# Minutes of the 1128<sup>th</sup> Meeting of the <u>Town Planning Board held on 18.11.2016</u>

# **Present**

Permanent Secretary for Development

Chairman

(Planning and Lands)
Mr Michael W.L. Wong

Professor S.C. Wong

Vice-Chairman

Mr Lincoln L.H. Huang

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Director of Planning Mr K.K. Ling

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

Principal Environmental Protection Officer (Regional Assessment), Environmental Protection Department Mr Louis P.L. Chan

Assistant Director (Regional 3), Lands Department Mr Edwin W.K. Chan

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

Secretary

# **Absent with Apologies**

Mr H.W. Cheung

Professor K.C. Chau

Mr H.F. Leung

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Dr Lawrence K.C. Li

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 Planner/Town Planning Board Ms Doris S.Y. Ting

Senior Town Planner/Town Planning Board Mr T.C. Cheng

# Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1127<sup>th</sup> Meeting held on 4.11.2016

[The meeting was conducted in Cantonese.]

1. The minutes of the 1127<sup>th</sup> meeting held on 4.11.2016 were confirmed without amendments.

#### Agenda Item 2

[Open Meeting]

#### **Matters Arising**

[The meeting was conducted in Cantonese.]

- (i) Hearing Arrangement of Further Representations in respect of the Proposed Amendments to the Draft Yi O Outline Zoning Plan No. S/I-YO/1
- 2. The Secretary reported that Dr C.H. Hau had declared interest in the item for having affiliation with a representer, The Conservancy Association (CA) (R16). Members noted that Dr C.H. Hau had tendered apologies for being unable to attend the meeting.
- 3. On 21.10.2016, the Town Planning Board (the Board) agreed that the original representers and commenters who had made representations/comments after consideration of which the proposed amendments had been made (R11 to R17, and C5, C7 to C10, C1377 and C1383) and the further representers F1 to F4 would be invited to the further hearing of the draft Yi O Outline Zoning Plan (OZP) and considered collectively in one group at the Board's regular meeting to be held on 2.12.2016.
- 4. On 28.10.2016 and 7.11.2016, the Secretariat of the Board received emails from the representatives of Kadoorie Farm & Botanic Garden Corporation (R11 to R13

and F5 to F7) and World Wide Fund for Nature Hong Kong (R14 and C7) respectively requesting the Board to separately conduct the further hearing for the green groups and the local villagers in order to smoothen the process. F5 to F7 were ruled invalid by the Board as they were also the original representers.

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

- 5. Similar request had been made by the green groups during the hearing of the representations and comments to the draft OZP. The Board at the meeting on 8.7.2016 agreed to a separate hearing session on the grounds that such arrangement could ensure the efficient conduct of the meeting and would not affect the interests of other concerned parties.
- 6. However, in the current case, only 18 further representers, representers and commenters were invited to the further hearing session, of which only one (F1) was a local villager while the rest were green groups or their affiliates. It would be appropriate for the Board to retain its original decision to collectively consider the concerned further representations, and original representations and comments in one group to allow Members to have a comprehensive picture of their concerns.
- 7. Members <u>agreed</u> that the further consideration in respect of the proposed amendments to the draft Yi O OZP No. S/I-YO/1 should be conducted in one group collectively.

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

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 10 of 2015

Proposed Hotel in "Residential (Group A)" zone, 209-219 Wan Chai Road,

Hong Kong

Application No. A/H5/402

8. The Secretary reported that an appeal had been abandoned by the Appellant of his own accord on 10.11.2016. Town Planning Appeal No. 10/2015 was received by the Appeal Board Panel (Town Planning) on 23.11.2015 against the decision of the Town Planning Board on 11.9.2015 to reject on review an application (No. A/H5/402) for a proposed hotel in the "Residential (Group A)" zone on the draft Wan Chai Outline Zoning Plan No. S/H5/27. On 11.11.2016, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

# (iii) Appeal Statistics

9. The Secretary reported and Members noted that as at 18.11.2016, the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	147
Abandoned/Withdrawn/Invalid	:	195
Yet to be Heard	:	11
Decision Outstanding	:	1
Total	:	389

[Mr Sunny L.K. Ho arrived to join the meeting at this point.]

