kwan said that Yi O village had been in existence for more than 400 years. Prior to the incorporation of Yi O Kau Tseun into the Country Park in 1970s, local villagers resided in both Yi O Kau Tseun and Yi O San Tseun. Although the existing Yi O village was abandoned with few inhabitants, there were more than 200 Yi O villagers and the number of registered voters for the election of Village Representative held every four years was more than 70. Those indigenous villagers would sometimes get together at a more accessible location such as Tai O or urban area.

69. As the representers/commenters or their representatives had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures for Session 1 had been completed. The Board would deliberate on the representations upon completion of the Session 2 hearing in the absence of all representers/commenters or their representatives and would inform them of the Board’s decision in due course. The Chairman thanked them and the PlanD’s representatives for attending the hearing. They all left the meeting at this point.

[Ms Christina M. Lee left the meeting at this point.]

70. In anticipation that the hearing procedures for Session 2 would likely be long, the Chairman suggested and Members agreed that consideration might be given to adjourning the meeting for lunch break at this point and resuming the hearing at 1:45 p.m. Members noted from the Secretariat that the proposed arrangement was considered acceptable by those representers and commenters attending Session 2.

71. The meeting was adjourned for a lunch break at 12:15 p.m.

72. The meeting was resumed at 1:45 p.m.

73. The following Members and the Secretary were present at the resumed meeting:

Mr Michael W.L. Wong Chairman

Professor S.C. Wong Vice-chairman

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Patrick H.T. Lau

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Deputy Director of Environmental Protection (1)

Mr C.W. Tse

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Director of Planning

Mr K.K. Ling

**Sai Kung and Islands District**

**Agenda Item 5 (Continued)**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of Draft Yi O Outline Zoning Plan No. S/I-YO/1  
(TPB Paper No. 10130)

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[The item was conducted in Cantonese and English.]

Session 2

74. The following representatives of the Planning Department (PlanD), representers/commenters or their representatives were invited to the meeting at this point:

*PlanD's Representatives*

- Ms Donna Y.P. Tam - District Planning Officer /Sai Kung and Islands  
(DPO/SKIs)
- Ms S.H. Lam - Senior Town Planner/ Sai Kung and Islands  
(STP/SKIs)
- Mr Kelvin K.H. Chan - Town Planner/Sai Kung and Islands (TP/SKIs)

*Representers/Commenters and their representatives*

R11 - Kadoorie Farm & Botanic Garden Corporation (KFBG)

R12 - Tony H.M. Nip

R13 - Chiu Sein Tuck

- Mr Tony H.M. Nip ] Representers and Representer's representatives  
Mr T.L. Yip ]  
Mr Chiu Sein Tuck ]

R14/C7 – World Wide Fund of Nature Hong Kong (WWF)

Mr Andrew C.M. Chan - Representer's and Commenter's representative

R15/C6 – The Hong Kong Bird Watching Society (HKBWS)

Ms M.C. Woo - Representer's and Commenter's representative

R16 – The Conservancy Association (CA)

Mr H.M. Ng ] Representer's representatives

Mr T.M. Leung ]

R17 – Designing Hong Kong Limited

C1264 – Paul Zimmerman

Mr Paul Zimmerman ] Representer's representatives and Commenter

Ms Miffy C.M. Chun ]

C5 – Save Lantau Alliance (SLA)

C885 – 羅淑玲

Mr S.K. Tse ] Commenter's representative and Commenter

羅淑玲 ]

C10 – Mary Mulvhill

Ms Mary Mulvhill - Commenter

C547 – Mathiase K.Y. Fung

Mr Mathiase K.Y. Fung - Commenter

75. The Chairman extended a welcome and explained the procedures of the hearing. As PlanD's presentation had already been made in Session 1, and the attendees of Session 2 had heard the presentation in the waiting conference room, there was no need to make the same presentation again for Session 2. He then invited the representers, commenters and their representatives to elaborate on their submissions.

76. Mr Tony H.M. Nip, R12 and representatives of R11 and R13, requested to make his oral submission towards the end of the presentation session, saying that he had obtained the

consent of other representers and commenters. As no objection to the proposed arrangement was raised by other attendees, Members agreed to accede to Mr Nip's request.

R14/C7 – WWF

77. With the aid of a PowerPoint presentation, Mr Andrew C.M. Chan made the following main points:

*Yi O San Tsuen*

- (a) the “Agriculture” (“AGR”) zone of the Yi O Outline Zoning Plan (OZP) fell largely within the village ‘environs’ (‘VE’) of Yi O San Tsuen in Yi O Bay. The development of small house was possible within the zone through the planning application system as the use was a Column 2 use under the “AGR” zone. According to the Development Bureau (DEVB)’s response at the Legislative Council (LegCo), the approval rate of Small House applications in “AGR” zone was about 62.5% between 2003 and 2012, which was considered high. There was active farming on the land within the zone and the Agriculture, Fisheries and Conservation Department (AFCD) had identified some agricultural land in the area as having potential for rehabilitation;
- (b) the “AGR” zone would likely be taken up by Small Houses, resulting in a loss of arable farmland for genuine sustainable farming and imposing adverse ecological and water quality impacts on nearby sensitive habitats, e.g. natural streams and coastal area/mangrove in Yi O Bay. A more restrictive conservation zoning should be imposed for the area e.g. “AGR(1)” and “Green Belt” (“GB”);

*Eastern Riparian Area of Natural Stream*

- (c) the eastern riparian area of the natural stream to the west of Yi O also fell within the “AGR” zone. Two freshwater fish species of conservation interest were recorded at the stream i.e. Rice Fish and Stripped Lesser

Bream. The stream connected with the estuarine mangrove, mudflat and coastal habitats. According to a recent local report prepared by ecological researchers, Yi O mudflat was a nursery and breeding ground for two Horseshoe Crab species. On the whole, the stream, its riparian area and Yi O Bay were of ecological importance. Through observing the aerial photos of the eastern riparian area from 2012 to 2015, it showed that the natural state of the area had been maintained and should be preserved;

[Mr Alex T.H. Lai returned to join the meeting at this point.]

- (d) the “AGR” zoning was considered insufficient to protect the eastern riparian area from the potential adverse ecological and water quality impacts associated with the developments in the “AGR” zone. A restrictive zoning e.g. “GB” or “GB(1)” was more appropriate for the riparian area;

#### *Coastal Vegetation*

- (e) there was coastal vegetation covered by the “AGR” zone. While coastal vegetation served as an ecological and landscape buffer between inland agricultural activities and sensitive coastal habitats, they also helped stabilise the shoreline by preventing tidal erosion. Developing the coastal area would require tree removal and vegetation clearance. The appropriate zoning for the area with coastal vegetation should be “Coastal Protection Area” (“CPA”). The “CPA” zone on the OZP should be extended to cover all the coastal vegetation along the coastline of Yi O San Tsuen;

#### *Romer’s Tree Frog*

- (f) Romer’s Tree Frog was endemic to Hong Kong and could only be found in four places locally, including Lantau. It had also been classified by the International Union for Conservation of Nature (IUCN) as globally endangered. According to the Paper, they were recorded at a stream to

the east of Yi O and near the agricultural fields to the south of planning scheme area (the Area) of the OZP. In view of its global importance, their habitats in Yi O, especially adjoining areas of the stream and woodlands, which were under “AGR” zone, should be protected by conservation zonings, e.g. “GB(1)” and “Conservation Area”(“CA”); and

*Eco-lodge Proposal of R1*

(g) he objected to R1’s proposal to rezone a site to the east of Yi O Bay from “GB” to “Other Specified Uses” annotated “Eco-lodge” (“OU(Eco-lodge)”) for developing an eco-lodge for the following reasons:

(i) the site was a heavily vegetated area of natural landscape, comprising woodlands, freshwater marshes and coastal vegetation which was connected to the nearby country parks. The proposal was not in line with the planning intention of “GB” to preserve the existing natural landscape and would involve large-scale vegetation clearance and tree felling; and

(ii) R1 had not submitted any sewage treatment proposal nor impact assessments. If allowed, the sewage discharge from the eco-lodge would adversely affect the ecology and water quality of natural streams including Shui Lo Cho, freshwater marsh and Yi O mudflat.

R15/C6 – HKBWS

78. With the aid of a PowerPoint presentation, Ms M.C. Woo made the following main points:

(a) the Area was ecologically well-connected to the Lantau North and Lantau South Country Parks and the natural habitats in Yi O were of high conservation concern. As stated in the Explanatory Statement (ES)

accompanying the OZP, there were species of conservation/global concern (e.g. Romer's Tree Frog and Rich Fish) in Yi O and that the woodlands and streams in the Area should be protected as they would provide habitats to support the fauna/flora species of conservation importance. HKBWS therefore would object to any development that would lead to destruction of those habitats;

*Development Proposals*

- (b) some representers had submitted proposals to develop Yi O, involving an increase in population of over 1,500 to 2,000 or 4,000 in Yi O. Those proposals were considered incompatible with the current natural and rural setting of Yi O and Yi O itself would not be able to accommodate such a large population. Moreover, they would bring about irreversible ecological damages and permanent habitat loss to the Area and its surroundings. HKBWS strongly objected to any planning proposals or infrastructure developments to support the suggested population increase;
- (c) a number of representers also suggested that a vehicular access connecting Tai O and Yi O should be provided. HKBWS objected to constructing that new access as it would introduce adverse ecological impacts on the Lantau North and Lantau South Country Parks e.g. human disturbance, habitat loss/fragmentation, pollution and affecting the ecological integrity of the two Country Parks;
- (d) regarding R1's proposal to rezone a "GB" site to "OU(Eco-lodge)", the Director of Agriculture, Fisheries and Conservation (DAFC) had advised that the "GB" site consisted largely of woodland as stated in paragraph 6.8 of the Paper. As such, the proposed eco-lodge was considered incompatible with the surrounding environment and was not supported;
- (e) according to Chapter 10 of the Hong Kong Planning Standards and Guidelines (HKPSG), a number of principles of conservation should be adopted for the practical pursuit of conservation in land use planning,

such as retaining significant landscapes, ecological and geological attributes and heritage features as conservation zones, controlling adjoining uses to minimise adverse impacts on conservation zones and optimising their conservation value. The development proposals put forth by the representers were not in line with that conservation principles;

*Conservation Zonings*

- (f) while agreeing to the general planning intention for the Area, which was to protect the Area's high conservation and landscape value, HKBWS considered that conservation zonings should be designated on the OZP to reflect that planning intention and the principles of conservation;

[Ms Sandy H.Y. Wong returned to join the meeting at this point.]

- (g) the woodlands and marshes in Yi O should be protected by conservation zonings, instead of the current 'AGR' zoning. That would avoid giving the impression that those areas of ecological value could be cleared for cultivation use;
- (h) since good quality agricultural land could possess high ecological value, especially when wet farming was adopted, they should be safeguarded. In the case of Long Valley with active/wet farming, over 300 bird species were recorded there. Taking into account that agricultural lands were vulnerable to Small House developments, and in order to give due respect to farmlands and farmers, the "AGR" zoning on the OZP should be replaced by a restrictive agricultural/conservation zoning where small house development was not allowed; and
- (i) the Board was requested to note the high conservation value of Yi O and to reject the aforementioned development proposals submitted by the representers. The Board should impose a conservation zoning for all streams and their riparian zones, woodlands and marshes and a restrictive agricultural/conservation zoning for all farmlands. Small House

development should not be permitted nor included as a Column 1 or 2 use in both conservation and restrictive agricultural zonings.

R16 – CA

79. With the aid of a PowerPoint presentation, Mr H.M. Ng made the following main points:

- (a) while written submission had been provided to the Board setting out CA's grounds for the representation, he would focus his oral submission on the two "AGR" zones on the OZP;
- (b) suitable agricultural activities or sustainable agriculture could result in a win-win situation for the environment and farming industry. However, without proper planning, farming activities could generate adverse impact on the environment. In view of the habitats in Yi O, some areas of the designated "AGR" zones on the OZP might not be suitable. CA was of the view that refinements/adjustments should be made to the two "AGR" zones covering Yi O San Tsuen and the eastern riparian area of the natural stream to the west of Yi O respectively;

*"AGR" Zone in Yi O San Tsuen*

- (c) according to Plan 5 of the TPB Paper No. 9978 (Preliminary Consideration of A New Plan – Draft Yi O OZP No. S/I-YO/B) which showed the existing physical features of Yi O, the "AGR" zone of Yi O San Tsuen had an extensive area of woodland (the woodland area) and coastal vegetation. Referring to the aerial photos of Yi O in 1963, 1995 and 2003, he had the following observations:
  - (i) while some woodland patches had been established within/around the woodland area since 1960s, including a mature woodland in the area to the west of Yi O San Tsuen, there were two other areas that were largely agricultural land under farming, which were

located to the east and south of Yi O San Tsuen; and

- (ii) the two areas were then gradually occupied by woodland through natural succession, after farming was discontinued. There were signs of expansion for the woodland;
  
- (d) in fact, the above situation was observed in respect of the stretch of woodland located to the western side of the natural stream to the west of Yi O, as the woodland was previously agricultural land. However, the woodland was zoned “GB” on the OZP. A similar treatment should be adopted for the woodland and coastal vegetation in the “AGR” zone at Yi O San Tsuen and a restrictive zoning, including “GB”, “GB(1)” and “CPA”, etc should be imposed to reflect the planning intention of preserving the natural landscape;

[Dr Lawrence W.C. Poon returned to join the meeting at this point.]

