

**Minutes of 1150<sup>th</sup> Meeting of the  
Town Planning Board held on 1.9.2017**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Professor K.C. Chau

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

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 K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

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

Deputy Director (1), Environmental Protection Department  
Mr Elvis W.K. Au

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

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

Chief Traffic Engineer/New Territories West, Transport Department  
Mr Patrick K.H. Ho

Director of Planning  
Mr Raymond K.W. Lee

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Ms Christina M. Lee

Mr H.F. Leung

Dr Lawrence K.C. Li

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board  
Mr Stephen K.S. Lee (a.m.)  
Mr Jeff K.C. Ho (p.m.)

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1149<sup>th</sup> Meetings held on 18.8.2017**

[The item was conducted in Cantonese.]

1. The minutes of the 1149<sup>th</sup> meeting held on 18.8.2017 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese]

- (i) & (ii) [Confidential Items] [Closed Meeting]

2. The items were recorded under confidential cover.

- (iii) Approval of Draft Plans

[Open Meeting]

3. The Secretary reported that on 15.8.2017, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance:

- (i) North Point Outline Zoning Plan (OZP) (renumbered as S/H8/26); and
- (ii) Tai Tan, Uk Tau, Ko Tong & Ko Tong Ha Yeung OZP (renumbered as S/NE-TT/2).

4. The approval of the above plans had been notified in the Gazette on 25.8.2017.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Yuen Long South Development - Recommended Outline Development Plan  
(TPB Paper No. 10310)

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[The item was conducted in Cantonese.]

5. The Secretary reported that as Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) (the Study), and the Recommended Outline Development Plan (RODP) of the Study had recommended substantial number of flats for public housing, the following Members had declared interests in the item:

- |  |   |   |
|--|---|---|
| Mr Raymond K.W. Lee<br>(as Director of Planning)   | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of the Hong Kong Housing Authority (HKHA)       |
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works)) | - | being a representative of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA |
| Mr H.F. Leung                                      | - | being a member of the Tender Committee of HKHA  |
| Ms Janice W.M. Lai                                 | ] | having current business dealings with HKHA and  |
| Mr Patrick H.T. Lau                                | ] | Arup  |
| Mr Alex T.H. Lai                                   | ] | their firm having current business dealings with  |
| Mr K.K. Cheung                                     | ] | HKHA and Arup   |
| Mr Ivan C.S. Fu                                    | - | having current business dealings with Arup and past business dealing with HKHA  |

- Dr C. H. Hau ] having current business dealings with HKHA  
Mr Thomas O.S. Ho ]
- Mr Stephen L.H. Liu - having past business dealings with HKHA
- Mr Franklin Yu - having past business dealings with HKHA
- Dr Lawrence W.C. Poon - his spouse being an employee of the Housing  
Department but not involved in planning work
- Professor S.C. WONG - being an engineering consultant of and having  
(Vice-Chairperson) current business dealings with Arup

6. Members noted that Mr H.F. Leung had tendered apology for not being able to attend the meeting. Since the item was only a briefing to Members on the key recommendations of the Study and the RODP, Members agreed that the rest of the Members who had declared interests could stay in the meeting and participate in the discussion.

7. The following government representatives and consultants of the Study (the Consultant) were invited to the meeting at this point:

### **Government Representatives**

#### Planning Department (PlanD)

- Ms Amy Y.M. Cheung - Assistant Director/Territorial (AD/T),  
PlanD
- Mr K.T. Yau - Chief Engineer/Cross-boundary  
Infrastructure and Development  
(CE/CID), PlanD

Ms Katy C.W. Fung - Senior Town Planner/CID 3  
(STP/CID3), PlanD

Civil Engineering and Development Department (CEDD)

Mr W.K. Lau - Chief Engineer/New Territories West  
1(CE/NTW1), New Territories West  
Development Office, CEDD

Mr W.L. Chui - Senior Engineer/District Monitoring  
Group on Housing Sites/West (NTW)  
(SE/DMGHS(W)), New Territories  
West Development Office, CEDD

**Consultant Representatives**

Arup

Ms Theresa Yeung - Director – Planning

Mr Peter Chan - Associate Director – Engineering

Ms Carmen Chu - Director – Transport

Mr Tony Yip - Town Planner

8. The Chairperson extended a welcome and invited the representatives of the Government and the Consultant to brief Members of the Study.

9. Ms Amy Y.M. Cheung, AD/T, PlanD made an opening remark to the presentation. With the aid of a PowerPoint presentation, Ms Theresa Yeung of Arup briefed Members on the Study including the background of the Study, the Stage 3 Community Engagement and its findings as well as the vision, planning and urban design framework, major development parameters and implementation programme of the RODP as detailed in

TPB Paper No. 10310 (the Paper).

[Messrs Alex T.H. Lai and Franklin Yu, Miss Winnie W.M. Ng and Dr Wilton W.T. Fok arrived to join the meeting during the presentation of the Consultant.]

10. As the presentation of the representatives of the Government and the Consultant was completed, the Chairperson invited questions from Members.

11. The Chairperson and some Members had the following comments and questions:

Development intensity

- (a) whether the maximum plot ratio (PR) of 5 for high density residential development in the area could further be increased to cope with the acute housing shortage problem, and whether a more flexible approach might be adopted to allow higher PR for public housing;
- (b) generally speaking, high-density residential development should be located in areas close to new town while low-density development in areas close to the countryside. More elaboration was required on the rationale behind designating Tong Yan San Tsuen (TYST), which was close to Yuen Long Highway and the proposed Employment Belt, for low-density residential development, while the medium-density residential development was designated in areas close to Tai Lam Country Park (TLCP);

Urban planning and design

- (c) commercial hub with shops and eating place attracting public patronage was usually found in the centre part of the residential communities in overseas countries, however such was not planned in the key activity nodes in YLS. The proposed public transport interchanges (PTIs) serving the residential communities in the area were not centrally located and might not be suitable to serve the commercial hub function;

- (d) each district had its own character and tradition and so did YLS. The design of YLS should incorporate the local characters and avoid being a replica of Sha Tin or Tuen Mun;
- (e) whether there was a buffer between the government, institution and community (GIC) use on the southern part of YLS abutting TLCP for environmental protection;

#### Provision of GIC facilities

- (f) whether a wet market would be provided in the medium-density residential communities apart from the one proposed in the high-density residential community, noting that some 20,000 people would be accommodated in the medium-density residential community;
- (g) the rationale for provision of eight primary schools but no secondary school in YLS;
- (h) the requirement of GIC facilities in the area and whether the current deficit in GIC provision, if any, could be catered for in the land use proposals shown on the RODP;
- (i) whether there would be underground waste treatment facilities as those provided in other countries to reduce refuse collection vehicles running on roads causing nuisance to the neighbourhood;

#### Cultural and heritage preservation

- (j) Yuen Long was a traditional community with rich history in religious / cultural and agricultural activities. Urbanisation would probably lead to significant impacts on those areas or related traditional activities. Whether the Government had devised measures to mitigate the impacts of urbanization, including the relocation of the affected pigsties. Besides, festive activities for the birth of Tin Hau and Da Jiu parades involving large

crowds would also be carried out in YLS. Whether land had been reserved in the future planning of the area for such activities to allow the continuance of the folk culture;

#### Ecological and agricultural conservation

- (k) the flightlines of egrets were blocked by buildings located between the proposed high-density and medium-density residential developments. Whether the layout of buildings could be improved to avoid impact on the egrets;

#### Public consultation

- (l) whether public consultation was actually reaching out to the affected community and whether stakeholders participated in the community engagements were representative of the local views;

#### Implementation

- (m) the proportion of government land and private lots in YLS;
- (n) whether continual approval of temporary open storage uses in the area would create problem for implementing the land use proposals in the RODP in future;

#### Transportation and connectivity

- (o) while revitalization of Yuen Long Nullah was supported, whether there was a need to upgrade both Kung Um Road and Kiu Hing Road on both sides of the Nullah. Whether it was more desirable to upgrade one of the said roads while carrying out beautification works to the other one with crossing bridges to promote the overall amenity and walkability of the area;
- (p) there were many elderly people in the area, how the future planning of YLS

could benefit them in terms of connectivity, such as whether footpaths would be provided for the convenience of the elderly and the crossing bridges would be connected to footpaths with barrier-free access; and

#### Brownfield sites

- (q) as proposed in the Study, the current open storage uses would be relocated to multi-storey buildings (MSBs) in the Employment Belt for more efficient use of land. Whether there was a plan showing the area of brownfield sites that would be released for developments.