#### Tsuen Wan and West Kowloon District

# **Agenda Item 3**

[Open Meeting]

Draft Chuen Lung & Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/C – Further Consideration of a New Plan

(TPB Paper No. 10205)

[The meeting was conducted in Cantonese]

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

Mr Lawrence Y.C. Chau

- District Planning Officer/Tsuen

Wan and West Kowloon

(DPO/TWK), PlanD

Mr Walter W.N. Kwong

- Senior Town Planner/Tsuen Wan
(STP/TW), PlanD

11. With the aid of a PowerPoint presentation, Mr Walter W.N. Kwong, STP/TW, PlanD made the following main points on the draft Chuen Lung & Ha Fa Shan Outline Zoning Plan (OZP) No. S/TW-CLHFS/C as outlined in the Paper:

# **Background**

- (a) on 8.7.2016, the Town Planning Board (the Board) gave preliminary consideration to the draft Chuen Lung & Ha Fa Shan OZP No. S/TW-CLHFS/B and agreed that the draft OZP was suitable for submission to the Tsuen Wan District Council (TWDC) and Tsuen Wan Rural Committee (TWRC) for consultation;
- (b) Chuen Lung & Ha Fa Shan (the Area) had an area of about 209.95ha and situated at the northwestern fringe of the Tsuen Wan New Town between Tai Mo Shan Country Park and Tai Lam Country Park. The Area was mainly consisted of vegetated slopes, stream valley and farmland, with village, scattered domestic structures and rural industry;

#### Major Land Use Zonings of the Draft OZP No. S/TW-CLHFS/B

"Village Type Development" ("V") (3.13ha)

(c) the "V" zone covered Chuen Lung which was the only recognised village

in the Area. An incremental, practical and balanced approach had been adopted for designation of "V" zones with an aim to confining Small House developments at suitable locations around the existing village clusters to avoid undesirable disturbance to the natural environment;

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

(d) the "G/IC" zone covered the major existing GIC facilities including the Chuen Lung West Gas Pigging Station, Tsang Ancestral Hall, the ex-Koon Man School, the Country Park Management Office of Agriculture, Fisheries and Conservation Department (AFCD), the Hong Kong Air Cadet Corps Camp, while the existing Sai Chuk Lam Zen Monastery was zoned "G/IC(1)";

[Ms Sandy H.Y. Wong and Mr Franklin Yu arrived to join the meeting at this point.]

"Open Space" ("O") Zone (0.06ha)

(e) the "O" zone covered the existing Ha Fa Shan Children's Playground and Tsuen Wan Chuen Lung Rest Garden;

"Recreation" ("REC") Zone (1.89ha)

(f) the "REC" zone covered TWTL 398 to reflect the permitted uses for a recreational club and golf driving range and the development parameters under the lease;

"Other Specified Uses" ("OU") Zone (4.26ha)

(g) a wine factory and a stone-cutting workshop were zoned "OU" annotated "Rural Use" ("OU(RU)") (0.79ha) mainly to preserve the character of the rural area and to help phase out the non-conforming uses not compatible with the rural and natural setting of the Area in the

long-term;

(h) the site occupied by the Hong Kong Gun Club, including its clubhouse, rifle, handgun and clay target shooting range was zoned "OU" annotated "Sports and Recreation Club" (3.47ha) to reflect the as-built condition;

"Agriculture" ("AGR") Zone (1.89ha)

 (i) active farmland and fallow agricultural land with good potential for rehabilitation for cultivation and other agricultural purpose was zoned "AGR":

"Green Belt" ("GB") Zone (187.5ha)

(j) the "GB" zone comprising mainly natural vegetated areas such as woodland, shrubland, knolls and streams. Some houses, squatters, temporary domestic structures and rural workshop could be found within this zone;

#### Consultation

- (k) the TWDC and its Community Building, Planning and Development Committee were consulted on 26.7.2016 and 13.9.2016 respectively while the TWRC was consulted on 8.8.2016. Meetings with TWDC members, Chuen Lung and Ha Fa Shan village representatives (VRs), TWDC Vice-chairman, Ha Fa Shan VRs, representatives of Sai Chuk Lam Zen Monastery, locals as well as green concern groups (including Green Power, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong and Kadoorie Farm and Botanic Garden Corporation) were held between August and October 2016;
- (l) the major views and proposals from TWDC, TWRC, VRs and villagers were summarized below:

# Insufficient "V" Zones

(i) the "V" zone was inadequate and could not meet the Small House (SH) demand. Zoning Ha Fa Shan as "GB" would deprive the right of building SH and the area should be zoned "V";