*“AGR” Zone in Eastern Riparian Area*

- (e) referring to the aerial photos of Yi O in 1963, 2012 and 2015 in respect of the eastern riparian area of the aforesaid natural stream, which fell within the “AGR” zone, he had the following observations:
  - (i) there were limited agricultural activities in the eastern riparian area of the aforesaid natural stream in 1963;
  
  - (ii) land formation/excavation works were being carried out along the stream in the eastern riparian area in 2012, giving rise to concerns on the impact on the stream due to the works. However, no agricultural activities were found in most of the riparian area in 2015, though farming activities were found to the southern tip of the riparian area. Hence, land formation/excavation was not related to farming practice. That countered the criticisms that green groups had been

overly concerned about land formation/excavation works that were necessary in revitalising land for farming;

- (iii) the riparian area was considered not suitable for farming. To reflect the planning intention to protect natural landscape and stream ecology, the “AGR” zone should be replaced by a restriction conservation zoning. Such zoning would not disturb any existing and genuine agricultural practice as ‘Agricultural Use’ would still be a Column 1 use i.e. an always permitted use; and
- (iv) Members of the Board should consider the grounds put forth by CA.

R17 – Designing Hong Kong Limited

C1264 – Paul Zimmerman

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

- (a) a lot of the time was spent in the morning session of the hearing discussing matters concerning farming. However, no farmer attended that session;
- (b) one group of developers (R1), who presented in the morning session, was disappointed with the Yi O OZP as they purchased the land at Yi O at a late stage without checking what they could in fact develop on the land;

*Destruction to the Environment*

- (c) sites within “AGR” zone were generally perceived to be less problematic than those in conservation zoning in obtaining approval for housing development in future. After the Government had announced follow-up actions for Tai Long Sai Wan in 2010, landowners had attempted to establish agricultural use in Yi O at the earliest opportunity by undertaking

agricultural activities in the hope that the subject area would be designated under “AGR” zone. The associated vegetation/tree clearance and diversion of streams had caused destruction to the environment. Yi O was largely destroyed in 2012 under the excuse of agricultural rehabilitation;

- (d) “House (New Territories Exempted House (NTEH) only)” was a Column 2 use under the “AGR” zone and the possibility of successfully obtaining planning approval for Small House development had provided the landowners with an incentive to destroy the environmental/ecological value of the land in question. Landowners had entered into agreement with developers for paving the way for future development of the land. There was no genuine farming in Yi O and the so called farming was done with a minimum investment by the landowners. In fact, most of the areas that had been cleared or excavated in 2012 had not been put to agricultural use or rehabilitated;
- (e) between 2003 and 2012, the percentages of approved Small House applications in “AGR” zone and “GB” zones were high, amounting to 62.6% and 56.9% respectively. “House (NETH only)” and “House (other than rebuilding of NTEH)” should therefore be removed as a Column 2 use from the “AGR” and “GB” zones respectively or to replace “AGR” and “GB” zones with “AGR(2)”, and “GB(1)” or “CA”;

*Clear Planning Direction for Yi O*

- (f) the lack of clear planning direction for Yi O would result in incremental developments in Yi O, which would ultimately exert pressure on the part of the Government for providing adequate infrastructure to meet the needs of the growing population. To be fair to all the parties concerned and to avoid destruction to Yi O, the Board should be clear in how the Yi O should be developed. If Yi O was to be developed, infrastructure including vehicular access and the rebuilding of the pier should form part and parcel of its development. If not, Yi O should form part of the

country parks, and conservation zonings should be imposed for the Area. More importantly, it must be clear in the OZP that no Small House development would be allowed in the Area;

*Country Parks*

- (g) located deep inside the Lantau South Country Park and as an integral part of the country park enclaves, Yi O was of high scenic, ecological, landscape and recreation values. However, signs had been put up by landowners and villagers along the public trails to Yi O prohibiting public access;

*Development Proposals*

- (h) he objected to the various proposals submitted by the representers, including designating the entire 'VE' of Yi O San Tsuen as "Village Type Development" ("V") zone, the development of an eco-lodge and the provision of a pier and access road;
- (i) he cast doubts on the reliability and accuracy of the information submitted by some representers:
  - (i) R4, a VR, was one of the owners of R7 (i.e. Yi O Agricultural Cooperation Limited (YOAC)). However, R4 and R7 submitted different and conflicting views to the Board on the planning of Yi O. R4 considered that the entire 'VE' of Yi O San Tsuen should be designated as "V" to meet the Small House demands. R7, on the other hand, considered that private agricultural lands should be zoned under "AGR". The proposals were therefore in conflict with each other. It was also observed that some land within the eastern riparian area was under the ownership of Mr Lau Wong Fat, and the proposals did not include this particular piece of land;

- (ii) R4 had claimed that the Small House demand for the next 10 years and the number of permanent residents that would reside at Yi O village after its revitalisation would be in the region of 145 and 1,560 respectively. The figures appeared excessive; and
- (iii) R1 had objected to the “GB” zoning of the site located to the east of Yi O Bay but later proposed “AGR” zoning for the same site as a commenter; and
- (j) the Board should be mindful of a proposed hotel resort scheme in Yi O which had been strategically planned by the developers and landowners. According to his understanding, there was a 30-year lease agreement signed between eight indigenous villagers and an unnamed company in 2011 with the intent to develop a tourist centre comprising a resort hotel, housing and a water sports/recreation centre for a sizable site involving agricultural lots in Yi O. Under this arrangement, temporary farming to avoid designation of conservation zoning and the provision of a pier and access road were to be pursued. Relevant work/procedures to realise the resort hotel proposal had commenced, involving the hiring of a farming consultancy to conduct farming activities and the setting up of YOAC (R7) in 2013. The site had been successfully designated under the “AGR” zone as a result.

C10 – Mary Mulvihill

81. Ms Mary Mulvihill made the following main points:

- (a) it was disappointing that R7 (YOAC)’s representatives did not fully address the questions put forth to them in the morning session regarding the identity of their investors;
- (b) it was doubtful that R7’s proposal to promote agriculture industry in Yi O was genuine or practical, since idle agricultural land in Yuen Long were plentiful and that land in Yi O was not suitable for commercial or intensive

farming due to its steep terrain and the lack of easy access to markets. Agricultural activities in Yi O should be of sustainable nature. It would be more efficient to ship in produce via the Hong Kong International Airport than transporting it from Yi O, a remote location;

- (c) the following comments were made on various proposals submitted by some representers from her perspective as an urban citizen and tax payer:

*Proposals without Merits*

- (i) it appeared that the development proposals aimed to persuade the Government that money should be spent on providing new infrastructure in Yi O. That would serve to open up the area to residential developments under the guise of Small House applications;
- (ii) the figure of the 10-year Small House demand (i.e. 145) in support of the proposal for a larger “V” zone (R4) was unrealistic. The identity and current whereabouts of the villagers were unknown. There were even suggestions of a possible population of 1,560 with 2,000 mobile and 600 transient residents upon revitalisation of Yi O village and agricultural rehabilitation;
- (iii) even if the proposed eco-lodge (R1) was developed, the employment opportunities generated would not be fulfilled as the distance between Hong Kong/Kowloon and Yi O would discourage commuting;

*Unjustified Spending of Public Revenue*

- (iv) there had been many complaints in recent years with regard to the large sums of public revenue being spent on inappropriate projects in remote areas. Tax payers had been vigilant in scrutinizing those projects and any infrastructural project lacking

in economic sense would face difficulties in getting funding approval from Legco;

- (v) Yi O lacked water supply, drainage, sewerage or road access. The existing pier in Yi O was substandard. There were no estimates presented by some representers on the financial aspect for providing those services. She doubted that was the best use of government revenue and if there was any justification for the various development proposals that would be costly and environmentally harmful;
- (vi) spending large amounts of public revenue on infrastructure that would benefit a small number of residents and the commercial pursuit of developers was unacceptable;
- (vii) there was no indication as to where the fresh water to support the proposed developments would come from, and the introduction of public water supply, even if approved, would take years to materialize;
- (viii) even if the number of driving permits for Lantau would gradually increase in the coming years, the additional traffic could not justify the huge expenses incurred for building roads over difficult terrain;
- (ix) the proposed extension of the pier would be costly due to shallow water. Extensive pier facilities, if provided in Yi O, would help attract unlawful and vice activities into the area. South Lantau had long been a favourite spot for both human and merchandise trafficking. The additional burden on policing such remote area would need to be considered;
- (x) Yi O was prone to flooding. Hence, flood control would also need to be introduced, the expense of which would also be borne

by the tax payers;

*Adverse Impacts on the Environment*

- (xi) providing infrastructural facilities would take a long time to implement. Before they were in place, the proposed 70-room eco-lodge with spa facilities, if implemented, would contaminate soil and water. Spa and basic accommodation were considered not mutually compatible. R1 tried to give the impression that if approval was given to build the eco-lodge, the impact would be minimal; and
- (xii) the cumulative impact of the proposed eco-lodge and village extension were contrary to the general planning intention of the Area that was to protect its high conservation, landscape and natural character and its role as a buffer zone for the nearby country park.

C5 – SLA

C885 – 羅淑玲

82. With the aid of a PowerPoint presentation, Mr S.K. Tse made the following main points:

- (a) while the Government had announced its plans to review the overall planning for Lantau, there had not been comprehensive planning for the conservation of valuable coastal and the countryside areas in Lantau;
- (b) Yi O was an area of high ecological and historical values. Members were urged to appraise the Yi O OZP carefully to ensure sufficient protection to Yi O's valuable ecological and historical assets;
- (c) with history dated back to the Sung Dynasty, Yi O was of archaeological importance. There were about 50 archaeological sites in Lantau Island,

including the two sites named Yi O and Yi O-Fan Lau Boulder Trackway;

- (d) referring to the aerial photos in 2011 and 2013 as well as the relevant site photos, an extensive vegetated area in Yi O was cleared in late 2012/early 2013 within a few months in the name of agricultural rehabilitation, causing irreversible and devastating environmental destruction to the area. The clearance might have encroached onto the nearby Lantau South Country Park. According to the media reports, the affected area was about triple the size of Victoria Park and the responsible party for the clearance was related to a member of the Lantau Development Advisory Committee (LanDAC), Mr Andrew S.L. Lam, who was also the Chairman of the Antiquities Advisory Board (AAB). An internal assessment by the Government had already confirmed the archaeological importance of Yi O in 1983. Ancient potteries and coins, etc had been discovered in the area. The media reports also stated that according to a TPB's closed meeting conducted in November 2012, comments from the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) would need to be sought for any development or redevelopment proposal in the Yi O and Yi O-Fan Lau Boulder Trackway sites of archaeological interest. And it was a statutory requirement that if works affecting those sites were unavoidable, the concerned archaeologist would need to seek approval for a licence to conduct a Heritage Impact Assessment (HIA). It was therefore inconceivable that no Heritage Impact Assessment (HIA) had been conducted for the concerned clearance and that Mr Andrew Lam, being the Chairman of AAB, was unaware of the archaeological status of the area. The related requirements had been blatantly breached;
- (e) clearance/agriculture rehabilitation in the area was related to Asmore Agricultural Development Co. Limited (AADC), a company under Mr Andrew Lam, which had shareholdings of YOAC. Besides agriculture, AADC had businesses concerning real estate/property development in the Mainland. Mr Lam himself also had more than 20 companies, engaging in various businesses. The agriculture rehabilitation undertaken for the

area in Yi O could be paving the way for future development in the area under the so-called 'destroy first, built later' approach. YOAC had argued that infrastructural facilities including roads were required to be put in place in Yi O to facilitate agriculture rehabilitation. That argument did not stand as it would be the normal practice to first assess the agriculture rehabilitation project was a viable one before clearance works began. Their request for infrastructural facilities was not justified. The Board should be mindful of the real intent of the agriculture rehabilitation proposal;

- (f) being the Chairman of the Planning and Conservation Subcommittee under LanDAC, Mr Lam had also been pushing for the implementation of various road schemes in Lantau Island, including a proposed coastal highway connecting Tung Chung, Tai O and Yi O Fan Lau at an estimated total construction cost of HK\$ 4.7 billion and the section between Tai O and Yi O-Fan Lau would be in the form of a tunnel;
- (g) a water gathering ground (WGG) in Shui Lo Cho, which was connected to a reservoir providing water to Tai O, was located in an area above the site of the proposed eco-lodge of R1. Swimming was strictly prohibited in the WGG and would be penalised. Swimming activities had however been taken place, giving rise to concerns on hygiene and health issues. If the proposed eco-lodge with agricultural/tourism related activities were allowed, the WGG and its surrounding area would be subject to serious human disturbance and detrimental environmental impact. SLA therefore objected to proposed eco-lodge; and
- (h) agriculture land had long been the subject of land filling or formation to facilitate approval of Small House applications. Stringent zoning for agriculture land without any room for Small House applications should be considered by the Board.