12. In response, Ms Amy Y.M. Cheung, AD/T, PlanD, and Ms Theresa Yeung of Arup, with the aid of PowerPoint slides and visualizer, made the following main points:

#### Development intensity

- (a) the development intensities in different parts of YLS were devised based on a gradation concept with higher density developments close to Yuen Long New Town (YLNT) and lower density developments to the south by the foothill of TLCP. The PR of 5 for high-density development was determined by making reference to developments, such as Yoho Town, in YLNT, amongst others. As there were existing and recently completed low-density residential developments and developments under construction with PR of 1 in TYST, that area was designated as a low-density residential community to be in keeping with the existing character of the area. PR of 1 to 1.5 was proposed for developments in the northern part of the area with existing developments while a higher PR of 2.4 was designated for the area to the south close to TLCP. The development intensities of the residential sites were also constrained by infrastructural provision. The West Rail Line (WRL) would approach its maximum carrying capacity with an increase of some 85,400 new population in the area. There were practical constraints to further enhance the railway service;

#### Urban design and planning

- (b) there was a key activity node in each of the three residential communities with mixed commercial, residential, GIC and PTI facilities. Although the planned activity nodes were not centrally located, they were at major road junctions serving not only the new residential developments but also the neighbouring existing villages;
- (c) to mitigate the impacts of the GIC facilities, which were proposed in the southern part of YLS, on TLCP, a green building design would be adopted for the GIC developments. The closest point of the development area to TLCP was about 40 m, and was separated by the existing permitted burial ground for indigenous villagers zoned “Conservation Area”;

#### Provision of GIC facilities

- (d) apart from the wet market to be provided within the proposed public housing development, the possible need for another market at a government site to serve the area would be subject to study including the actual location of the market;
- (e) the provision of schools was in accordance with the requirements of the Education Bureau (EDB). As the need for secondary school could be met by provisions in the neighbouring districts, EDB had not required sites to be reserved for secondary school in YLS;
- (f) overall speaking, there was no deficit of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) for the planned population in YLS. For hospital, as more beds would be provided in the expansion plan of Tin Shui Wai Hospital and a new hospital providing over 1,000 beds would be built in the Hung Shui Kiu (HSK) New Development Area (NDA), the demand of YLS would be met;
- (g) the feasibility of providing underground waste handling facilities, which would ease road traffic and promote a low-carbon footprint living

environment, would be explored in the detailed design stage;

#### Cultural and heritage preservation

- (h) religious groups in the YLS development area and local residents had been consulted during the community engagement exercise but no requests for reserving space for religious or cultural activities had been received. From planning point of view, the planned separation of roads, cycles tracks as well as footpaths in the area had already allowed festive events, such as parades, to be held in the pedestrian precincts as well as in the open spaces;
- (i) the preservation of pigsties in-situ had been considered during the consultation stage of the draft RODP. The assessments conducted revealed that retention of pigsties in the area was not possible in terms of identification of feasibly implementable mitigation measures to resolve environmental problem. Besides, the adjacent local residents strongly requested their relocation due to odour and other environmental concerns. The operators of the affected pigsties would be compensated in accordance with the prevailing policy. The operators had been consulted and they had no objection to relocation but requested assistance;

#### Ecological and agricultural conservation

- (j) the flightlines of egrets were identified by information collected in site visits. It was observed that egrets flew from their roosting grounds located near the eastern part of the development area to the active agricultural land in the western part of YLS for food. In order not to block the flightlines, non-building areas/low building area and District Open Space along the major flightlines to lead the egrets to the retained active agricultural land and the water courses would be provided. Although village houses were found, they were only three-storey buildings and would not obstruct the flightlines of the egrets;
- (k) whether the current active agricultural land would continue to be the

foraging ground for egrets would be subject to the decision of the farmers concerned. In order to provide new foraging grounds for the egrets, appropriate trees would be planted in the Hillside River Corridor and around the retention lakes;

#### Public consultation

- (l) the community engagement had involved different groups and individuals including the brownfield site operators, representatives of the relevant trades and resident organizations. Briefings to relevant district council (DC) and rural committees (RCs) were also held and the views collected were incorporated in the RODP where appropriate. Apart from the above, a socio-economic survey was conducted by the Hong Kong Polytechnic University and a community liaison team comprising social workers was also appointed to collect views of the local residents and farmers;

#### Implementation

- (m) the total area of YLS was about 224 ha and the development area was about 185 ha. Of the 185 ha of development area, about 150 ha or 80% of land were private lots, and the rest were government land mainly covering existing roads and nullahs. The Enhanced Conventional New Town Approach would be adopted for implementation of YLS development; and
- (n) the questionnaire survey and information collected by the community liaison team revealed that about 400 households in some 240 domestic structures mostly amidst the YLS development area would inevitably be affected by the land use proposals on the RODP. While compensation arrangements for the affected households had not been finalized, reference would be made to those applied to the NDAs in Kwu Tung North/Fanling North and HSK.

13. With respect to the traffic and transport arrangements and the brownfield sites, Mr W.K. Lau, CE/NTW1, CEDD, and Ms Carmen Chu of Arup, with the aid of PowerPoint slides, made the following responses:

Transportation and connectivity

- (a) currently, Kung Um Road and Kiu Hing Road were two-lane, two-way carriageway of about 6 m wide and single-lane, two-way carriageway of about 3.6 m wide respectively. Footpaths were only found on some sections of the roads and conflicts between vehicular and pedestrian traffic were not uncommon. To minimise disturbance to the existing village houses, the northern portion of Yuen Long Nullah would be partially decked to provide an integrated transportation network. The proposal had balanced the villagers' requests for upgrading the roads for better accessibility, while preserving the nullah to promote amenity, which was in line with the blue-green concept. After the road improvement works, Kiu Hing Road and Kung Um Road would become two-lane one-way roads catering for traffic on opposite directions and enhance the connectivity of YLS and YLNT. To shorten the travelling time of villagers and improve the connection between villages and the YLS Development, nullah crossing points would be provided at approximately every 200 m interval. Regarding whether road upgrading work could be confined to Kung Um Road, leaving Kiu Hing Road a single-lane road, it was considered that the current traffic problems could not be resolved without providing an integrated road system;
  
- (b) to cater for the need of the elderly, barrier-free concept would be examined in the detailed design stage. There would also be nullah-crossing facilities for pedestrians to connect the existing villages with the new developments and facilities;
  