# Inappropriate "GB" and "AGR" Zones

- (v) all private land and government licenced land should not be zoned "GB". Their right of development should be respected.
   Zoning of private land as "GB" without compensation was unreasonable and contravened the Basic Law;
- (vi) the restrictions on land and pond filling, land excavation and diversion of stream under the "GB" zone would adversely affect the existing farming activity within the Area;
- (vii) land within Chuen Lung Chun Ha, Ma Tong, Ngong Tong, Sun Hoi Tin and Ngon Tei should be zoned "Comprehensive Development Area" ("CDA") for comprehensive development with provision of community facilities;

# Inappropriate Zoning for the Existing Religious Institution

(viii) the "G/IC(1)" zone only covered a major part of Sai Chuk Lam Zen Monastery. The daily operation and future development of the monastery would be affected. Their dormitories, farmland and pagoda nearby should be included in the "G/IC(1)" zone. The existing columbarium within the monastery was mainly for the use of their monks and nuns and the inclusion of 'Columbarium' in Column 2 under the "G/IC(1)" zone would restrict the further development of the columbarium; and

- (ix) Kai Yuen in Ha Fa Shan was formerly a monastery and should be zoned "G/IC(1)" to allow its restoration back to monastery use in future;
- (m) major views and proposals of green/concern groups were summarized below:

# Protection and Conservation of the Natural Environment

- (i) species of butterfly, owl, bird and other species of high conservation values were found in a wider area. All areas with high conservation value should be designated as Country Park, "Site of Special Scientific Interest" ("SSSI") or "Conservation Area" ("CA");
- (ii) the stream where wild big-headed turtle was found and its 20m-wide riparian zone should be zoned "CA" or "GB(1)" for better protection; and
- (iii) given the high approval rate of SH applications within the "AGR" zone and the use of septic tank for SH development would pollute the stream, areas within 'VE' and the riparian zone of the stream should not be zoned "AGR";

# Inappropriate "V" and "REC" Zones

(i) the Chuen Lung Village Expansion Area (VEA), which was outside the 'VE', should not be zoned "V". A suitable zoning should be designated to avoid human disturbance to the yellow costers found in the village area of Chuen Lung;

(ii) the "REC" zone was too close to the area containing species with high conservation value. It was highly likely that there would be leakage of pesticides and fertilizers from the golf driving range;

#### PlanD's Responses

(n) in consultation with the concerned departments, PlanD's responses to the above comments/proposals were as follows:

Insufficient "V" Zones

- (i) an incremental, practical and balanced approach for designation of "V" zone had been adopted to avoid disturbances to the natural environment;
- (ii) there was no outstanding SH demand for Chuen Lung and the respective 10-year forecast for SH demand remained unchanged at 169. A total area of 3.13 ha sites was zoned "V" taking account of the SH demand forecast, site conditions of land within 'VE' and 'VEA', local topography, existing settlement pattern, site characteristics and constraints, natural environment, the conservation and landscape value, infrastructure and the need to protect the water gathering ground (WGG). About 1.91ha of land would be available within the "V" zone to accommodate 73 SH developments, meeting about 43% of the forecast demand;
- (iii) Ha Fa Shan was not included in the list of Recognized Village under the New Territories Small House Policy adopted by the Lands Department. Application for Small House development within the "GB" and "AGR" zones could be submitted for the Board's consideration based on individual merit;

#### Inappropriate "GB" and "AGR" Zones

- (iv) the private land within the "GB" zone in the Area was primarily demised for agricultural purpose under the Block Government Lease, and agricultural use was always permitted within "GB" zone. For those scattered and isolated building lots, flexibility was provided through the planning application system to allow building development. The zoning would unlikely constitute a deprivation of property as it would not affect any landowners' right to transfer or assign his/her interest of land, nor would it leave the land concerned without meaningful or economically viable use;
- (v) the restrictions on land and pond filling, land excavation and diversion of stream were to avoid adverse impacts on drainage and natural environment;
- (vi) the Agriculture, Fisheries and Conservation Department (AFCD) did not support the proposed "CDA" zone as the suggested areas were largely rural in character with active and fallow farmland with agricultural rehabilitation potential. Some areas also adjoined natural streams which supported a variety of wildlife, including species of conservation interest. Concerned departments had no plan to provide the proposed community facilities within the area;