83. Mr Mathiase K.Y. Fung made the following main points:

- (a) he would not repeat the points already covered by other representers/commenters, on the history and ecology in Yi O;
- (b) synergy effect should be a relevant consideration in the planning for Yi O. The introduction of a new population into an area would create demands for utility and medical facilities. Allowing an eco-lodge or a village development of about 140 Small Houses in Yi O might ultimately lead to the implementation of a highway in the area. If infrastructural facilities supporting village expansion were to be provided in Yi O, it would set an undesirable precedence for the rest of 100 villages in Hong Kong. The eco-lodge and village expansion proposals were not supported;
- (c) he was a former teacher and had worked in horticulture and green organisations. He was involved in tree planting in Lantau Island on behalf of the Government. He hiked in Yi O in 2003 and the latest visit was in June 2016. From his own observations and as told by local villagers, a barge would be used to transport agricultural related machinery and tools to Yi O during high tides. It was questionable as to whether a pier or a new road was required to facilitate farming in Yi O;
- (d) according to some information published in 2014, there were about 50 people residing in Yi O. His own visits revealed a different story. The area appeared to have no resident and the possibility of a possible population of 1,560 residents upon revitalisation of Yi O village appeared slim. Members should consider carefully whether the facilities proposed by some representers were indeed essential;
- (e) comparing with areas falling within the country park, greenery in “GB” zones had been given a lower level of protection. Unlike tree felling within “GB” zones, tree felling within country parks would be subject to severe fines. He had previously proposed to a government department that “GB” zones involving no private land should be designated as part of

a country park. The clearance works in Yi O had involved felling or burning of trees and even the Lantau Trail Section 8 could not be found for some time;

- (f) he opposed to the “AGR” zone on the OZP covering woodlands, as they were located far from local villages and farming by villagers was unlikely. The woodlands had some fruit bearing trees and other valuable species which should form part of a nearby country park and could provide a buffer for the country park. Members should consider if the “AGR” zone could be scaled down in considering further amendment to the OZP and whether farming on the extensive areas that were zoned “AGR” on the OZP was feasible. “GB” zoning could be considered as alternative zoning as agricultural use would not be affected since such use was always permitted within the zone;
- (g) he supported the “CPA” zones on the OZP as many mangroves existed within the “CPA” zones; and
- (h) Members were requested to seriously consider his grounds and disallow any proposal that would cause destruction to the environment in Yi O, including the proposed eco-lodge, village expansion and extensive agricultural rehabilitation.

R11 - KFBG

R12 - Tony H.M. Nip

R13 - Chiu Sein Tuck

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

- (a) he attended the meeting jointly with Mr T.L. Yip, who had worked in the agricultural section of KFBG for 13 years as a senior agriculture manager. Mr Yip grew up in a family of farmers, worked as farmer himself and was an expert witness for the court given his professional knowledge in

agriculture. Members were welcome to direct questions regarding agriculture to Mr Yip, if any;

- (b) Yi O was a remote area in the south-westernmost of Hong Kong and was highly inaccessible. Despite its remoteness, extensive vegetation clearance was observed happening in Yi O valley in January 2013. As revealed in the photographs taken in October 2012, lush vegetation was found in the valley and the bottom of the valley was wetland. However, vegetation clearance and an excavator were later spotted in the coastal areas of Yi O. The photographs taken by a hiker in 2013 showed that vegetation clearance had expanded further i.e. about 1km stretching from the coastal area towards the inland area and it even went beyond the Area and encroached onto the Lantau South Country Park;
- (c) the clearance incident had attracted major media attention and coverage. The clearance had caused devastation to the area and many fauna and flora species had been killed or destroyed;

*“AGR” Zone in Yi O San Tsuen*

- (d) as indicated in the photographs taken in June 2016, agricultural activities were seen in the minor portion of the proposed “AGR” zone in Yi O San Tsuen. Woodlands which had been in existence since 1963 and connected with those in the Lantau South Country Park were found within the same “AGR” zone. It was questionable as to the justification for including the woodlands in the “AGR” zone. PlanD’s responses to the objection to the inclusion of the woodland areas in the “AGR” zone were illogical. PlanD was of the view that active farming activities were observed in the vicinity of the woodland to the east of Yi O San Tsuen and the area was private land and had the potential of agricultural rehabilitation. The woodland to the west of Yi O San Tsuen formed part of the continuous flat land under active farming. “AGR” zoning was thus considered appropriate for both woodlands. He considered that if the same logic was followed, the woodlands in Pak Sha O and Lai Chi Wo

should also be zoned “AGR” given similar characteristics. The zoning of woodlands in the current case differed from PlanD’s past treatment of woodlands located in other enclaves which were given at least a “GB” zone;

- (e) “AGR” zone would give incentive to the concerned parties for clearing the woodlands and was undesirable. Taking into account the government figures that the percentage of approved Small House applications in “AGR” zone was about 63% between 2003 and 2012, Members should consider whether the “AGR” zone in Yi O San Tsuen would in effect become a “V” zone in the future;

*“AGR” Zone in Eastern Riparian Area*

- (f) the eastern riparian area of the natural stream to the west of Yi O also fell within the “AGR” zone. A large excavator similar to those commonly found in construction sites was spotted near the “AGR” zone during his site visit. There was a brackish water wetland to the south of the “CPA” zone in the northern part of the eastern riparian area as seawater from Yi O Bay could reach the wetland. Reedbeds could be found mainly towards the southern part of the riparian area of the stream, due to its low-lying nature at the bottom valley, the southern part could generally be regarded as a seasonal brackish water wetland. Two freshwater fish species of conservation importance as recognised by AFCD were recorded at the stream i.e. Rice Fish and Stripped Lesser Bream. Agricultural activities were only found at the southern tip of the riparian area;
- (g) Yi O was an enclave similar to So Lo Pun and the habitats of the riparian areas in enclaves were usually covered by conservation zonings (e.g. Kuk Po, So Lo Pun, Sam A Tsuen, Yung Shue Au, Fung Hang, Chek Keng, To Kwa Peng, Pak A and Hoi Ha). Some of the streams in those enclaves even did not possess species of conservation importance;

- (h) PlanD considered the northern part of the eastern riparian area as having potential for agricultural rehabilitation and that active farming activities were found in the southern part. Referring to the aerial photos of 1945, signs of agricultural activities could be seen in the southern part of the eastern riparian area, but not the northern part. The aerial photos in 1956, 1963, 1972, 1973, 1976, 1978, 1982, 1984, 1991 and 2001 indicated that while agricultural activities were found elsewhere at various times in or adjoining the eastern riparian area, the northern part all along had no clear farming activities. The reason why the northern part had not been covered by woodland through natural succession was due to it being brackish water wetland. The agricultural value of the northern part was also considered low as it was a wetland, making it not suitable for planting dry crops, and tidal waves would also make it unsuitable for wet farming;
- (i) in view of the above reasons, namely the lack of active agriculture activities and the presence of important habitats including wetlands, reedbeds and species of conservation importance, there was no good reason why the riparian area should be zoned "AGR". Instead, it should be covered by a conservation zoning;

*Shui Lo Cho*

- (j) Shui Lo Cho was a very scenic area and had function as a WGG supplying water to Tai O. It had been the subject of human disturbance, giving rise to concerns on hygiene and health issues. The Water Supplies Department (WSD) had prosecuted the offenders for swimming in the WGG. Land use planning should be the first line of defence. If the zoning was inappropriate, remedial work would have to be borne by other government departments;
- (k) in response to the comments he heard at the hearing session that water from the stream was unsanitary for drinking, he said that the residents in Tai O were drinking stream water and that KFBG did use stream water for drinking and cleaning of agricultural produce; and

- (1) in summary, there were still important habitats worthy of conservation in Yi O despite the previous large-scale vegetation clearance, including the woodlands in Yi O San Tsuen. The two “AGR” zones should be covered by conservation zonings and the past approach adopted in other enclaves should be consistently applied to Yi O. Shui Lo Cho should also be protected by appropriate zoning. Members were requested to protect Yi O in considering the OZP.

85. As the presentations from the representers/commenters or their representatives were completed, the Chairman invited questions from Members.

#### “AGR” Zone in Eastern Riparian Area

86. A Member asked if Mr Tony H.M. Nip, R12 and R11/R13’s representative, could explain whether there was any difference in the type of vegetation between those growing in the brackish water wetland at the northern part of the eastern riparian area of the stream, which received tidal water from Yi O Bay, and those growing in the wetland at the southern part of the riparian area. Referring to the slides in his PowerPoint presentation, Mr Nip said that while he was not an expert in plants, the brackish water wetland at the northern part of the riparian area was like a swamp and the species growing there were predominantly Cuban Bast (黃槿), a coastal species, and some reeds. As the wetland located in the southern part of the riparian area was subject to less salty sea water, trees and reeds were growing in the area. He added that on the whole, the agricultural value of the northern part was considered low due to it being a permanent wetland. Mr T.L. Yip, R11/R12/R13’s representative, supplemented that the agricultural value of the northern part was deemed to be low because the subject area was a piece of wetland, growing dry crops on wetland would be problematic or even infeasible, and since the wetland was subject to tidal waves, it was also unsuitable for paddy fields for planting wet crops. Another Member asked if the eastern riparian area, being low-lying, would be flooded after heavy rains. In response, Mr Nip said that given the eastern riparian area was located at the bottom of the valley, it was natural that water would gather there after raining.

87. A Member asked whether Mr Yip could provide advice on what would constitute as evidence that an area was under genuine farming activities so as to help determine if an area

should be zoned or remain as “AGR”. In response, Mr Yip said that the images in aerial photos could provide an indication on the type of farming under practice, e.g. paddy fields for wet farming with rows of crops being grown together with the related infrastructure would be shown. He added that if an area had been consistently farmed in the 1940s to 70s, it could be deemed to be a piece of good farmland which should be zoned “AGR”. For the northern part of the riparian area where no clear nor stable agricultural activities were identified in the past as explained earlier, it could be regarded as having low potential for agriculture and the suitability of the “AGR” zoning might be in doubt.

[Mr Stephen H.B. Yau left the meeting at this point.]

88. Another Member asked if further information could be provided on the farming practice adopted for the northern part of the riparian area where some fields were identified as shown in the aerial photo dated 1963. Referring to the aerial photo of 1963, Mr Yip said that the active paddy fields were located mainly to the south of the riparian area alongside the stream with easy access to fresh water. The northern part of the riparian area, on the other hand, was constrained by the fact that fresh water going downstream had become less and the difference in soil quality. While the aerial photo showed no clear agricultural fields on the northern part nor the type of crop growing there, it was estimated that low-value crops were likely involved if farming activities had taken place there.

89. Upon the Vice-chairman’s enquiry on AFCD’s advice regarding the eastern riparian area of the stream, Ms Donna Y.P. Tam, DPO/SKIs, said that AFCD’s comments were sought during the preparation of the OZP and when the representations/comments were received. According to AFCD, the eastern riparian area of the stream mainly covered abandoned farmland. From agricultural development perspective, as active farming activities were found in the southern part of the riparian area and the northern part had good potential of agricultural rehabilitation, it was considered that the “AGR” zone was appropriate to reflect the planning intention. The Chairman asked if Ms Tam could identify the abandoned farmland on a plan. With the aid of a plan in the PowerPoint, Ms Tam pointed out the location of the abandoned agricultural lots which were at the northern part of the riparian area. A Member asked whether there was any evidence that the abandoned agricultural lots located at the northern part were previously used as farmland. In reply, Ms Tam said that as the concerned lots were agricultural lots under lease, farming activities might have been carried on those lots in the past.

Upon Member's enquiries, Ms Tam supplemented that the lease was block government lease and agricultural use was recorded in the description of the lots.

90. Another Member asked if the representative of HKBWS could provide information on the ecological aspect of the eastern riparian area of the stream. In response, Ms M.C. Woo, R15/C6's representative, said that although no full bird survey was conducted at the eastern riparian area, given the existence of a wetland habitat and reedbeds, the area was considered to be of high ecological value. As bird species would vary depending on the habitats in the area, changes in habitats would lead to different bird species that could be found. The existing data on bird species was considered not representative of the area's ecological value. Mr Nip supplemented that in accordance with the Technical Memorandum of the Environmental Impact Assessment, reedbeds and wetlands were recognised as having ecological importance, given their rarity in Hong Kong.