- (c) the Tuen Mun-Chek Lap Kok Link, the Tuen Mun Western By-pass and Route 11 as well as the possible connection to WRL Tin Shui Wai Station in HSK NDA by Environmentally Friendly Transport Services would enhance the external link of YLS;

Brownfield sites

- (d) a questionnaire survey of brownfield operations in YLS had been conducted from February 2016 to June 2016 to collect information from the operators in YLS in respect of the trades they were in and why they chose to operate in the area, etc to better understand the mode of operation of the brownfield sites. Further to the survey, CEDD had also commissioned a “Study on Proposed Multi-storey Buildings in Hung Shui Kiu New Development Area for Brownfield Operations – Feasibility Study” (the MSB study) in 2016 with HSK NDA chosen as the pilot scheme. One of the objectives of the MSB study was to work out the best way to consolidate storage and workshop uses in MSBs so that the area released could be used for other developments. Overseas successful experience would also be examined in the study; and
- (e) about 11 ha of land had been reserved to accommodate some of the affected brownfield operations. Majority of land reserved would be used to accommodate the affected brownfield operations in MSBs or by other land-efficient means. About 1.4 ha out of the 11 ha of land reserved would accommodate certain operations which could not practically operate from MSBs.

14. Some Members raised the following additional comments and follow-up questions:

Urban planning and design

- (a) given that the infrastructural constraints would restrict further increase in development intensity in the area, whether it was possible to redistribute some of the GFA to the high-density development from the lower density developments to reduce the development area so that more space could be left to provide a better buffer for various land uses;
- (b) PTI should not be regarded as an activity node. Opportunity should be taken to improve Yuen Long Nullah, including its connectivity, to make it

an attractive focal point of activities and an identity of the community, such as Cheonggyecheon in Seoul;

- (c) one of the important factors of making Yuen Long Nullah an attractive place was the maintenance of a constant flow of water even during dry seasons. Whether there were measures to ensure flow of water in the nullah;
- (d) the 6 m wide Yuen Long Nullah after revitalization was not sufficient to make it an important icon of YLS;
- (e) whether it was practicable to revitalize Yuen Long Nullah to make it accessible to the public, such as by raising it to the level of footpaths, was crucial to improve the amenity of the area. If such was impracticable, the nullah might well be all decked over to cater for the widening of Kiu Hing Road and Kung Um Road;
- (f) safety was also a factor that needed to be taken into account in revitalizing Yuen Long Nullah. Detailed guidelines needed to be in place to guide the construction of cycle tracks to ensure that they would not be subject to excessive threat of flood while maintaining a reasonably close distance to the nullah for enjoyment of the cyclists;
- (g) urban design elements should be incorporated into the detailed design of the road networks. Kung Um Road could be developed as a cultural scenic road as it ended up at the foothill of TLCP and measures should be taken to mitigate the possible adverse visual impact of placing sewage treatment works (STW) next to TLCP;

#### Provision of GIC facilities

- (h) although the demand for secondary schools could be met by the schools in the neighbouring districts, if those schools in the other districts were already in sub-standard conditions or had already caused a lot of traffic and other problems to the area, it might be opportune to replace some of those schools

with new ones in YLS to improve the learning environment of students;

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

#### Transportation

- (i) despite it was said that the WRL was approaching its maximum carrying capacity, there should still be rooms to further improve the WRL services as the carrying capacity of MTR's Tsuen Wan Line was far exceeding that of WRL. Besides, there were other possibilities, such as extending the services of bus and light rail to connect to WRL Yuen Long Station, and improving the infrastructural provision, to support higher density residential development;
- (j) other than those proposed improvement works to the road network, whether there were measures to improve the walkability of pedestrians, such as introducing a greenery walkway system in addition to the footpaths provided along roads, to enhance the accessibility and walking experience of pedestrians;
- (k) provision of cycle parking spaces in PTI and public housing estates was required in the planning of the cycling network;

#### Brownfield sites

- (l) whether the MSBs in the proposed Employment Belt were to relocate the open storage and workshop uses in YLS only or also those in HSK NDA;
- (m) a definite relocation time table for the brownfield sites, an estimate of the amount of brownfield site operations that could be accommodated in MSBs and the number of people affected by the relocation were required for future planning of YLS;

Implementation

- (n) the estimated full completion of YLS development in 2038 was too long. The implementation programme should be expedited by better coordination among government departments so as not to weaken Hong Kong's competitiveness in the region. Further infrastructural improvement was necessary to support housing provision; and
- (o) what an Enhanced Conventional New Town Approach meant.

15. In response, Ms Amy Y.M. Cheung, AD/T, PlanD, made the following main points:

Urban planning and design

- (a) YLS was an extension of YLNT. The need for a local centre in the residential development had been discussed in the second and third community engagements and the key activity node in TYST had been revised taking into account public views. A gateway design with concentration of various transportation and community facilities for the convenience of the residents would be adopted;
- (b) the photomontages of the revitalized nullahs in the information digest was only conceptual drawings subject to further refinement in the detailed design stage;
- (c) a small portion of treated sewage effluent (TSE) of acceptable standard from the STW at the southern end of YLS would be further polished in the reedbed before discharging into Yuen Long Nullah to ensure continual water flow of the nullah;
- (d) apart from provision of pedestrian friendly footpaths along Yuen Long Nullah, the current design integrating the nullah with the adjoining areas and open space would provide a convenient and pedestrian-oriented

environment for people to stroll from YLNT to TLCP. Due to topographic constraint and safety reasons, direct access to the nullah would be restricted. However, appropriate pedestrian facilities would be provided to enhance the walking experience of pedestrians;

#### Provision of GIC facilities

- (e) EDB had not provided information on the need for reprovisioning of existing secondary schools in the neighbouring districts in YLS. Should there be such a need, some of the eight reserved primary school sites in YLS could be used for the purpose. EDB would be further consulted with respect to the matter;

#### Transportation

- (f) there were proposals to increase the level of services of the WRL by 60% by increasing the frequency and number of cars of trains to meet the rising demand from the HSK NDA with a planned population of some 200,000 and other residential developments in Yuen Long. Scope for further expansion of the services was very limited. The Transport and Housing Bureau and the Transport Department would undertake study to investigate the feasibility of provision of new railway facilities in North-west New Territories (NWNT). As at present, the development intensity of YLS was recommended based on the current and planned transport infrastructure;
- (g) expansion of the light rail service was considered not desirable as the light rail would take up part of the road areas exclusively for its use. The effective use of roads was thus greatly hampered. Other environmentally friendly transportation means providing feeder services to WRL Stations were under study;
- (h) footpaths were not only provided along roads but also along hillside river corridors to provide a vehicle-free environment for people to enjoy leisure and recreational activities in YLS;

Brownfield sites

- (i) the implementation of the land use proposals would be carried out in four stages. Land would have to be released for MSB developments for consolidating and accommodating some of the affected brownfield operations. Details regarding the financial arrangements, the design of MSBs and the types of operation that could be consolidated in the MSBs would only be available upon completion of the MSB study in 2018;
- (j) other than reserving land for consolidation of brownfield operations, handling brownfield sites would have to take into account the relevant government policies including those on compensation. The Government had recently proposed to relax the eligibility criteria and restrictions on compensation for eligible business operators. The ongoing study on MSBs would shed light on how some of the affected operators might be relocated; and

Implementation

- (k) under the Conventional New Town Approach, the Government would resume all land for development purpose in the area concerned, allocate land to the Housing Department for public housing development and dispose of land for private developments through land sales. Under the Enhanced Conventional New Town Approach, provided that certain prescribed criteria and conditions were complied with, such as the implementation programme would not be delayed and the overall planning and road system would not be affected, private development through land exchange might be allowed.