# Inappropriate Zoning for the Existing Religious Institution

(vii) the "G/IC(1)" zone covered a major part of the Sai Chuk Lam Zen Monastery and the zoning boundary was drawn up having regard to the existing conditions and natural surroundings of the monastery. 'Existing use' of columbarium and religious

institution would be tolerated. Any extension or intensification of uses would require planning permission;

(viii) according to the Home Affairs Bureau, Kai Yuen was not a registered temple under the Chinese Temples Ordinance. There was no strong reason to rezone the site to "G/IC(1)" and the existing "GB" zoning was considered appropriate taking into account the existing condition and the natural surrounding;

#### Protection and Conservation of the Natural Environment

- (x) considering that the secondary woodlands were largely dominated with trees of common species, and the natural streams were relatively natural and undisturbed, it was considered appropriate to zone them "GB" to protect their natural characteristics. "GB" was a conservation zoning and there was a presumption against development within the "GB" zone;
- (xi) according to AFCD, land near the stream should generally possess higher potential for agricultural rehabilitation. Active agricultural land and adjoining fallow agricultural land with good potential for rehabilitation within the 'VE' and near the stream had been zoned "AGR". Agricultural activities might contribute to the conservation value in the areas;
- (xii) SH development in "AGR" zone would require planning permission from the Board. For SH development in WGG, it should be demonstrated that there were effective means to ensure that the effluent water quality was acceptable to concerned government departments. The use of septic tank and soakaway systems for SH development in WGG would not be acceptable;

#### Inappropriate "V" and "REC" Zones

- (xiii) the "V" zones were mainly to reflect the Chuen Lung VEA covered by the adopted Layout Plan and the existing village cluster in Chuen Lung with some suitable land reserved for SH development;
- (xiv) the "REC" zone was mainly to reflect the recreational club building and a golf driving range with occupation permit. Suitable development restrictions had been imposed in accordance with the lease. New development within the "REC" zone would require planning permission from the Board;
- (o) to strike a balance between local concerns and relevant planning considerations, the following amendments were proposed:
  - of Chuen Lung currently occupied by a vehicle repair workshop and vehicle parks was rezoned from "GB" and "AGR" to "OU(RU)" to phase out the non-conforming uses not compatible with the rural and natural setting. Restrictions on land filling and excavation and diversion of streams were imposed;
  - (ii) 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm and Fishing Ground only)' was moved to Column 2 of the Notes under the "OU(RU)" zone for better planning control;
  - (iii) minor boundary adjustment of the "AGR" zone in Chuen Lung Chun Ha was made to reflect the existing site condition; and
  - (iv) Notes and Explanatory Statement (ES) of the OZP were updated to reflect the latest planning situation of the Area.

[Mr Dominic K.K. Lam and Dr Lawrence W.C. Poon arrived to join the meeting at this point.]

- 12. The Chairman invited questions and comments from Members. In response to a Member's question on the zoning of Sai Chuk Lam Zen Monastery, Mr Lawrence Y.C. Chau, DPO/TWK, with the aid of a plan, said that the site occupied by the existing monastery had already been included in the "G/IC(1)" zone. Although the representative of the monastery had indicated his intention to extend the monastery in a meeting with PlanD, there was no concrete development proposal at this stage. In this regard, it was considered more appropriate to retain the possible monastery extension area as "GB" and the future development of the monastery could be considered through the planning application system.
- 13. After further deliberation, Members noted the comments from and responses to the TWDC, TWRC, concerned VRs/locals, and the green/concern groups on the draft Chuen Lung & Ha Fa Shan OZP Plan No. S/TW-CLHFS/B in paragraphs 3 and 4 of the Paper.

#### 14. Members also agreed:

- (a) that the draft Chuen Lung & Ha Fa Shan OZP No. S/TW-CLHFS/C (to be renumbered as S/TW-CLHFS/1 upon gazetting) and its Notes (Annexes I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) to adopt the ES (Annex III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Chuen Lung & Ha Fa Shan OZP No. S/TW-CLHFS/C; and
- (c) that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

15. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board's consideration.