#### “AGR” Zone in Yi O San Tsuen

91. A Member said that according to the Paper, there were six approved Small Houses in 1981 and they had not yet been developed. The Member asked if there was any restriction as to when the Small House should be developed and their respective locations. In response, Ms Tam said that the approvals were granted by the Lands Department (LandsD) in 1981, long before the gazettal of the Yi O OZP. Referring to a slide in the PowerPoint, she said that the six Small Houses were within the 'VE' of Yi O San Tsuen and they might be developed at any time.

92. A Member asked why no farming was being carried out at the area occupied by the woodland in Yi O San Tsuen which was immediately adjoining the paddy fields to its east, as shown in the aerial photo dated 1963. In response, Mr Nip said that the woodland could be a fung shui woodland as it was sited immediately next to the village. It was a very common custom for villagers to plant a woodland in the vicinity of their villages for protecting the villages. For Member's information, Ms Tam supplemented that the woodland near Yi O San Tsuen was located largely on government land and was surrounded by private lots. It was possible that given its government land status, villagers had not extended their farming activities onto the woodland. Another Member enquired about whether there was any farming in the woodland in the past and the rationale of including the woodland into the “AGR” zone. In

response, Ms Tam said that she did not have the information on the history of the woodland. As for the rationale, having noted AFCD's comments that there were active farming activities in the vicinity of the woodland to the west of Yi O San Tsuen, and that some agricultural land had good potential for agricultural rehabilitation, together with the high percentage of the concerned land being under private ownership, it was considered appropriate to zone the area close to Yi O San Tsuen including the woodland, which formed part of a continuous flat land under active farming, as "AGR".

### Other Issues

93. A Member asked if Mr Nip had any further information on the extent of the vegetation clearance regarding the alleged encroachment onto the Lantau South Country Park in 2013. In response, Mr Nip said that the vegetation clearance went beyond the Area and fell into the Lantau South Country Park. The exact extent would be subject to site survey. Upon the Chairman's enquiry on the date of the photographs shown in the PowerPoint presentation indicating the vegetation clearance within the Lantau South Country Park, Mr Nip said that the photographs were taken in early 2013.

94. A Member asked Mr Nip and DPO/SKIs if they could help identify the current location of the rice paddy fields under R7 (YOAC). Referring to the aerial photo dated 2015, Mr Nip said that the majority of the rice paddy fields were outside the Area to the south of the eastern riparian area of the stream. Ms Tam referred to Plan H-5 of the Paper as shown on the PowerPoint presentation and said that R7's agricultural activities were found both inside and outside the Yi O OZP. The area outside the Yi O OZP fell within the Lantau South Country Park.

95. The same Member asked Mr Yip on how farming could be carried out without clearing the vegetation on the concerned land. In response, Mr Yip said that if the general planning intention for Yi O was to preserve the natural landscapes, non-intensive and non-destructive farming methods should be adopted e.g. hydroponics that would not require tree felling and vegetation clearance on a large scale. A Member asked whether an excavator was commonly used in agricultural practice. Mr Yip said that there were many types of excavators and depending on the scale of operation, usually large excavators were only used for very large agriculture sites, which was not the case in Yi O.

96. As the representers/commenters or their representatives had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures for Session 2 had been completed. The Board would deliberate on the representations in the absence of all representers/commenters or their representatives and would inform them of the Board's decision in due course. The Chairman thanked them and PlanD's representatives for attending the hearing. They all left the meeting at this point.

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

### Deliberation Session

97. Noting that Mr Andrew S.L. Lam was repeatedly mentioned by a commenter's (C5/C885) representative in his presentation, Mr Michael W.L. Wong, Professor S.C. Wong, Mr H.W. Cheung, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Mr Philip K.T. Kan, Mr Wilson Y.W. Fung, Mr Alex T.H. Lai, Mr Stephen L.H. Liu, Ms Sandy H.Y. Wong, Mr K.K. Ling and the Secretary declared interests in the item for their acquaintance with Mr Andrew S.L. Lam. Given that the above Members and the Secretary had not discussed with Mr Lam regarding the subject matter under consideration, the meeting agreed that they were allowed to stay in the meeting.

98. As the hearing had been conducted in two sessions and the views presented by the local villagers in Session 1 were largely different from those presented by green groups and others in Session 2, Members agreed that Dr Lawrence W.C. Poon, Mr Frankie W.C. Yeung, Dr Lawrence K.C. Li and Mr Jeff Y.T. Lam who only attended Session 2 in the afternoon, and Mr Franklin Yu who did not attend the entire Session 1 in the morning should be allowed to stay in the meeting but should refrain themselves from participating in the discussion.

### *Supportive Representations*

99. The views of the supportive representations as detailed in paragraphs 2.6 to 2.9 of the Paper were noted.

*Objection to a “GB” Site and Rezoning for Proposed Eco-lodge Development (R1)*

100. Noting that the representer (R1) was not intended to use the site for agricultural activities but for eco-lodge development, a Member considered that the proposal should not be supported as there was insufficient information to demonstrate that the proposed eco-lodge development was the most suitable use in the area and could meet the long-term interests of the local villagers. Moreover, no impact assessment was submitted to demonstrate the acceptability of the proposed eco-lodge from environmental and ecological aspects.

*“V” zone (R4 to R6, R8 and R19)*

101. Having considered that the six Small Houses approved in 1981 were yet to be developed, a Member was doubtful on the need for Small House development at Yi O.

102. A Member did not agree to extend the “V” zone to tally with the ‘VE’ boundary but asked how the historical village boundary was delineated. Although there were six approved Small House in the area, the lack of infrastructural facilities in Yi O might have discouraged Small House development in the area.

103. In response, Mr K.K. Ling, Director of Planning, said that the ‘VE’ boundary was formulated by LandsD under the Small House Policy. The ‘VE’ was drawn up to include land within the 300-ft radius from the outermost village house constructed at that time regardless of the topography of the area or other planning considerations. Such approach might have included some land not suitable for Small House development. Small House applications within ‘VE’ would be considered by LandsD. However, the “V” zone boundary on the OZP was drawn up having regard to a number of factors such as site characteristics, local topography, existing village cluster, extent of ‘VE’ and approved Small House applications, etc. and areas of dense vegetation, active agricultural land would normally be avoided. In this regard, the boundary of “V” zone and ‘VE’ might not be the same. Under the existing policy, Small House applications on those land outside ‘VE’ but within “V” zone would also be considered by LandsD. For Yi O village, despite its long history, the scale of the village might remain small. The subject “V” zone had been drawn up taking into account the existing village cluster, approved Small Houses as well as the fact that there was no outstanding Small House application and a lack of infrastructure. There was no strong justification for extending the

“V” zone at this stage. Besides, Small House development outside the “V” zone could be processed through the planning application system.

104. In response to two Members’ concern on whether the permission granted to the six Small Houses was permanent in nature, the Secretary said that under normal circumstances, planning permission granted under the Town Planning Ordinance for a Small House application would be valid for four years. As noted from page 15 of the Paper that the six Small Houses in Yi O were approved in 1981 prior to the preparation of any statutory plan for the area, such permission referred to the Small House grant given by LandsD.

105. Explaining the general policy only, Mr Jeff Y.T. Lam, Deputy Director of Lands/General, said that normally a Small House grant would be subject to a building covenant (BC) period of three years. Application for extension of the BC period might be allowed subject to the payment of administrative fee. For the subject six Small House grants approved in 1981, he had no information in hand on whether the grant was subject to a BC period.

106. A Member said that in assessing whether the “V” zone should be expanded, planning considerations like existing and future Small House demand as well as the compatibility of the “V” zone with the surrounding area should be taken into account. Given that there was no outstanding Small House application for the Yi O village, the demand for Small House in the village was limited. There was no need to expand the “V” zone to cater for future demand at the moment. The Member also considered that the rights of the indigenous villagers were not deprived of given that there was existing mechanism which would allow Small House development within “GB” and “AGR” zone on application to the Board.

107. Another Member said that while the village representative anticipated that more villagers would move back to Yi O if infrastructural facilities were provided, on the other hand, if no such facilities would be provided in the near future, it was unlikely that the Yi O villagers would return to the area. The Member considered that the current “V” zone should be able to meet the Small House demand.

108. A Member appreciated local villagers’ emotional attachment to their historic village and their views that the land right should be respected. The Member also shared the local villagers’ concern that it would be difficult for them to revitalise the village and encourage the

return of villagers if some basic infrastructural facilities such as pier, vehicular access and water supply, etc. were not provided. While having no specific views on whether the “V” zone should be expanded, the Member considered that the right of the indigenous villagers should be respected and their views be heard. The Member also raised a concern on what could be done in terms of land use planning to help the revitalisation of village.

109. The Chairman said that while the preparation of a statutory plan could set out the land use of an area, it would not be the right tool for demanding the provision of specific infrastructural facilities. As previously explained by PlanD, concerned departments consulted had indicated that they had no plan to provide various infrastructural facilities at the moment. This notwithstanding, the Board might consider relaying the views of the representers/commenters to concerned departments for consideration if Members considered it necessary. Various land use zonings were designated on the plan to reflect the existing land uses and to guide future development. For the subject OZP, it was appropriate to designate areas under active farming or with good potential for agricultural rehabilitation as “AGR”. Applications for Small House development within the “AGR” zone could still be made to the Board, and each application would be considered by the Board on the basis of its individual merits.

110. The Vice-chairman said that the adoption of an incremental approach in designating “V” zone on the OZP was consistent with the approach adopted in other rural OZPs in the past few years. The general stance taken by the Board was that there was no need for designating a “V” zone to fully meet the 10-year Small House demand in one go having regard that there was planning mechanism which would allow Small House development within other zones through planning application. Planning was an ongoing process and the “V” zone boundary might be subject to future review taking into account the changes in circumstances. He considered that the “V” zone boundary as currently proposed should be able to meet the present Small House demand for the Yi O village.

111. A Member said that a balanced approach should be adopted in designating the “V” zone for Yi O taking into account the Small House demand of local villagers and the high conservation value of the area. Given that the current demand for Small House development was limited, there was no need to expand the “V” zone boundary at the moment.

112. Another Member said that it would be difficult to set a hard and fast rule in delineating the “V” boundary. Based on the past experience in the plan-making process of various new plans for the rural areas and Country Park Enclaves, the Board considered it appropriate to adopt an incremental approach which had carefully balanced the diverse views of the local villagers and green groups. Should there be any unmet Small House demand, the indigenous villagers could submit applications for Small House development in areas outside the “V” zones which would be considered by the Board based on individual merits.

113. Members generally considered that there was no strong justification to revise the “V” zone boundary of the OZP.

*“CPA” zone and Private land within “GB” and “CPA” zones (R4 to R7)*

114. A Member considered that the “CPA” zone, which covered the existing natural coastal area with coastal vegetation, was appropriate. Land ownership was not a material consideration in delineating the “CPA” zone.

115. Members agreed that the “CPA” zone was appropriate and there was no need to exclude those private land from “CPA” or “GB” zones as proposed by some representers.

*Lack of Transport and Infrastructure Facilities (R4 to R10)*

116. A Member said that sufficient flexibility had been provided in the current OZP to allow the provision of infrastructural facilities in future, and it might not be necessary to show such facilities on the plan.

117. In response to a Member’s enquiry, the Chairman noted that there was an existing jetty at the north-eastern part of the area which was far away from the village. The pier proposed by the local villagers at 漁苗埔 was relatively nearer to the village. However, TD had indicated that there was no plan to provide a pier at Yi O due to the low transport demand. Mr K.K. Ling supplemented that currently there was a paved local track leading from the existing jetty to the village serving the commuting and transportation needs of the local villagers. For the proposed pier at 漁苗埔, concerned departments advised that the proposed location was in very shallow water and the proposed vehicular access connecting the pier and the village

would go through a vegetated area, the impact of which should be carefully assessed.

*“AGR” and “GB” zones (R8, R11 to R17 and R19)*

118. Noting the green groups’ major concern was to avoid the encroachment of Small House developments on the “AGR” zones, a Member considered that the possibility of Small House development within the “AGR” zone at the eastern riparian area of Yi O stream would be low given that the area was outside the ‘VE’ of Yi O village. For the “AGR” zone within the ‘VE’ near Yi O San Tsuen, the development of Small Houses might provide the necessary manpower for agricultural activities and allow flexibility for village revitalisation. In view of the above, there was no need to revise the Notes for the “AGR” and “GB” zones to prohibit the new Small House development. Another Member agreed.

*Riparian zone of stream, areas with woodland and coastal vegetation within “AGR” zone (R11 to R17)*

119. On the “AGR” zoning for area to the east of the stream (the eastern riparian), the same Member said that while active farming activities of YOAC were found at the southern part of the “AGR” zone, there was insufficient information to demonstrate that area to its north, where wetland was found, was suitable for agricultural use. Consideration might be given to rezoning the northern part of the eastern riparian from “AGR” to “GB” to reflect the existing habitat.