16. On the further questions on the brownfield sites, Mr W.K. Lau, CE/NTW1, CEDD supplemented that while 11 ha of land was reserved for open storage, storage and workshop uses in YLS, another 24 ha of land was reserved in HSK NDA for such uses. How the land reserved in different areas would be allocated would be subject to the findings

of the MSB study which had yet to be completed.

17. With respect to the design of Yuen Long Nullah, Mr Peter Chan and Ms Theresa Yeung of Arup supplemented that Yuen Long Nullah was mainly for drainage purpose. Box culverts would be provided underneath Kung Um Road to compensate the reduction in flow capacity of the nullah due to partial decking. Large-scale alteration of the nullah was not recommended from drainage point of view. The retention lake and the proposed new water course at the Hillside River Corridor would form a protective barrier to collect rainwater runoff from hillsides to avoid possible flooding downstream. Warning signs would also be posted along scenic cycle track and pedestrian walkway along the new water course to warn users to keep away from the new water course at times of storms or heavy rain. The presence of existing villages, the need for upgrading the existing roads and the importance to retain the drainage function of the nullah had been given due consideration in determining the extent of works on the nullah and the proposed works were supported by the relevant DC and RCs. The nullahs would be revitalized to their full potential as an aesthetically pleasant view corridor with landscaped footpaths. For the southern part of Yuen Long Nullah, its width could reach about 10 m. Detailed design of the revitalization of nullah would be considered in the next stage.

[Messrs Patrick H.T. Lau and Alex T.H. Lai, Dr Wilton W.T. Fok and Miss Winnie W.M. Ng left the meeting at this point.]

18. Some Members had further comments and questions on the following aspects:

Cultural and heritage preservation

- (a) noting that there was a grade-3 historic building of Yeung Hau Temple in TYST, whether there was measure to preserve the temple and the folk religion;

Ecological and agricultural conservation

- (b) the catchment area of Yuen Long Nullah was very large. It provided an opportunity to provide a large green corridor across YLS;

- (c) opportunity might also be taken to providing an egretty in the centre of the area which, if integrated with a water body, might as well function as a Central Park;
- (d) agricultural land in the north-western part of YLS was divided by a new road thereby reducing the area for agricultural production and jeopardizing the irrigation system. Whether it was possible to shift the road to Shan Ha Tsuen or elevate it above ground so as to avoid the adverse impacts on agricultural land;
- (e) experience showed that egrets would stay in an urbanized environment if they chose it as their foraging ground but they would leave if the foraging ground in its original natural setting was disturbed. Whether there was an alternative plan if the measures to protect the egrets on the RODP failed;

#### Transportation

- (f) how the proposed scenic cycle tracks would be different from other cycle tracks;
- (g) in designing the footpath and cycle track systems, consideration should be given to providing rain shelters and other ancillary facilities; and

#### Brownfield sites

- (h) information regarding the completion date of the MSB study and the percentage of the existing open storage uses that could be accommodated in MSBs was required.

19. In response, Ms Amy Y.M. Cheung, AD/T, PlanD, and Ms Theresa Yeung and Mr Peter Chan of Arup made the following main points:

#### Cultural and heritage preservation

- (a) Yeung Hau Temple would be retained and expansion of the open space to its north for related activities would be explored;

#### Ecological and agricultural conservation

- (b) the realignment of road westward from Shan Ha Tsuen was made in response to villagers' strong request to avoid encroachment upon some of the village houses. Although the realignment had cut through agricultural land, drainage facilities such as box culvert were provided underneath the road to allow flow of irrigation water. Options of constructing depressed or elevated road were not considered as they might take up more agricultural land. However, the options would be further studied at the detailed design stage;
- (c) a favourable environment with planting of suitable trees would be created in the Hillside River Corridor for new roosting grounds of egrets;

#### Transportation

- (d) scenic cycle track at foothill was mainly leisure track constructed along scenic hillside allowing users to appreciate the natural scenery;
- (e) the provision of rain shelters and other ancillary facilities for the footpath and cycle track systems would be further considered at the detailed design stage; and

#### Brownfield sites

- (f) according to the questionnaire survey of brownfield operations conducted in 2016, in terms of area occupied, there were about 34 ha of land for warehouse use, 28 ha for open storage use and 8 ha for industrial uses. The rest were for vehicle repairing workshops, logistic operations, container storage and vehicle park. The uses of brownfield sites changed with time.

Detailed information relating to the design of MSBs including financial management would only be available when the MSB study to be completed in 2018.

20. The Chairperson, taking into account the comments and responses made by Members and the representatives of the Government and the Consultant respectively, made the following remarks:

- (a) the RODP had reserved land in the Employment Belt for MSBs. Details regarding the number of MSBs to be provided, the gross floor area involved, how land could be used more efficiently were still subject to study;
- (b) Members' concern on whether there was sufficient information about the brownfield sites before the preparation of the draft Outline Zoning Plan (OZP) was noted. Due to the urgent need for provision of housing land, the statutory plan making process could start in parallel pending the finalization of the relevant studies. Changes could be made when the findings of the studies became available;
- (c) the feasibility for further increase in development intensity and the details regarding the mix of residential developments could be examined in the plan making stage;
- (d) cycle parks would be provided in various appropriate locations at the detailed design stage; and
- (e) EDB would be further consulted on the requirements of schools, including the need for reprovisioning of dilapidated or substandard secondary schools, if any, in the neighbouring areas.

21. In response to the Chairperson's enquiry, Ms Amy Y.M. Cheung, AD/T, PlanD, said that the Study had conducted an environmental impact assessment under the Environmental Impact Assessment Ordinance and the requirement of the relevant environmental permit was expected to be obtained at end 2017. The draft OZP would be

prepared based on the recommendations of the RODP and would be submitted to the Board for consideration after completion of the Study, tentatively in 2018.

22. As Members had no further question, the Chairperson thanked the representatives of the Government and the Consultant for attending the meeting and requested them to consider the comments made by Members on the RODP. They left the meeting at this point.

23. Since the consideration of Agenda Item 3 had taken longer than scheduled, Members agreed to consider Agenda Item 5 first before the lunch break.

### **Sha Tin, Tai Po & North District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/608

Proposed House (New Territories Exempted House - Small House) in "Recreation" Zone, Lots 1336 S.A ss.1 and 1336 S.C in D.D. 17, Lo Tsz Tin, Tai Po, New Territories (TPB Paper No. 10326)

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[The item was conducted in Cantonese.]

#### **Declaration of Interest**

24. The Secretary reported that the following Members had declared interests in the item for owning properties in Tai Po:

Dr Lawrence W.C. Poon ] owning properties in Tai Po

Mr H.W. Cheung ]

Dr Frankie W.C. Yeung - his company owning a flat in Tai Po

25. Members noted that Mr H.W. Cheung had tendered apology for not being able to attend the meeting. As the properties owned by Dr Lawrence W.C. Poon and Dr Frankie

W.C. Yeung's company had no direct view of the application site, Members agreed that they could stay in the meeting.

26. The following government representative and the applicant were invited to the meeting at this point:

Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po & North, Planning Department (DPO/STN, PlanD)

Mr Lee Kwok Leung - The applicant

[Ms Janice W.M. Lai left the meeting at this point.]