16. The Chairman thanked PlanD's representatives for their presentation and they left the meeting at this point.

# **Procedural Matters**

#### Agenda Item 4

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/24

(TPB Paper No. 10211)

[The meeting was conducted in Cantonese]

17. With the aid of a PowerPoint presentation, the Secretary reported that the amendments to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/24 involved rezoning of a site for public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA); and a site for private residential development atop the MTR Yau Tong Ventilation Building (YTVB) with MTR Corporation Limited (MTRCL) as the project proponent. The following Members have declared interests in the item:

Mr K.K. Ling
(as Director of Planning)

being a member of the Strategic
Planning Committee and Building
Committee of HKHA

-	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
-	being a member of the Tender Committee of HKHA and a convenor of the Railway Objections Hearing Panel
-	having current business dealings with HKHA
-	his spouse being an employee of HD but not involved in planning work
]	
]	having current business dealings
]	with HKHA and MTRCL
]	
]	
-	having current business dealings with MTRCL
_	had past business dealings with
	HKHA and MTRCL
-	being the Member of the Advisory  Committee for Accredited
	]

Programme of MTR Academy, and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department before

- 18. Members noted that Mr H.F. Leung, Dr C.H. Hau and Mr K.K. Cheung had tendered apologies for being unable to attend the meeting. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting.
- 19. The Secretary briefly introduced the Paper. On 24.6.2016, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/24 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly related to the rezoning of a site at Yan Wing Street for public housing development and a site at Yau Tong Ventilation Building and the adjoining land at Ko Chiu Road for private residential development. A total of 456 representations and two comments were received.
- 20. Of the 456 representations, one (R1) supported Item A, one (R2) opposed Item A and 452 (R3 to R454) opposed all items. The remaining two (R455 and R456) provided views/expressed concerns on all items. R1 and R2 were submitted by individuals and R5 to R454 were submitted by residents of Ko Chun Court, Ko Cheung Court, Yau Chui Court and Yau Tong Centre in standard letters. The remaining representations were submitted by Kwun Tong District Council (KTDC) (R3), two KTDC members (R4 and R455), the Board of Management of Chinese Permanent Cemetery (R456) respectively.

#### Supportive Views

21. R1 supported Item A and commented that the current streetscape and air

quality of the area was not satisfactory, and the Government should review the design of public space and improve the walkability to the MTR Yau Tong Station.

#### Opposing Views

- 22. R2 opposed Item A on the grounds that the area was already overloaded by government aided housing and was overcrowded. Better transportation, more greening area and community facilities were needed.
- 23. The remaining 452 adverse representations were mainly on the grounds of adverse traffic impacts, inadequate parking, pedestrian connection, bus and minibus services. There were concerns on illegal road-side parking, inadequate community facilities, noise nuisances generated from Ko Chiu Road on the proposed residential developments and deteriorating quality of life.
- 24. R455 raised concerns on the inadequate provision of government, institution or community (GIC) facilities and R456 requested that sufficient space should be reserved within the concerned "R(A)" development for the proposed escalator system connecting the Junk Bay Chinese Permanent Cemetery and Ko Chiu Road.

#### Comments

- 25. C1 submitted by a Legislative Council member supported R4 and opposed all items mainly on grounds of insufficient community facilities and bus/minibus services. C2 submitted by an individual supported Items A, B1, B3 and D on the ground that land suitable for development in Hong Kong was limited and there was an urgent need for the Government to develop more land to resolve the housing problem and to provide GIC facilities.
- 26. Since the amendments incorporated in the Plan had attracted general local concerns, it was recommended that the representations and comments should be considered by the full Board without resorting to the appointment of a Representation Hearing Committee. As most of the representations opposed the two proposed residential

developments on similar grounds, the representations could be heard in one group. The hearing could be accommodated in the Board's regular meeting and a separate hearing session might not be necessary. To ensure the efficient operation of the hearing, it was recommended to allot a maximum presentation time of 10 minutes to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for January 2017.

# 27. After deliberation, the Board <u>agreed</u> that :

- (a) the representations and comments should be considered by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter, subject to confirmation of the number of representers and commenters attending the hearing and the aggregate presentation time required.

#### Agenda Items 5 to 7

[Confidential Item] [Closed Meeting]

28. The items were recorded under confidential cover.

#### **Agenda Item 8**

[Open Meeting]

# **Any Other Business**

[The item was conducted in Cantonese.]

# Vote of Thanks

29. The Chairman informed Members that this was the last meeting of the Board

for Mr. K.K. Ling, the Director of Planning, prior to his retirement. On behalf of all Members, the Chairman expressed a vote of thanks to Mr. Ling for his contributions to the Board and wished him a happy retirement.

30. There being no other business, the meeting was closed at 9:30am.