120. Another Member also considered it appropriate to rezone part of the “AGR” zone to “GB” zone having regard to the site characteristics of the stream running along the low-lying valley leading to Yi O Bay, the topography of the surrounding area, the unsuitability of the eastern riparian particularly the area near the sea outfall for agricultural activities, and the low potential for agricultural rehabilitation constrained by the lack of infrastructural facilities. Noting that the existing vegetation along the northern part of the stream was mangrove, Cuban Bast (黃槿) and reedbed, which were commonly found in brackish water, those areas were not suitable for agricultural use. The retention of the entire eastern riparian as “AGR” was considered not appropriate.

121. A Member considered that the existing well-vegetated woodland to the west of Yi O San Tsuen, which had never been used for agricultural activities, should not be designated as “AGR” to avoid future clearance of the existing vegetation. The woodland should more appropriately be rezoned to “GB” to reflect the existing condition. The Member had no strong view on whether the northern part of the eastern riparian should be rezoned from “AGR” to “GB” since under the “GB” zoning, agricultural use was always permitted. Given the presence of mangrove, Cuban Bast (黃槿) and reedbed at the northern end of the stream near the sea, consideration might be given to rezoning that area to “CPA” to reflect the conservation value of the area.

122. The Chairman noted that while agricultural use was always permitted within the “AGR” and “GB” zone, the latter would provide better protection for the natural environment in that there was a general presumption against development under the “GB” zone.

123. A Member said that as most private land within the area was demised for agriculture under the lease, it was likely that local villagers would have reasonable expectation that their land could be used for agricultural purpose. Such factor should be duly considered in the proposed rezonings.

124. The Chairman noted that according to the Notes of the OZP, ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ were uses always permitted within the “GB” and “CPA” zones respectively.

125. With the aid of Plan H-5 shown on the visualiser, Mr K.K. Ling supplemented the following points:

- (a) the zoning boundaries of various zones along the stream were drawn up mainly based on the existing site conditions and topographic features. Area to the west of the stream was zoned “GB” to protect the existing well-vegetated terraced landscape while the eastern riparian was zoned “AGR” with its western boundary aligned along Lantau Trail. Area beyond Lantau Trail was zoned “GB” to tally with the boundary of the Country Park;

- (b) the designation of the eastern riparian as “AGR” by PlanD was based on the consideration that the area was engaged in agricultural activities both in the present and in the past and the fallow agricultural land had potential for agricultural rehabilitation. Currently, active farmland was found near Yi O Kau Tsuen. Other land in the area, though not under active farming at the moment, had previously been used for agricultural activities as the land was demised for agriculture under the block government lease. He was unconvinced by some representers’ argument that no farming had taken place in the central part of that “AGR” zone. The possibility of farming activities in that area was also not precluded by a representer’s representative who was an expert in farming regarding his comment that farming practice in that area should have been abandoned, possibly due to low yield;
  
- (c) the northern boundary of the “AGR” zone generally followed the existing dry land and the footbridge connecting with a local track leading to the abandoned pier to the further north. The coastal area to the northeast of the footbridge was zoned “CPA”;
  
- (d) the north-eastern part of the eastern riparian was an existing dry land where a village house in good condition was found. The existing village house and its immediate areas were designated as “V” zone which tallied with the ‘VE’ boundary; and
  
- (e) given the existing use at the northern part of the eastern riparian which was characterised by dry land near an existing village house and footbridge, the designation of that area as “CPA” might not be appropriate.

[Mr Alex T.H. Lai left the meeting at this point.]

126. Having regard to the topographic level of the existing farmland and the low-lying area which would be subject to salt water intrusion and were not suitable for farming, a Member, with the aid of Plan H-5 shown on the visualiser, suggested that the area to be rezoned from “AGR” to “GB” might make reference to the existing contour. The area on the lower level might be rezoned to “GB”. Two Members echoed the same view and considered that those

areas affected by salt water should not be put under “AGR” zoning.

[Dr Lawrence W.C. Poon left the meeting at this point.]

127. Mr K.K. Ling remarked that notwithstanding some representers’ proposal to rezone the eastern riparian (30m buffer) from “AGR” to other conservation zonings, the southern end of the riparian area currently occupied by active farming activities should be retained as “AGR” zone. Members agreed.

128. As regards a Member’s views to extend the “CPA” zone to cover the northern part of the “AGR” zone if appropriate, Mr K.K. Ling said that the “CPA” was designated to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. The existing footbridge abutting the northern boundary had provided a good physical feature to demarcate the coastal area in the north and the river valley in the south. The extension of the “CPA” zone southward to cover part of the river valley might not be necessary. Members agreed.

129. Members generally agreed that the “AGR” zone along the eastern riparian should be suitably reduced and rezoned to “GB” taking into account the topography, site conditions, existing farmland and any other relevant considerations as appropriate.

130. Noting that there was no evidence to demonstrate that farming had ever taken place in the existing woodland to the west of Yi O San Tsuen (western woodland), a Member considered that the area should more appropriately be rezoned from “AGR” to “GB”. Another Member concurred with the above views and said that as shown on Plan H-5a of the Paper, the western woodland formed part of the large woodland area of the adjoining “GB” zone.

131. In response to the Chairman’s question, Mr K.K. Ling said that there was no information on the status of the two ruins as shown on Plan H-5 of the Paper. If the two ruins were existing house developments, their redevelopment would not be prohibited by the rezoning of the woodlands as “GB” zone. According to the Notes for the “GB” zone, redevelopment of existing house to New Territories Exempted House was always permitted. As regards the representer’s proposal to rezone the areas with woodlands to the east and west of Yi O San Tsuen from “AGR” to conservation zonings, Mr K.K. Ling said that the eastern woodland

comprised mainly private land demised for agriculture use under the block government lease which demonstrated that farming activities were previously found in the area. It might be more appropriate to retain the area as “AGR” zone. As for the western woodland, the rezoning of the two woodlands with dense tree clusters as “GB” was considered appropriate while the narrow strip of land to the north currently sparsely covered by some vegetation should be retained as “AGR”. Members agreed.

132. Given that the land within the eastern woodland was demised for agricultural use under the block government lease which was evidence to show that farming had taken place in the area, a Member considered that the area should not be rezoned to “GB”.

133. A Member suggested that the western woodland, with no evidence showing the land had ever been used for agricultural activities, could be rezoned to “GB” while the eastern woodland demised for agricultural use under block government lease could be retained as “AGR” zone.

134. In view of the above, Members agreed that the western woodland with dense tree clusters should be rezoned from “AGR” to “GB” and the zoning boundaries to be delineated with regard to the site conditions, existing features, land ownership and other relevant considerations as appropriate.

135. After deliberation, the Board noted the supportive view of Representations No. R1(part), R2, R3 and R19(part). The Board also decided to partially uphold Representations No. R11 to R17 and considered that the Plan should be amended to partially meet the representations, with details as set out in paragraphs 129 and 134 above.

136. The Secretary said that the specific amendments to the draft OZP would be submitted to the Board for consideration before gazetting. The Chairman noted that the proposed amendments would be exhibited for further representation for 3 weeks and the Board would consider the further representations, if any.

137. The Board also decided not to uphold Representations No. R4 to R10, R18 and R20 and the remaining part of Representations No. R1, R11 to R17 and R19, and considered that the Plan should not be amended to meet the representations. The reasons were:

- “(a) it has not been demonstrated that the proposed eco-lodge use would not have adverse impacts on environmental, visual, landscape, ecological, geotechnical, traffic and infrastructural aspects. There are no strong reasons to rezone a large area to “Other Specified Uses” annotated “Eco-lodge” or other zoning to facilitate the proposed eco-lodge development; (R1)
  
- (b) the boundaries of the “Village Type Development” (“V”) zone for the village have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement/building lot pattern, Small House demand forecast, outstanding Small House application, areas of ecological importance, as well as other site-specific characteristics; (R4 to R6, R19)
  
- (c) the Small House demand forecast is only one of the factors in drawing up the “V” zone. In view of the existing zero outstanding Small House application and the lack of infrastructure facilities in Yi O, it is appropriate to adopt an incremental approach for designating the “V” zone with an aim to confining Small House development at suitable locations. There is no strong justification to expand the “V” zone to the ‘VE’ boundary; (R4 to R6)
  
- (d) the current Notes and restrictions of “V” zone are considered appropriate. There is no justification or concrete suggestion proposed by the representer on how to restrict the use within the “V” zone; (R8)
  
- (e) the “Coastal Protection Area (“CPA”) zone covers the existing natural coastal area with coastal vegetation, mudflat, rocky shore, and associated estuarine landscape. The “CPA” zoning is considered appropriate for protection of the natural coastline and its landscape features; (R5)
  
- (f) the designation of “Green Belt” (“GB”) and “CPA” zones on the outline zoning plan (OZP) is considered appropriate taking into account all the relevant planning considerations; (R4 to R7)
  
- (g) private land within the “CPA” and “GB” zones are agricultural lots and ‘Agricultural Use’ is always permitted on land in “CPA” and “GB” zones.

Therefore, there is no deprivation of the rights of the landowners; (R4 to R7)

- (h) according to the Notes of the OZP, geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government are always permitted on land falling within the OZP; (R4 to R10)
- (i) the Notes for “GB” and “Agriculture” (“AGR”) zones generally follow the Master Schedule of Notes for Statutory Plans (MSN) including uses which may be considered by the Town Planning Board (the Board) under the planning application system. This is to allow flexibility for development proposals and the provision of different facilities that may be compatible with the surrounding area for public use or/and enjoyment. ‘House’ use requires planning permission from the Board and each application would be considered by the Board based on its individual merits taking account of relevant planning considerations. There is no strong justification to impose further restrictions on these zones; (R11 to R17)
- (j) diversion of stream, filling of land and/or excavation of land within “AGR”, “GB” and “CPA” zones require planning permission from the Board, except for those specified in the Notes for these zones. The current requirements are considered appropriate; (R15)
- (k) there is a general presumption against development within “GB” zone. Uses which may be considered by the Board will be processed under the planning application system; (R19)
- (l) most active farmland and fallow land with potential for agricultural rehabilitation are already zoned “AGR”; (R8)
- (m) the remaining part of the eastern riparian zone of the stream to the southwest of Yi O San Tsuen mainly covers active farmland and abandoned farmland

and has good potential of agricultural rehabilitation. Zoning such areas as “AGR” zone is considered appropriate to reflect the planning intention. The Notes for the zone has stipulated that diversion of stream or filling of land requires planning permission from the Board; (R11 to R17)

- (n) active farming activities are observed in the vicinity of the woodland to the east of Yi O San Tsuen. The concerned area has the potential of agricultural rehabilitation. The “AGR” zoning for the area is considered appropriate; (R11 to R17)
- (o) the areas with coastal vegetation are connected to existing active farmland and possess potential for agricultural rehabilitation. The “AGR” zoning is considered appropriate; (R11 to R14 and R16) and
- (p) there is no record of tree of particular value within the “V” and “AGR” zones and there are existing mechanisms for tree preservation if there is any development. (R18)”

[Mr Ivan C.S. Fu, Mr Frankie W.C. Yeung, Mr Patrick H.T. Lau, Mr H.W. Cheung, Mr Stephen L.H. Liu and Mr Wilson Y.W. Fung left the meeting at this point.]

### **Tuen Mun and Yuen Long West District**

#### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of Draft Yuen Long Outline Zoning Plan No. S/YL/22

(TPB Paper No. 10131)

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[The item was conducted in Cantonese.]

138. The Secretary reported that the proposed youth hostel at the representation site would be developed by Po Leung Kuk (PLK), and PLK (R1) had submitted a representation.

The following Members who had current business dealings/affiliations with PLK had declared interests in the item:

- |   |   |   |
|---|---|---|
| Mr Michael W.L. Wong<br><i>(the Chairman)</i> | - | his close relative being the Chief Executive Officer of PLK |
| Mr Stephen L.H. Liu                           | - | having current business dealings with PLK                   |
| Mr Franklin Yu                                | - | had past business dealings with PLK                         |
| Dr Wilton W.T. Fok                            | - | being a Director of a primary school of PLK                 |

[The Chairman left the meeting temporarily for the item at this point.]

139. Members noted that Mr Stephen L.H. Liu and Dr Wilton W.T. Fok had already left the meeting and the Chairman had temporarily left the meeting. Members agreed that the interest of Mr Franklin Yu was indirect and he could stay in the meeting.

#### Presentation and Question Sessions

140. The Vice-chairman took up the chairmanship of the meeting and said that reasonable notice had been given to the representers inviting them to the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers, the meeting agreed to proceed with the hearing of the representations in their absence.