27. The Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited DPO/STN, PlanD to brief Members on the review application.

28. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee of the Town Planning Board (TPB), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10326 (the Paper).

29. The Chairperson then invited the applicant to elaborate on the review application. Mr Lee Kwok Leung made the following main points:

- (a) he was an indigenous villager of Chung Mei Tsuen which had been submerged with the implementation of the Plover Cove Reservoir in the 1960s and hence there was no land in his village for Small House development;
- (b) he and his brothers had bought a piece of land, which was about 400 m<sup>2</sup> and fell partly within the "Village Type Development" ("V") zone, in Lo Tsz

Tin for Small House developments. The application site (the Site) of some 100 m<sup>2</sup> was subsequently carved out from the said piece of land. Since the Site was on the south-eastern part of the original piece of land, it fell outside the “V” zone; and

- (c) Members were requested to give sympathetic consideration to his application for (i) no land was available in his village for Small House development; (ii) the Site before subdivision formed part of the land which fell partly within the “V” zone; (iii) although land was still available in Lo Tsz Tin for Small House developments, it was very difficult for him to acquire land within the “V” zone for the proposed development; and (iv) the concerns of relevant government departments could be addressed.

30. As the presentations of PlanD’s representative and the applicant were completed, the Chairperson invited questions from Members.

31. Two Members raised the following questions:

- (a) whether there was documentary proof that the Site was carved out from the original piece of land as claimed by the applicant;
- (b) whether the application would be in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (the Interim Criteria) if the application was submitted together with other Small House applications on the original piece of land acquired by the applicant and his brothers, which fell partly within the “V” zone; and
- (c) whether the applicant could build Small House in another indigenous village because there was no land in his village for the purpose.

32. In response, Ms Jessica H.F. Chu, DPO/STN, PlanD made the following main points:

- (a) even if the application was submitted together with other Small House applications of the original piece of land, the assessment would still be based on the footprint of each proposed Small Houses to see if they complied with the Interim Criteria; and
- (b) an indigenous villager could apply for Small House development in his village or another recognized village within the same Heung for the consideration of the Lands Department (LandsD). In processing the Small House grant application, LandsD would consult the villagers of the village concerned where appropriate.

33. With respect to Members' questions on the proof of subdivision of the land concerned and application for Small House development in another recognized village, Mr Lee Kwok Leung said that the subdivision history of the land concerned was available in the Land Registry. Since his village, Chung Mei Tsuen, had been submerged in water with the implementation of the Plover Cove Reservoir, land was no longer available in his village for Small House development.

34. In response to a Member's follow-up questions on how the villagers of Chung Mei Tsuen had been rehoused and whether they were still eligible for Small House development, Mr Lee Kwok Leung said that the villagers had been rehoused in Tai Po and they were still eligible for Small House development.

35. As Members had no further question, the Chairperson informed the applicant that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform him of the Board's decision in due course. The Chairperson thanked the applicant and the government representative for attending the meeting. They left the meeting at this point.

#### Deliberation Session

36. Members noted that the applicant had not provided new information or justification to support his review application.

37. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Recreation” zone which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Lo Tsz Tin;
- (c) land is still available within the “V” zone of Lo Tsz Tin which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.”

[The meeting was adjourned for lunch break at 12:25 p.m.]

38. The meeting was resumed at 12:50 p.m.

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

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

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

Chief Traffic Engineer/New Territories West, Transport Department  
Mr Patrick K.H. Ho

Director of Planning  
Mr Raymond K.W. Lee

**Sai Kung & Islands District**

**Agenda Item 4**

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-TMT/57  
Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone,  
Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai Mong Tsai, Sai Kung, New Territories  
(TPB Paper No.10325)

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[The item was conducted in Cantonese.]

40. The Secretary said that on 16.8.2017, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow time for the applicant to prepare assessment to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the review application.

41. Members noted that the justifications 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 assessment to address the comments from relevant government departments, the deferment period was not indefinite and that the deferment would not affect the interest of other relevant parties.

42. After deliberation, the Board agreed to defer a decision on the review application, and that the review application would be submitted to the Board for consideration within three months upon receipt of the further submission from the applicant. The Board also agreed that if the written submission of 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 two months for preparation of submission of FI and no further deferment would be granted unless under very special circumstances.

**Sha Tin, Tai Po & North District**

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/1

(TPB Paper No. 10327)

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[The item was conducted in Cantonese and English]

43. The Secretary reported that the following Members had declared interests in the item for owning properties in Tai Po or having affiliation with World Wide Fund for Nature Hong Kong (WWF-HK) (R1), Designing Hong Kong Limited (DHKL) (R2), The Hong Kong Bird Watching Society (HKBWS) (R3) and Ms Mary Mulvihill (R10/C2):

- |                       |   |  |
|-----------------------|---|--|
| Dr Lawrence W.C. Poon | ] | owning properties in Tai Po  |
| Mr H.W. Cheung        | ] |  |
| Dr Frankie W.C. Yeung | - | his company owning a flat in Tai Po  |
| Dr C.H. Hau           | - | being a member of HKBWS and a past member of the Conservation Advisory Committee of WWF-HK |
| Mr Thomas O.S. Ho     | - | personally knowing the co-founder and Chief Executive Officer of DHKL                      |
| Mr K.K. Cheung        | ] | their firm hiring Ms Mary Mulvihill on a   |
| Mr Alex T.H. Lai      | ] | contract basis from time to time   |

44. Members noted that Mr H.W. Cheung had tendered apology for not being able to attend the meeting and Dr Frankie W.C. Yeung, Messrs Thomas O.S. Ho, K.K. Cheung and Alex T.H. Lai had already left the meeting. As the properties owned by Dr Lawrence W.C. Poon had no direct view of the representation sites and Dr C.H. Hau had no discussion on or involvement in the subject matter with the organization/persons concerned, Members agreed that the interests of the above Members were remote and they could stay in the meeting.

45. The Chairperson said that reasonable notice had been given to invite all representers and commenters to attend the hearing, but other than those who were present, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, the Town Planning Board (the Board) should proceed with the hearing of the representations in their absence.

#### Presentation and Question Sessions

46. The following government representatives and representers or their representatives were invited to the meeting:

#### **Government representatives**

- |                     |   |   |
|---------------------|---|---|
| Ms Jessica H.F. Chu | - | District Planning Officer/Shu Tin, Tai Po & North, Planning Department (DPO/STN, PlanD) |
| Ms Channy C. Yang   | - | Senior Town Planner / Country Park Enclave (STP/CPE), PlanD                             |
| Dr June N.H. Leung  | - | Nature Conservation Officer (Tai Po) (NC/TP), AFCD                                      |

#### **Representers or their representatives**

RI - WWF-HK

*Mr Chan Chung Ming Andrew* - *Representer's representative*

R2 - DHKL

*Ms Tang Yuen Ting Kitty* - *Representer's representative*

R3 - HKBWS

*Ms Woo Ming Chuan* - *Representer's representative*

R4 - Kadoorie Farm and Botanic Garden (KFBG)

*Mr Nip Hin Ming Tony* ] *Representer's representatives*

*Mr Chiu Sein Tuck* ]

R11 – Ruy Barretto S.C.

*Mr Ruy Barretto* - *Representer*

R15 - 大埔尾村原居民代表李永強

*Mr Li Wing Keung* - *Representer*

R16 – Lee Siu Man

*Mr Lee Siu Man* - *Representer*

R42 – Yau Wah On

*Mr Yau Wah On* - *Representer*

47. The Chairperson briefly explained the arrangement and procedures of the hearing. She said that the government representative would brief Members on the background to the representations. The representers or their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer or his/her representative was allotted 10 minutes for making presentations. There was a timer device to alert the representers or their representatives two minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. Question and answer (Q&A) session would be held after the representers or their representatives had completed their oral submissions. Members could direct their questions to government representatives, the representers or their representatives. After the Q&A session, government

representatives, representers and their representatives would be invited to leave the meeting; and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course.

48. The Chairperson then invited Ms Jessica H.F. Chu, DPO/STN, PlanD, to brief Members on the background to the representations.

49. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD, briefed Members on the representations, including background to prepare the Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/1 (the draft OZP), public consultation, grounds and proposals of the representations, planning assessment and responses to the representations, as detailed in the TPB Paper No. 10327 (the Paper).

50. The Chairperson then invited the representers or their representatives to elaborate on the representations.

#### R1 – WWF-HK

51. With the aid of a PowerPoint presentation, Mr Chan Chung Ming Andrew made the following main points:

- (a) the Planning Scheme Area (the Area) under the draft OZP was encircled by the Tai Po Kau Nature Reserve (TPKNR). The Area comprised well-established woodlands, which were mature and highly integrated with the TPKNR in terms of ecology and landscape, and unpolluted natural streams with rich native species, which reflected high ecological value and conservation importance therein;
- (b) there was a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, were recorded; and

- (c) the designation of “Conservation Area” (“CA”) zones was considered appropriate to protect the natural environment of the Area, preventing incompatible development. They proposed to incorporate the Area into the TPKNR in the long term so as to fully protect the ecological and landscape value of the enclaves as well as the surrounding TPKNR.

### R3 - HKBWS

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

- (a) the Area was encircled by the TPKNR, which was designated as a Special Area in 1977. The woodlands in the Area were mature and ecologically linked with the surrounding TPKNR. According to HKBWS’s record, over 200 bird species had been recorded in the TPKNR, which together with the Area formed part of the greater “Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area” recognized by Bird International, a global partnership of about 120 non-government organizations. Many characteristic species of the Sino-Himalayan subtropical forest biome were found in the TPKNR, which was a representative site of the South China Mountains for scientific research and long term monitoring of the whole region;
- (b) most woodlands in Tai Po Kau (TPK) were cleared for fuelwood consumption during the Japanese occupation (1942-1945). According to HKBWS’s record, the arrival pattern of forest birds at TPK could be divided into four waves since 1945. In the first wave (between about 1959 to 1970), there were small trees and crowns in TPK, which were not well developed, and birds with high adaption power migrated to TPK. In the second wave (between about 1975 to 1992), birds very active in the crowns and lower level were found moving in the newly developed TPK forest. In the third wave (between about 1998 to 2001), birds which were active at understorey and forest floor as well as at the canopy level were recorded. It reflected that the crowns and canopy of TPK forest had

become mature. In the fourth wave (between about 2006 and 2014), forest specialists which only stayed at mature forest were recorded. The natural succession of the forest at TPK was still progressing and it was expected that more forest birds would be spotted in TPK. The ecological and conservation values of the TPKNR would continue to increase;

- (c) the HKBWS's record revealed that the composition of bird species within the Area was similar to the surrounding habitats of the TPKNR, demonstrating the strong ecological connectivity between them as well as the intact conditions of the wooded areas within the Area; and
- (d) the Area was of high conservation importance. There was no recognized village nor village 'environs' ('VE') in the Area. There was no existing or planned public sewerage and any development would introduce human disturbances and adversely affect the integrity of the TPKNR. Provision of "Village Type Development" ("V") zone was unnecessary. They supported the designation of "CA" zones, which effectively protected the natural environment of the Area without infringing the right of those existing residents. They also proposed to incorporate the Area into the TPKNR or as an extension of the Tai Mo Shan/Shing Mun Country Park;

R11 - Ruy Barretto S.C.

53. With the aid of videos and photos, Mr Ruy Barretto made the following main points:

- (a) he had been residing at TPK for about 6 years;
- (b) there was no or minimal need for conventional agriculture or housing in the Area. The designation of "CA" zones was considered appropriate, preventing any development which would introduce human disturbances;
- (c) at least two ponds, a waterfall and several natural streams were found in the Area. The bird species in those enclaves had justified the

appropriateness of the “CA” zone. His short survey had also revealed numerous interesting species including Pygmy Wren Babblers. Those interesting species indicated a valuable mixed habitats, including wetland areas, clean water, streams and primitive trees with no human disturbance, that reflected the high conservation value of the Area; and

- (d) he proposed to incorporate the Hong Kong Biodiversity Strategy and Action Plan 2016-2021 prepared by the Environment Bureau, in particular Actions 2 to 4 regarding ‘conserve ecologically important habitats outside the existing protected areas’, ‘enhance conservation of natural streams’ and ‘maintain habitat connectivity for wildlife’ respectively into the general planning intention of the draft OZP. Moreover, enhanced conservation management should be adopted by the Agriculture, Fisheries and Conservation Department (AFCD) in the Area as part of the TPKNR. The Area should be incorporated as an extension of the Tai Mo Shan/Shing Mun Country Park to fully protect the ecological and landscape value of the enclaves.

#### R4 – KFBG

54. Mr Nip Hin Ming Tony made the following main points:

- (a) while other enclaves were mainly designated with “Green Belt” (“GB”), “Agriculture” (“AGR”) and “V” zones, the Area was one of the few enclaves being designated with a large area of “CA” zone, which reflected the ecological importance of the well-established woodlands therein, in particular as a wild birds’ habitat;
- (b) there was no precedent that areas designated as “CA” zone being rezoned to other development zones. There was no recognized village nor ‘VE’ in the Area and hence provision of “V” zone was considered unnecessary; and
- (c) as explained by DPO/STN, PlanD, ‘Agricultural use (other than Plant

Nursery)' was in general always permitted in the "CA" zone on the draft OZP. There were no deprivation of the landowners' rights and no hindrance to existing farming activities. Therefore, designation of "CA" zones was considered appropriate balancing between the rights for farming activities and enhancing nature conservation.

R15 -大埔尾村原居民代表李永強

55. Mr Li Wing Keung made the following main points:

- (a) the villagers' previous comments on the zoning of the Area had been disregarded since the Development Permission Area (DPA) Plan was published in 2014;
- (b) the site near Tai Po Mei belonged to the Tai Po Mei Village. Their private land in Tai Po Mei was registered for cultivation under the then Block Crown Lease in 1905. In view of the long distance to the site from Tai Po Mei, the villagers no longer settled there. He clarified that he did not propose to rezone the Area to "V", but objected to the zoning of private land in the site near Tai Po Mei as "CA" zone without any compensation to the landowners, as the zoning would infringe their land rights/interests. The Government should compensate their loss if private land was designated as "CA";
- (c) no protected species was found at the private land in the site near Tai Po Mei. The "CA" zoning was not fully justified as there was no habitat of high ecological value;
- (d) while there was no existing public sewerage for the area, the villagers had diverted some streams and built a few ponds for irrigation. It was the villagers who were preserving the area; and
- (e) the "CA" zoning would restrict provision, maintenance or repair of fungshui structures/temporary structures/squatters, construction of

footpath, diversion of streams and limit the farming activities in the private land. He proposed to rezone the private land in the site near Tai Po Mei to “AGR”.