141. The following government representative and representer's representatives were invited to the meeting at this point:

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

<u>R1- PKL</u>	]	
Mr James Y.M. Chan	]	Representer's representatives
Mr Eddie Y.C. Leung	]	
Mrs Bridget W.P. Yu Chan		

142. The Vice-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 representations.

143. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TM&YWL, made the following main points as detailed in the Paper:

Background

- (a) according to the 2014 Policy Address, the Government would continue to implement the Youth Hostel Scheme (YHS) for meeting the aspirations of working youths in having their own living spaces and giving those youths an opportunity to accumulate savings to meet their aspirations. A site in Ma Tin Pok (the Site) (about 0.67 ha) had subsequently been identified for the development of a youth hostel;
- (b) on 11.12.2015, the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/22 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments to the Plan were to rezone the Site from “Village Type Development” (“V”) and “Government, Institution or Community (1)” (“G/IC(1)”) to “Government, Institution or Community (5)” (“G/IC(5)”), with ‘Residential Institution (Hostel and Dormitory only)’ as a Column 1 use and stipulation of building height (BH) restriction of 95mPD (Amendment Items A1 and A2);
- (c) a total of four representations were received and there was no comment received on the representations. Two representations (R1 and R2) submitted by PLK and an individual respectively supported Amendment Items A1 and A2 while the other two (R3 and R4) submitted by two

individuals opposed the two amendment items. On 20.5.2016, the Town Planning Board (the Board) decided to consider the representations collectively by the full Board at the same meeting;

#### Representation Site and the Surroundings

- (d) the Site, abutting Shap Pat Heung Road and was accessible via Tai Shu Ha Road West, was largely vacant with fallow agricultural land covered by trees and shrubs. There were a few temporary structures and a commercial nursery within the Site. Located at the southern portion of the Yuen Long New Town (YLNT), the surrounding area of the Site had a mixture of uses, comprising predominately medium to high-rise residential dwellings, village houses, car park, recreation and industrial uses, some vacant land zoned “Open Space” (“O”) as well as a planned petrol cum liquefied petroleum gas (LPG) filling station on land zoned “Other Specified Use” (“OU”) annotated “Petrol Filling Station” (“OU(PFS)”);
- (e) the Site was mainly of private land (including 500m<sup>2</sup> of Government land) for donation to PLK for development and operation of the proposed youth hostel, which was one of the proposals received under the YHS. In June 2016, the Finance Committee of the Legislative Council (LegCo) approved the funding proposal for PLK to conduct pre-construction works;
- (f) the proposed youth hostel development would entail a 24-storey tower providing a total of 1,248 units (involving a total gross floor area of 35,060m<sup>2</sup>, a plot ratio of about 5.53 and a maximum BH of about 91.6mPD) over a landscaped void podium deck on 1/F, communal facilities on G/F and a carpark with E&M facilities on basement level. A range of technical assessments had been conducted by PLK, such as traffic impact assessment, air ventilation assessment (expert evaluation report), qualitative risk assessment, visual impact assessment, tree preservation proposal and landscape master plan (LMP), and sewerage/drainage impact assessment. Relevant government departments consulted have no in-principle objection to/adverse comment on the proposed indicative scheme nor the technical

assessments;

### Consultation

- (g) on 15.7.2015, the Home Affairs Bureau and PLK consulted the Town Planning and Development Committee of Yuen Long District Council (TP&DC of YLDC) and the TP&DC members strongly supported the proposed youth hostel development. TP&DC also passed a motion urging all relevant government departments to cooperate so as to facilitate the smooth implementation of the youth hostel. Prior to the submission of the proposed amendments to the draft Yuen Long OZP No. S/YL/21 for consideration by the Rural and New Town Planning Committee (RNTPC) of the Board, TP&DC was consulted on the proposed amendments on 16.9.2015 and they supported them. After gazetting of the OZP, TP&DC of YLDC was further consulted on 15.1.2016 and they maintained their support to the amendments;

### Major Grounds of Representations and Responses

- (h) the major grounds of the representations and the responses, as detailed in paragraphs 4 and 5.5 to 5.9 of the Paper respectively, were highlighted as follows:

#### *Supportive Representations*

- (i) the amendments were essential for the development of the youth hostel which was in line with the Government's policy on the YHS (R1);
- (ii) technical assessments of the proposed development had been accepted by relevant government departments and the proposal was supported by TP&DC of YLDC (R1);

- (iii) the proposed youth hostel development would meet the aspirations of the working youths. The location was suitable and the project would promote social harmony and enhance development potential of the Site (R2);
- (iv) the response was:
  - all the supportive views were noted.

*Adverse Representations*

- (v) a 'land donation' mechanism between the developer and the Government, if established, would set an undesirable precedent affecting the land transaction and use of land in future (R3);
- (vi) there were concerns on the closing down of the existing orchard on site upon the development of the youth hostel (R3);
- (vii) the existing trees would be affected by the proposed development and a tree compensatory planting plan should be provided (R4);
- (viii) the responses were:
  - the Government was only liaising with a non-government organisation (NGO) (i.e. PLK for the subject case), not the land donor, for the development of the proposed youth hostel which would be processed in accordance with the established policies and procedures. The mechanism of land donation was not related to the land use of the Site and thus, outside the Board's jurisdiction;
  - the land use zoning for the Site should be determined based on planning considerations. The Site was considered suitable for the proposed youth hostel development which would allow better

utilisation of the Site and provide an alternative to meet the aspirations of the youth. There would be no insurmountable technical problems and the proposed development was supported by YLDC. The “G/IC(5)” zoning was considered appropriate to reflect the intended use on the Site;

- the subject existing orchard fell mostly on private land within the Site. The issue should be dealt with by the land owner which fell outside the ambit of the Board;
- the trees were common native or exotic amenity species. There were no registered Old and Valuable Trees or Potentially Registrable Trees within the Site. A tree preservation proposal and a LMP for the proposed youth hostel development had been prepared by the project proponent and the Chief Town Planner/Urban Design and Landscape of PlanD and the Director of Agriculture, Fisheries and Conservation had no adverse comments on them. In any case, the project proponent would need to obtain approval from relevant authorities for any tree felling/transplanting and to follow relevant practice notes and guidelines; and

#### PlanD’s Views

- (ix) PlanD noted the supportive views of R1 and R2; and did not support R3 and R4 and considered that the Plan should not be amended to meet the representations.

144. The Chairman then invited the representers’ representatives to elaborate on their submission.

#### R1 – PLK

145. Mr James Y.M. Chan made the following main points:

- (a) PLK supported the proposed amendments to the OZP as they would allow PLK to develop the proposed hostel development at the Site in line with the Government's policy on YHS;
- (b) in June 2016, the Finance Committee of LegCo already approved the funding proposal for PLK to conduct pre-construction works and the related technical consultancy work for the project;
- (c) the proposed youth hostel development would be a 24-storey tower providing a total of 1,248 units. The distribution for single and double rooms would be about 816 and 432 respectively. Those units would be rented out cheaply (i.e. half of the market rental) to the eligible working youths between the ages of 18 to 30, who had to meet the relevant criteria on income. It would facilitate the accumulation of savings by the working youths and the Social Services Department of PLK would advise them on career/business development; and
- (d) the proposed amendments to the OZP should be approved so as to enable early commencement of the proposed hostel development by PLK.

146. The Vice-chairman then invited questions from Members. A Member asked whether there was a designated use for the original "G/IC(1)" portion of the Site. In response, Mr David C.M. Lam, DPO/TM&YLW, said that there was no designated GIC use for the "G/IC(1)" zone as it was one of the several "G/IC" sites in the southern portion of YLNT, which were reserved on the OZP for the provision of GIC facilities to meet the future needs of the population. He added that the proposed youth hostel development was essentially a type of GIC facility and the proposed amendments merely involved rezoning from "G/IC(1)" to "G/IC(5)", with 'Residential Institution (Hostel and Dormitory only)' as a Column 1 use and stipulation of BH restriction of 95mPD so as to facilitate the proposed youth hostel development. Another Member asked who would be the future land owner of the Site. Mr James Y.M. Chan said that the Site would be owned by PLK after donation by the land owner.

147. Members had no further question to raise. The Vice-chairman said that the hearing procedure had been completed. He then thanked the representatives of PlanD and the representer's representative for attending the meeting. They all left the meeting at this point.

### Deliberation

148. The Vice-Chairman recapitulated the key points raised by the representers. The concern of R3 on a 'land donation' mechanism between the developer and the Government was considered irrelevant, since the Government was only liaising with the NGO, not the land donor, for the development of the proposed youth hostel. The concern of R4 on trees could be dealt with under the established mechanisms as the project proponent would need to obtain approval from the relevant authorities for any tree felling/transplanting and to follow relevant practice notes and guidelines. Members agreed.

149. After deliberation, the Board agreed to note the supportive views of Representations No. R1 and R2. The Board also decided not to uphold Representations No. R3 and R4 and not to propose any amendment to the draft OZP to meet the representations and the reasons were:

- “(a) the representation site is considered suitable for the proposed youth hostel development. The “G/IC(5)” zoning is considered appropriate for the planned development (R3 and R4); and
- (b) the project proponent will be required to carry out tree survey and take appropriate measures, if tree felling is required, in accordance with the existing guidelines and tree preservation mechanism (R4).”

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

[The Chairman returned to join the meeting at this point and took over the Chairmanship.]

**Tsuen Wan & West Kowloon District**

**Agenda Item 7**

[Open Meeting]

Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/B – Preliminary Consideration of a New Plan  
(TPB Paper No. 10133)

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[The item was conducted in Cantonese.]

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

Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), PlanD

Mr Walter W.N. Kwong - Senior Town Planner/Tsuen Wan (STP/TW), PlanD

151. With the aid of a PowerPoint presentation, Mr Walter W.N. Kwong, STP/TW, made the following main points as detailed in the Paper:

**Background**

- (a) on 20.12.2013, the draft Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan No. DPA/TW-CLHFS/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 23.9.2014 the draft plan was approved by the Chief Executive in Council after completion of the plan-making process;
- (b) on 12.1.2016, the Secretary for Development, under the power delegated by the Chief Executive, directed the Town Planning Board (the Board), under section 3(1)(a) of the Town Planning Ordinance (the Ordinance), to

prepare an Outline Zoning Plan (OZP) to cover the Area;

### Planning Context

- (c) the Area (about 210 ha) was located at the northwestern fringe of the Tsuen Wan New Town. Bounded by Tai Mo Shan Country Park and Tai Lam Country Park, the Area was mainly of rural and natural characters comprising woodland, shrubland, natural stream and active farmland. The Area was accessible by vehicles via Route Twisk;
- (d) the general planning framework for the Area should centre on protection of the natural environment and the rural landscape;
- (e) species of conservation interest recorded in the Area included Yellow Coster, Big-headed Turtle, Hong Kong Newt, Hong Kong Cascade Frog, Predaceous Chub and Red Muntjac;
- (f) according to the 2011 Population Census, the total population in the Area was about 1,340 persons. The residential settlements were developed primarily in the form of village-type housing or sporadic temporary domestic structures. Due to the topography and vehicular access, residential settlements mainly concentrated in Chuen Lung, particularly along Route Twisk. While agricultural activities were widely undertaken in the valley area, some abandoned agricultural land along Route Twisk had been developed to rural industrial workshop, open storage and vehicle park;

### Development Proposals Received during Preparation of the Plan

- (g) since the gazettal of the draft DPA Plan on 20.12.2013, three planning applications for proposed residential development, excavation and/or land filling within the “Unspecified Use” (“UNSP”) area had been received. The first two applications were subsequently withdrawn by the applicant, while the remaining application was deferred by the Board upon the

request of the applicant;

General Planning Intention

- (h) the general planning intention for the Area was to protect the natural environment and the rural landscape, with a view to complementing the overall natural environment and the landscape characters of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park;
- (i) in designating various land use zones, considerations had been given to the protection of natural environment including the natural habitats, wooded areas and streams, physical landform, existing land use pattern, demand for Small Houses, availability of infrastructure and local development need. Active farmland was retained in view of their good potential for agricultural use;
- (j) development which would cause adverse impacts on the water quality and water resources of the water gathering grounds (WGG) was not encouraged;
- (k) taking into account the planning considerations and planning intention for the Area, the major proposed land use zones for the draft OZP were as follows:

Major Land Use Zoning Proposals

*“Village Type Development” (“V”) Zone (3.13 ha)*

- (i) Chuen Lung was the only recognized village in the Area. The boundaries of “V” zone were drawn up around existing clusters and the proposed Chuen Lung Village Expansion Area (VEA) having regard to the village ‘environs’ (‘VE’), the local topography, existing settlement pattern, site characteristics and constraints, estimated Small House demand and boundary of the proposed VEA (as shown on the adopted Chuen Lung VEA –

LP No. L/TW-CL/1). Areas of difficult terrain, dense vegetation, active agricultural land and stream courses had been avoided where appropriate;