R16 – Lee Siu Man

56. Mr Lee Siu Man made the following main points:

- (a) he was the Indigenous Inhabitant Representative (IIR) of Tai Po Mei Village;
- (b) he objected to the designation of private land in the site near Tai Po Mei, as “CA” zone without any compensation to the landowners, as the zoning would infringe their land rights/interests and contravened the Basic Law. The Government should compensate their loss if private land was designated as “CA” for public appreciation;
- (c) ponds and lotus shown in photos and videos of another representer were built and planted respectively by the villagers. The “CA” zoning would restrict the daily activities of villagers, i.e. collecting Chinese herbs, filling or excavation of land, diversion of streams and rehabilitation of farmland, etc. While he supported preserving the Area in general, it was unfair to include private land into the “CA” zone without compensation. As there was no protected species or woodland found at the private land in the site near Tai Po Mei, the area was not of high ecological value and excluding private land from the “CA” zone would not adversely affect the ecology of the Area. He clarified that he did not propose to rezone the Area to “V”, but requested to maintain the existing condition so that the villagers could keep their daily activities and the right of the land owners would be respected; and
- (d) notwithstanding that the villagers were the major stakeholders in the area, their comments were disregarded in the consultation process.

R42 – Yau Wah On

57. Mr Yau Wah On made the following main points:

- (a) he was the village representative of Tai Po Mei Village and Cheung Shue Tan Village. He declared that he did not own any land in the Area;
- (b) the villagers of Tai Po Mei Village had settled in the area for more than 300 years, far longer than those important birds indicated by other representers. As the residents in the area, they were concerned about the environment therein and contributed to preservation of the existing landscape and ecology;
- (c) it was unfair to the land owners as designation of private land as “CA” zone would infringe their land rights/interests. Therefore, the Government should compensate their loss or resume the private land;
- (d) instead of publishing a notice in newspaper and sending the notice to district council and rural committees regarding the draft OZP, the Government should send the notice directly to the affected stakeholders, including the land owners and villagers; and
- (e) he reiterated that Tai Po Rural Committee (TPRC) and a Tai Po District Council (TPDC) member of the concerned constituency objected to the draft OZP.

58. As the presentations of the representers or their representatives had been completed, the Chairperson invited questions from Members.

59. The Chairperson and some Members raised the following questions:

- (a) whether the designation of “CA” zones would infringe the landowner/farmer’s rights and interests;

- (b) for private land within the “CA” zone, which was demised for agricultural purpose under Block Government Lease, whether only continuation of existing farming activities would be allowed or new farming activities would also be allowed;
- (c) if farming activities would be permitted within the “CA” and “AGR” zones, whether there would be any difference if “AGR” zone instead of “CA” zone was designated for the Area;
- (d) whether private land was designated as “CA” in other Outline Zoning Plan (OZP);
- (e) whether the preparation of the draft OZP covering the Area was part of plan-making process to include all enclaves in statutory plans; and
- (f) how the public comments/views received would be considered in the process of formulating the draft OZP.

60. In response to Members’ questions, Ms Jessica H.F. Chu, DPO/STN, PlanD made the following points:

- (a) the Area was largely natural in character and had high ecological and landscape value and encircled by the TPKNR, which had an area of about 460 ha and was designated as a Special Area in 1977. With the general planning intention of the Area in protecting its high conservation and landscape value, the “CA” zoning was considered appropriate with a view to striking a balance between meeting local needs and enhancing nature conservation;
- (b) as advised by the Department of Justice (DoJ), the draft OZP would unlikely constitute “deprivation” of property nor require payment of compensation under Basic Law. The draft OZP would not affect the landowner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use.

Besides, insofar as the zoning restrictions pursued the legitimate aim of protecting and retaining the existing natural landscape, ecological or topographical features of the area and the land concerned could be put to “always permitted uses” and uses that might be permitted with or without conditions on application to the Board, it did not appear inconsistent with the protection of property rights under the Basic Law and other relevant Basic Law provisions;

- (c) the private land in the Area was primarily demised for agricultural purpose under Block Government Lease, and ‘Agricultural Use (other than Plant Nursery)’ was in general always permitted in the “CA” zone on the draft OZP. As such, there would be no deprivation of the landowners’ rights and no hindrance to farming activities even not designating as “AGR” zone;
- (d) both existing and new farming activities including clearing grasses and spraying fertilizers and pesticides conforming to the relevant legislation and government requirements would be allowed in the “CA” zone;
- (e) while ‘Agricultural Use (other than Plant Nursery)’ was always permitted, any diversion of streams, filling of land/pond or excavation of land within the “CA” zone, which might cause adverse impacts on the natural environment, would require planning permission from the Board, and each application would be considered based on its individual merits. According to the Notes of the “AGR” zone in the Master Schedule of Notes endorsed by the Board, laying of soil not exceeding 1.2m in thickness for cultivation was always permitted within the “AGR” zone. The “CA” zoning was relatively more restrictive. Considering that the Area was encircled by the TPKNR, the “CA” zoning was considered appropriate. The “CA” zoning did not mean to interrupt villagers’ daily activities but reflected the planning intention, which preserved the ecological importance of the natural habitats. Since the gazettal of the draft Tai Po Kau DPA Plan in 2014, PlanD and AFCD had undertaken more than 40 patrols and no enforcement case had been recorded within the Area, which reflected that villagers’ daily activities were allowed;

- (f) there was private land designated as “CA” zone in other OZP, for example, in Kuk Po, Fung Hang & Yung Shue Au and Cheung Sheung OZPs;
- (g) preparation of the draft OZP covering the Area was part of the effort to protect the enclaves by statutory planning control; and
- (h) when formulating the draft OZP, public views, including those from the TPDC and TPRC and other relevant stakeholders, had been sought and reported to the Board for preliminary and further considerations before gazetting the draft OZP. The Board would take into account the relevant planning considerations and the representations and comments received before making a decision.

61. The Chairperson and a Member raised the following questions to the village representers (R15, R16 and R42):

- (a) noting that agricultural activities would be permitted in general within the “CA” zone, whether the villagers’ concern had been addressed; and
- (b) what improvement measures the villagers would suggest on the public consultation process.

62. Mr Li Wing Keung (R15) said that although farming activities were permitted in general within the “CA” zone, there would be farming associated activities such as clearing grasses and spraying fertilizers and pesticides. Those activities might adversely affect the animals in the surrounding woodlands and he worried that the villagers would be accused of such activities. The Area was in good condition and designation of “CA” zone was unnecessary. Regarding the public consultation process, currently the notice regarding the draft OZP was sent to RC and DC Members, but not to the village representatives. He suggested that the Government should also send the notice to them directly and organize some small group discussions.

63. Mr Lee Siu Man (R16) raised concern on whether villagers’ current activities

including collecting Chinese herbs, clearing grasses, diversion of stream and excavation of land for farming would be allowed within the “CA” zone. Moreover, with the records kept in the Land Registry, the Government should be able to send notices to all affected land owners and stakeholders.

64. Mr Yau Wah On (R42) said that permitted activities should be listed in an official document to confirm that villagers’ daily life would not be affected by designation of the “CA” zone.

65. Mr Ruy Barretto S.C. (R11) supplemented that he had visited the Area recently and found the Area with very limited human activities. He noticed that there were some farming and gardening activities, which were fully compatible with the conservation areas as no harmful or toxic material was used.