- (ii) about 0.57 ha of land within the “V” zone in the existing village area would be available for development (equivalent to about 23 Small House sites). Together with the 50 Small Houses planned in the VEA, the proposed “V” zone would have a total of 73 Small House sites (satisfying about 43% of the 10-year Small House demand forecast of 169 Small House sites). Although the current proposed “V” zone could not fully meet the 10-year Small House demand forecast, there was no outstanding Small House application at the juncture. There was in fact no approved Small House application in the past five years;
- (iii) as the “V” zones fell entirely within the upper indirect WGG, for any village type development, it should be demonstrated that the sewerage and water quality within WGG would not be affected by the proposals e.g. connecting the foul water drainage system of the development to the existing/planned public sewerage system or a proper waste water treatment plant;

“Agriculture” (“AGR”) Zone (8.69 ha)

- (iv) active farmlands were found in Chuen Lung, Chuen Lung Chun Ha, Wang Lung, Ngon Tong, Ma Tong and Kiu Tau. Some fallow agricultural land, adjoining the active farmlands had good potential for rehabilitation for cultivation and other agricultural purpose and was also included in the zone;

“Green Belt” (“GB”) Zone (187.5 ha)

- (v) the zone covered the natural vegetated areas. Most of the woodland and areas adjoining the Tai Mo Shan Country Park

and Tai Lam Country Park were within the zone. The three main natural streams flowing from the uphill area within Tai Mo Shan Country Park and Tai Lam Country Park and running across the Area also fell within the zone. Some species of amphibian and reptile with conservation interest had been recorded therein. Planning permission would be required for any filling of land/pond, excavation of land or diversion of streams, except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works;

*“Other Specified Uses” (“OU”) Zone (0.79 ha)*

*“OU” Annotated “Rural Use” Zone (0.79 ha)*

- (vi) the zone was primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Board. Low-rise recreational and residential developments (subject to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)) might be permitted, subject to the demonstration of sustainability in ecological, environmental, traffic and infrastructural terms;

*“OU” Annotated “Sports and Recreation Club” Zone (3.47 ha)*

- (vii) the zone was primarily for the provision of land for the development of sports and recreation club. The zone covered the Hong Kong Gun Club. Any new development, or addition, alteration and/or modification to or redevelopment of an existing building was subject to a maximum gross floor area (GFA) of 340m<sup>2</sup> and a maximum BH of 2 storeys, or the existing GFA and BH;

“Government, Institution or Community” (G/IC) Zone (1.21 ha)

- (viii) the zone covered the existing Government, Institution and Community (GIC) facilities including the ex-Koon Man School and Tsang Ancestral Hall within the village area of Chuen Lung, Tai Mo Shan Country Park Chuen Lung Management Centre (the part outside country park) in Wang Lung and Hong Kong Air Cadet Corps Ha Fa Shan Camp to the north of Ha Fa Shan;

“G/IC(1)” sub-zone (0.48 ha)

- (ix) the zone was intended for the provision of religious institutional uses and covered the Sai Chuk Lam Temple in Ha Fa Shan. No development or redevelopment within the sub-zone should exceed a maximum BH of 2 storeys or BH which was in existence on the date of first publication in the Gazette of the notice of the draft DPA Plan, whichever was the greater;

“Open Space” (“O”) Zone (0.06 ha)

- (x) the zone was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public. The zone covered Ha Fa Shan Children’s Playground at Ha Fa Shan and Tsuen Wan Chuen Lung Rest Garden at the village entrance of Chuen Lung;
- (xi) there was a shortfall of about 0.03 ha open space with reference to the planned population according to Hong Kong Planning Standards and Guidelines (HKPSG);
- (xii) given the small population, the rural and relatively remote location and site constraints, it was not efficient and effective to provide additional open space and GIC facilities. The

shortfalls could be addressed by the existing/planned facilities of Tsuen Wan New Town (TWNT);

Consultation

- (l) prior to the preparation of the draft OZP, the major stakeholders had been approached for their views/proposals. The draft OZP together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to the relevant bureaux and departments for comments. Comments received had been incorporated into the draft OZP, its Notes and ES, and Planning Report as appropriate; and
- (m) subject to the agreement of the Board, the draft OZP No. S/TW-CLHFS/B would be submitted to the Tsuen Wan District Council (TWDC) and Tsuen Wan Rural Committee (TWRC) for consultation and their comments would be submitted to the Board for further consideration in due course; and

Decision Sought

- (n) Members were invited to agree that the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/B together with its Notes and ES was suitable for consultation with the TWDC and TWRC.

152. As the presentation of PlanD's representative had been completed, the Chairman invited questions and comments from Members.

153. A Member enquired about the reason for the lack of any outstanding application for Small House for the Area. Mr Lawrence Y.C. Chau, DPO/TWK, said that the information was provided by the District Lands Officer/Tsuen Wan and Kwai Tsing of the Lands Department and he had no information on hand as to the reason for the lack of outstanding Small House application. Another Member asked if DPO/TWK could substantiate on the shortfall in GIC facilities and how it could be addressed by the existing/planned facilities of TWNT. Referring to the GIC table shown on the Powerpoint, Mr Chau said that as the total population in the Area was only about 1,340 persons, coupled with the rural and relatively

remote location and site constraints of the Area, providing additional GIC facilities (e.g. kindergartens, primary and secondary school classrooms) would not be justified nor practicable. Since the travelling time to TWNT by vehicles would only take about 20 minutes, it was envisaged that the local population could make use of the existing/planned facilities there.

154. After deliberation, the Board:

- (a) agreed that the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/B (Appendix I of the Paper) together with its Notes (Appendix II of the Paper) was suitable for consultation with the TWDC and the TWRC;
- (b) agreed that the ES (Appendix III of the Paper) was suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/B and the ES had been issued under the name of the Board; and
- (c) agreed that the ES (Appendix III of the Paper) was suitable for consultation with the TWDC and the TWRC together with the draft OZP.

155. The Chairman thanked PlanD's representatives for attending the meeting and they left the meeting at this point.

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

### **Agenda Item 8**

[Open Meeting]

Proposed Amendment to the Draft Tsing Yi Outline Zoning Plan No. S/TY/27 Arising from the Consideration of Representations and Comments on the Draft OZP No. S/TY/27 (TPB Paper No. 10140)

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[The item was conducted in Cantonese.]

156. The Secretary reported that that the proposed amendment (Item A) to the Tsing Yi Outline Zoning Plan (OZP) No. S/TY/27 arising from the consideration of representations and comments on the draft OZP was related to a proposed public rental housing (PRH) development to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). AECOM Asia Company Limited (AECOM) and Mott MacDonald Hong Kong Limited (MMHK) were the consultants of HD. The following Members had declared interests in the item:

- |   |   |   |
|---|---|---|
| Mr H.F. Leung   | - | being a member of the Tender Committee of HKHA  |
| Mr Jeff Y.T. Lam<br><i>(as Deputy Director of Lands)</i>                          | - | being a representative of the Director of Lands who was a member of HKHA  |
| Mr K.K. Ling<br><i>(as Director of Planning)</i>                                  | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA   |
| Mr Martin W.C Kwan<br><i>(as Chief Engineer (Works), Home Affairs Department)</i> | - | being a representative of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA |
| Ms Janice W.M. Lai  | ] | having current business dealings with HKHA and  |
| Mr Patrick H.T. Lau   | ] | AECOM   |
| Dr C.H. Hau   | ] |   |
| Mr Thomas O.S. Ho   | ] | having current business dealings with HKHA  |
| Mr Stephen L.H. Liu   | ] |   |
| Mr Ivan C.S. Fu   | - | having past business dealings with HKHA and current business dealing with AECOM   |

Mr Dominic K.K. Lam ] having past business dealings with HKHA,  
Mr Franklin Yu ] AECOM and MMHK

Dr Lawrence W.C. Poon - his spouse being an employee of HD but not  
involved in planning work

Professor S.C. Wong - being the Chair Professor and Head of the  
(*The Vice-chairman*) Department of Civil Engineering of the University  
of Hong Kong (HKU) where AECOM had  
business dealings with some colleagues and had  
sponsored some activities of the Department before

157. Members noted that Dr C.H. Hau and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the hearing while Ms Janice W.M. Lai, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr H.F. Leung, Mr Patrick H.T. Lau and Mr Ivan C.S. Fund and Dr Lawrence W.C. Poon had already left the meeting. Members agreed that the interests of Mr K.K. Ling, Mr Jeff Y.T. Lam and Mr Martin W.C Kwan were direct and they should be invited to leave the meeting temporarily for the item. Members also agreed that the interests of Mr Franklin Yu and Professor S.C. Wong were indirect and they should be allowed to stay in the meeting. Furthermore, as the Board had decided to partially uphold the adverse representations by amending the draft Tsing Yi OZP No. S/TY/27 on 17.6.2016, the meeting agreed that those Members who had not attended the deliberation session on 17.6.2016 should be allowed to stay in the meeting but should refrain from participating in the discussion.

[Mr Jeff Y.T. Lam, Mr K.K. Ling and Mr Martin W.C Kwan left the meeting temporarily at this point.]

158. The Secretary briefly introduced the Paper. After hearing the representations and comments on the draft Tsing Yi OZP No. S/TY/27 on 21 and 26.4.2016, two deliberation sessions were held on 20.5.2016 and 17.6.2016 to consider the representations and comments. At the deliberation session on 17.6.2016, the Board decided to partially uphold 959 adverse representations (R2 to R960) by rezoning the northern portion of the “Residential (Group A)4” (“R(A)4”) zone back to “Open Space” (“O”). The Paper was to seek Members’ agreement that the proposed amendment to the draft OZP, which was shown as Amendment Item A on Plan No.

R/S/TY/27-A1 (Annex I of the Paper), was suitable for gazetting under section 6C(2) of the Town Planning Ordinance (the Ordinance). The amended OZP would be gazetted for further representations for three weeks and the Board would consider the further representations, as appropriate. Details regarding the delineation of the revised zoning boundary of “R(A)4” with reference to the existing drainage reserve were provided on Plans Ha-1 to Ha-3 of the Paper.

159. In response to a Member’s enquiry on why the proposed amendment was for rezoning the northern portion of the representation site back to “O” given that it was already zoned “O” under the OZP, the Secretary said that the current proposed amendment was to reverse the original proposed amendment (i.e. originally proposed amendment from “O” to “R(A)4”) to the draft Tsing Yi OZP No. S/TY/27 for that part of the representation site. The current proposed amendment to the draft OZP would be gazetted for further representations under section 6C(2) of the Ordinance. Upon consideration of the further representations, the Board would decide whether to amend the draft OZP, either by the proposed amendments as gazetted or in other manner that the Board considered appropriate. The Vice-Chairman asked whether the zoning boundary delineated between the two “O” zones, one covering the northern portion of the representation site and the other covering the playground at Tsing Hung Road, would be deleted in the future. In reply, the Secretary said that should the proposed rezoning of the northern portion of the representation site back as “O” be confirmed upon consideration of the further representations, there would not be any zoning boundary dividing the two as they would be under the same “O” zone.

160. In response to an enquiry from the same Member about the timing for issuing a letter to the concerned government departments to relay the concerns of the local residents as discussed on 17.6.2016, the Chairman said that it was the established practice of the Board to issue such a letter after the completion of the entire representation consideration process.

161. After deliberation, the Board agreed that the proposed amendment to the draft Tsing Yi OZP No. S/TY/27 as shown at Annex I of the Paper was suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance and the revised Explanatory Statement at Annex II of the Paper was suitable for publication together with the draft OZP.

[Mr Jeff Y.T. Lam, Mr K.K. Ling and Mr Martin W.C Kwan returned to join the meeting at this point.]

**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 9**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-NSW/242

Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” and “Site of Special Scientific Interest (1)” Zones, Lots 1520 RP, 1534 and 1604 in D.D.123 and Adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long, New Territories

(TPB Paper No. 10132)

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[The item was conducted in Cantonese.]

162. The Secretary reported that the application was submitted by Kleener Investment Limited, Nam Sang Wai Development Company Limited, Community Wetland Park Foundation Limited and Lut Chau Nature Reserve Foundation Limited, with the first two being subsidiaries of Henderson Land Development Company Limited (HLD), and Masterplan Limited (Masterplan), AECOM, LWK & Partners (HK) Limited (LWK), MVA Hong Kong Limited (MVA) and Urbis Limited (Urbis) were five of the consultants of the applicants. The following Members had declared interests in the item:

Ms Janice W.M. Lai - having current business dealings with HLD, AECOM and Urbis

- Mr Ivan C.S. Fu
- having current business dealings with HLD, Masterplan, AECOM, MVA and Urbis
  - being the director and shareholder of LWK
- Mr Stephen L.H. Liu
- having current business dealings with HLD and LWK
- Mr Patrick H.T. Lau
- having current business dealings with HLD and AECOM
- Dr C.H. Hau
- having current business dealings with AECOM
- Miss Sandy H.Y. Wong
- owning a house in Fairview Park, Yuen Long
- Dr Lawrence K.C. Li
- Co-owning with spouse a house at Palm Springs, Yuen Long
  - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before
- Mr Franklin Yu
- having past business dealings with HLD, AECOM and Urbis
- Mr Dominic K.K. Lam
- having past business dealings with HLD and AECOM
- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from HLD before

- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD before
- Mr H.F. Leung ] being employees of HKU which had obtained  
Dr Wilton W.T. Fok ] a donation from a family member of the  
] Chairman of HLD before
- Professor S.C. Wong - being an employee of HKU which had  
(*The Vice-chairman*) obtained a donation from a family member of the Chairman of HLD before
- being the Chair Professor and Head of the Department of Civil Engineering of HKU where AECOM had business dealings with some colleagues and had sponsored some activities of the Department before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had obtained a donation from an Executive Director of HLD before
- Mr Wilson Y.W. Fung - being the President of the Hong Kong Business Accountants Association which had obtained sponsorship from HLD before

163. As the applicant had requested for deferment of consideration of the review application, the meeting agreed that the above Members could stay in the meeting. Members noted that Dr C.H. Hau and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai, Mr Stephen L.H. Liu, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Ms Christina M. Lee, Mr H.F. Leung, Dr Wilton W.T. Fok and Mr Wilson Y.W. Fung had already left the meeting.

164. The Secretary reported that on 15.6.2016, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months in order to allow time for preparation of responses to departmental comments. It was the first request from the applicant for deferment of the consideration of the review application.

165. Members noted that the justification for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to prepare further information to address departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties. However, a deferment of two months, instead of three months as requested by the applicant, was recommended to tally with the general practice as stated in TPB PG-No. 33.

166. After deliberation, the Board agreed to defer a decision on the review application for two months, pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of the further submission from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

#### Procedural Matters

#### Agenda Items 10 to 12

[Open Meeting]

Information Notes and Hearing Arrangements for Consideration of Representations and Comments on the Draft Tung Chung Extension Area Outline Zoning Plan No. S/I-TCE/1, the

Draft Tung Chung Valley Outline Zoning Plan No. S/I-TCV/1 and the Draft Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/21  
(TPB Papers No. 10134, 10135 and 10136)

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[The item was conducted in Cantonese.]

167. The Secretary reported that the draft Tung Chung Extension Area (TCE) Outline Zoning Plan (OZP) No. S/I-TCE/C and the proposed amendments to the approved Tung Chung Town Centre Area (TCTC) OZP No. S/I-TCTC/20 involved zoning of sites for proposed public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in the item for having affiliations/business dealings with HKHA and/or representers ((The Conservancy Association) (R53 of TCE OZP, R32 of Tung Chung Valley (TCV) OZP and R24 of TCTC OZP) and Mass Transit Railway Corporation Limited (MTRCL) (R58 of TCE OZP)):

- |   |  |
|---|--|
| Mr H.F. Leung   | - being a member of the Tender Committee of HKHA and a convenor of the Railway Objections Hearing Panel  |
| Mr Jeff Y.T. Lam<br>(as Deputy Director of Lands)                             | - being a representative of the Director of Lands who was a member of HKHA   |
| Mr K.K. Ling<br>(as Director of Planning)                                     | - being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Mr Martin W.C Kwan<br>(as Chief Engineer (Works),<br>Home Affairs Department) | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Dr C.H. Hau   | - having current business dealings with HKHA   |
|   | - being the Vice-chairman of The Conservancy Association   |

- Ms Janice W.M. Lai ] having current business dealings with HKHA  
Mr Stephen L.H. Liu ] and MTRCL  
Mr Patrick H.T. Lau ]  
Mr Thomas O.S. Ho ]
- Mr Ivan C.S. Fu - having current business dealings with MTRCL  
and past business dealings with HKHA
- Mr K.K. Cheung - having current business dealings with MTRCL
- Mr Franklin Yu ] having past business dealings with HKHA and  
Mr Dominic K.K. Lam ] MTRCL
- Professor S.C. Wong - being the Chair Professor and Head of the  
(*The Vice-chairman*) Department of Civil Engineering of HKU  
where MTRCL had sponsored some activities  
of the Department before
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not  
involved in planning work

168. As the item was a procedural matter only, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Dr C.H. Hau and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai, Mr Stephen L.H. Liu, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Mr H.F. Leung, Mr Thomas O.S. Ho and Dr Lawrence W.C. Poon had already left the meeting.

169. The Secretary briefly introduced the Paper. On 8.1.2016, the three new/amended OZPs including the TCE, TCV and TCTC were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The OZPs mainly incorporated land use proposals as recommended under the Tung Chung New Town Extension Study. A total of 122 representations and 246 comments were received on the three OZPs, including 58

representations and 78 comments on the TCE OZP, 37 representations and 87 comments on the TCV OZP and 27 representations and 81 comments on the TCTC OZP.

170. Since the three OZPs relating to the Tung Chung New Town Extension were of significant territorial interests, the representations and comments of the three OZPs should be considered by the full Board and at the same meeting. The representations could be categorized into three groups, one group for each OZP, which had received representations on a range of issues on the concerned areas.

171. The first group (TCE OZP) comprised two supportive representations (R1 and R2) submitted by a company and an organisation and 55 adverse representations (R3 to R51) submitted by 49 individuals and six green/concern groups. The two supportive representations generally supported the draft OZP and the proposed marina while the adverse representations mainly opposed the demolition of the existing Pak Mong Pier and reclamation on environmental and ecological grounds, raised concerns on traffic and community facilities due to the population increase in Tung Chung and the proposed residential sites for private residential developments, and against the new town expansion. The remaining representation (R58) under the first group was submitted by MTRCL, which commented on the mitigation measures for the proposed residential developments located alongside the existing Tung Chung Line and Airport Express to combat railway noise.

172. The second group (TCV OZP) comprised two supportive representations (R1 and R2) submitted by village representatives (VR) in TCV and an organisation and 30 adverse representations (R3 to R5, R6 to R10, R12 to R27, R29, R31, R34 to R37) submitted by five VRs, Tung Chung Rural Committee, four companies and 14 individuals and six green/concern groups. The two supportive representations generally supported the “Village Type Development” (“V”) zone of Nim Yuen Village while the adverse representations mainly opposed the “V” zone covering the private columbarium development in Shek Mun Kap, the “Green Belt” (“GB”) zone covering the San Tau Village burial ground as well as the proposed land uses at some sites within 500m of the future railway station; raised concerns on the environment, ecology and conservation issues including the impact of development on the ecology of Tung Chung Stream/Bay and the Chinese White Dolphins; considered that the “V” zone of Ngau Au Village and the boundary of Hau Wong Temple should be expanded. The remaining five representations of the second group comprised both supportive and adverse

representations, which were submitted by a company (R11) and four green groups (R28, R30, R32 and R33). R11 generally supported the draft OZP and the “Residential (Group C)2” zone in Area 61A, but raised concerns about the extensive areas zoned “Other Specified Uses” (“OU”) annotated “Stormwater Attenuation and Treatment Ponds”. The green groups generally supported/welcomed the gazettal of a statutory plan but raised concerns on the adverse impact of new development zones and roads on the environment, ecology and conservation of TCV and Tung Chung Stream/Bay.

173. The third group (TCTC OZP) comprised one supportive representation (R1) submitted by a company, supporting the OZP and Amendment Items D to J on the rezoning of “Comprehensive Development Area” (“CDA”) to other zones and 26 adverse representations (R2 to R4, R6 to R19) submitted by 17 individuals, an organisation and eight green/concern groups. The adverse representations mainly opposed or raised concerns on the extent of “V” zones, proposed rezoning of “CDA”, adjustment of zoning boundaries and environment, ecology and conservation issues.

174. As the comments received on the representations were generally similar to the representations in nature, the comments and representations should be considered collectively. Due to the large number of representations and comments received on the three OZPs, the hearing could not be accommodated in the Board’s regular meeting and separate hearing sessions would be necessary.

175. Given the large number of representations and comments and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes’ presentation time to each representer/commenter in the hearing sessions. Consideration of the representations and comments by the full Board was tentatively scheduled for September/October 2016.

176. After deliberation, the Board agreed that:

- (a) the representations and comments should be considered by the Board itself;
- (b) the representations and comments of the three OZPs should be considered at the same meeting;

- (c) the Chairman would, in liaison with the Secretary, decided on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenters who would attend the hearing.

**Agenda Item 13**

[Open Meeting]

Submission of the Draft Kam Tin South Outline Zoning Plan No. S/YL-KTS/12A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10137)

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[The item was conducted in Cantonese.]

177. The Secretary reported that the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/12A involved the rezoning of two West Rail sites and the following Members had declared interests in the item for having business dealings/affiliation with Henderson Land Development Co. Limited (HLD) which was the mother company of Super Asset Development Limited (R55), or affiliation with the MTR Corporation Limited (MTRCL) which managed the two West Rail sites:

Mr Ivan C.S. Fu	]	
Ms Janice W.M. Lai	]	having current business dealings with MTRCL
Mr Patrick H. T. Lau	]	and HLD
Mr Stephen L.H. Liu	]	
Mr Thomas O.S. Ho	]	having current business dealings with MTRCL
Mr K.K. Cheung	]	
Mr Dominic K.K. Lam	]	having past business dealings with HLD and
Mr Franklin Yu	]	MTRCL

- Professor S.C. Wong  
*(The Vice-chairman)* - being an employee of HKU which received donation from a family member of the Chairman of HLD before; and the Chair Professor and Head of Department of Civil Engineering of HKU where MTRCL had sponsored some activities of the Department before
- Dr Wilton W.T. Fok - being an employee of HKU which had received donation from a family member of the Chairman of HLD before
- Mr H.F. Leung - being an employee of HKU which had received donation from a family member of the Chairman of HLD; and a convenor of the Railway Objections Hearing Panel
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of HLD before
- 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 an Executive Director of HLD before
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from HLD before
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before

Mr Wilson Y.W. Fung - being the President of the Hong Kong Business Accountants Association which had obtained sponsorship from HLD before

178. As the item was procedural in nature and no discussion was required, Members agreed that the above Members could stay in the meeting. Members noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Mr Stephen L.H. Liu, Mr Thomas O.S. Ho, Dr Wilton W.T. Fok, Mr H.F. Leung, Ms Christina M. Lee and Mr Wilson Y.W. Fung had already left the meeting.

179. The Secretary briefly introduced the Paper. On 29.5.2015, the draft Kam Tin South OZP No. S/YL-KTS/12, incorporating amendments mainly to rezone areas shown as 'Railway' and adjoining land of "Agriculture" zone to "Other Specified Uses" ("OU") annotated "Railway Station and Public Transport Interchange with Commercial/Residential Development" ("OU(Railway Station)") and "OU" annotated "Railway Depot with Commercial/Residential Development" zones ("OU(Railway Depot)"); a site under "OU" annotated "Petrol Filling Station" and "Residential (Group C)1" zones to "Commercial" ("C") zone; and imposition of development restrictions on the "OU(Railway Station)", "OU(Railway Depot)" and "C" zones, was exhibited for public inspection under section 5 of the Ordinance. A total of 55 representations and 330 valid comments were received. After giving consideration to the representations and comments on 11.12.2015 and 28.1.2016, the Town Planning Board (the Board) on 11.3.2016 noted the two supporting representations and decided not to propose any amendment to the draft OZP to meet the rest of the representations. As the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

180. After deliberation, the Board:

- (d) agreed that the draft Kam Tin South OZP No. S/YL-KTS/12A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;

- (e) endorsed the updated Explanatory Statement (ES) for the draft Kam Tin South OZP No. S/YL-KTS/12A at Annex III of the Paper 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
- (f) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

#### **Agenda Item 14**

[Open Meeting]

Submission of the Draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10138)

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[The item was conducted in Cantonese.]

181. The Secretary briefly introduced the Paper. On 27.2.2015, the draft Po Toi Islands Outline Zoning Plan (OZP) No. S/I-PTI/1A was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 813 representations and 1,462 comments were received. After giving consideration to the representations and comments, the Board decided to partially uphold 741 representations by proposing to reduce the area of the “Residential (Group D)” (“R(D)”) zone. On 11.12.2015, the Board agreed to the proposed amendments to the draft OZP to rezone some of the land in the eastern and western portions of the original “R(D)” zone to “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) respectively. On 22.1.2016, the proposed amendments were published under section 6C(2) of the Ordinance for further representation. A total of 148 valid further representations (FRs) were received. On 13.6.2016, the Board decided not to uphold the FRs and to amend the draft OZP by the proposed amendments.

182. As the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

183. After deliberation, the Board:

- (a) agreed that the draft Po Toi Islands OZP No. S/I-PTI/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/1A at Annex III of the Paper 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) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 15**

[Closed Meeting]

184. This item was under confidential cover.

**Agenda Item 16**

[Open Meeting]

**Any Other Business**

[The item was conducted in Cantonese.]

185. There being no other business, the meeting was adjourned at 6:50 p.m..