66. As Members had no further question to raise, the Chairperson said that the hearing procedures had been completed. The Chairperson thanked the government representatives and the representers and their representatives for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers of the Board’s decision in due course. The government representatives, the representers and their representatives left the meeting at this point.

#### Deliberation

67. The Chairperson briefly summarized the representers’ views and invited Members’ views on the main issues of the representations.

#### *Planning Control for the Area*

68. A Member considered that no special feature of scientific interest was identified in the Area. There was no strong justification for imposing more stringent control, as proposed by some representers, in the Area than the current “CA” zoning.

#### *Restrictions of the “CA” Zone*

69. Regarding the difference between “CA” and “AGR” zones, Mr Raymond K.W. Lee, Director of Planning (D of Plan) remarked that there were more Column 1 and 2 uses in “AGR” zone than those in “CA” zone, and laying of soil not exceeding 1.2m in thickness for cultivation in “AGR” zone was always permitted. The “CA” zoning was relatively more restrictive. He also clarified that under the “CA” zoning, continuation of farming activities existed before the gazettal of the draft DPA Plan which involved excavation of land proportional to the farming activities therein would be considered as existing use and always permitted, while new farming activities involving excavation of land would require planning permission from the Board.

70. The Secretary supplemented that although agricultural activities were always permitted in general in the subject “CA” zones, ‘Plant Nursery’ was not included in Column 1 with a view to preventing filling of land/pond for green house construction, which might destroy the natural environment therein.

71. With respect to diversion of streams, filling of land/pond or excavation of land for new farming activities within the “CA” zone which would require planning permission from the Board, the Vice-chairperson and a Member made the following points:

- (a) while ‘Agricultural’ use was permitted in “CA”, “AGR” and “Green Belt” (“GB”) zones in general, there were differences in planning intention and control as set out in the Remarks of the Notes of the OZP. The Area was largely natural in character with high ecological value. The “CA” zoning was considered appropriate with a view to conserving the natural environment of the Area and preserving the integrity of the TPKNR in the long run; and
- (b) planning permission would be required for new farming activities involving diversion of streams, filling of land/pond or excavation of land within the “CA” zone, the purpose of which was to enable the Board to assess the potential impacts. Each application would be considered on its individual merits. The “CA” zoning was also considered appropriate in striking a balance between enhancing nature conservation and respecting landowners’ rights.

72. Members generally agreed that the designation of “CA” zones for the Area was appropriate.

#### *Local Views*

73. In response to two Members’ suggestion to send notice on the gazette of OZP to village representatives directly and post a notice at notice board of the concerned villages, the Chairperson and Mr Raymond K.W. Lee, D of Plan, suggested that the Home Affairs Department should be consulted on how to reach out to the local villagers more effectively.

74. After deliberation, the Board noted the supportive views of R1 (part) to R3 (part) and R5 (part) to R11 (part) and decided not to uphold R4, R12 to R43 and the remaining part of R1 to R3 and R5 to R11. The Board also agreed that no amendment should be made to the draft OZP to meet the representations for the following reasons:

#### *“Ecological Importance of the Area*

- (a) “Conservation Area” (“CA”) zones under which there is a general presumption against development have been designated to cover areas having high conservation and landscape value to protect the natural environment of the Area and the ecologically linked Tai Po Kau Nature Reserve (TPKNR) under the statutory planning framework (R1 to R43);

#### *Designation of “CA” Zones*

- (b) forming an integral part of the wider natural environment of the Special Area, the whole Area is designated as “CA” zones in order to reflect the ecological importance of the natural habitats. The “CA” zoning is considered appropriate with a view to conserving the natural environment of the Area and preserving the integrity of the TPKNR in the long run (R1 to R3 and R5 to R11);

- (c) there are no recognized village and village ‘environs’ in the Area, and no development zone is proposed on the draft Outline Zoning Plan (OZP) (R1, R3, R5 to R9 and R11);
- (d) ‘Agricultural Use (other than Plant Nursery)’ is in general always permitted under the “CA” zone, while new residential development is not permitted. ‘House (Redevelopment only)’, provision of plant nursery and any filling of land require planning permission from the Board and each application will be considered by the Town Planning Board (the Board) based on its individual merits. The planning control of the “CA” zone is to strike a balance between enhancing nature conservation and respecting landowners’ rights. There is no strong justification for imposing more stringent control in the Area (R4 and R11);
- (e) maintenance or repair of graves and temporary structures/squatters (which were in existence immediately before the first publication in the Gazette of the notice of the draft Development Permission Area (DPA) Plan), ‘On-Farm Domestic Structure’ as well as road works coordinated or implemented by the Government are in general always permitted in the draft OZP (R12 to R43);
- (f) the private land in the site near Tai Po Mei is primarily demised for agricultural purpose under Block Government Lease, and ‘Agricultural Use (other than Plant Nursery)’ is in general always permitted in the “CA” zone on the draft OZP, there are no deprivation of the landowners’ rights and no hindrance to farming activities even not designating the private land as “Agriculture” (“AGR”) zone. Under the “CA” zoning, continuation of farming activities existed before the gazettal of the draft DPA Plan which involved excavation of land proportional to the farming activities therein would be considered as existing use and always permitted, while new farming activities involving excavation of land would require planning permission from the Board. The “CA” zoning on the draft OZP is considered appropriate and whether the concerned

area is on government land or private land should not be the only factor for formulating the land use zoning (R12 to R43);

*Proposals on the General Planning Intention and Enforcement*

- (g) the general planning intention of the draft OZP is considered appropriate and has been specified in the Explanatory Statement of the draft OZP (R2 and R11);
- (h) the Area is subject to the statutory planning control and provisions on enforcement under the Town Planning Ordinance. The Planning Authority investigates public complaints and referrals from other government departments, and carries out regular patrols to identify possible unauthorized developments. Once an unauthorized development is confirmed, statutory enforcement and prosecution actions will be taken as appropriate (R2 and R11);

*Proposal of Recording Structures on the Plan*

- (i) according to the draft OZP, in the “CA” zone, new residential development is not permitted and ‘House (Redevelopment only)’ use requires planning permission from the Board, which will be considered based on individual merits. Any development other than those in existence before the gazettal of the draft DPA Plan, permitted under the OZP or covered by valid planning permission may be subject to enforcement proceedings under the Town Planning Ordinance (R11);

*Local Views*

- (j) the Board has considered the views of villagers and other stakeholders in formulating the draft OZP and would take into account the relevant planning considerations and the representations and comments received in respect of the draft OZP before making a decision (R12); and

*Incorporation of the Area into Country Park*

- (k) designation of a Country Park or Special Area is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park or Special Area (R1 to R11).”

**Procedural Matters**

**Agenda Item 7**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations on the Draft Ping Chau Outline Zoning Plan No. S/NE-PC/1

(TPB Paper No. 10329)

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[The item was conducted in Cantonese]

75. The Secretary reported that the following Members had declared interests on the item for having affiliation with The Hong Kong Bird Watching Society (HKBWS) (R1), World Wide Fund for Nature Hong Kong (WWF-HK) (R2) and Designing Hong Kong Limited (DHKL) (R6):

Dr C.H. Hau - being a member of HKBWS and a past member of the Conservation Advisory Committee of WWF-HK

Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL

76. Members noted that Mr Thomas O.S. Ho had already left the meeting. As the item was procedural in nature, Members agreed that Dr C.H. Hau could stay in the meeting.

77. The Secretary briefly introduced the TPB Paper No. 10329. On 24.3.2017, the draft Ping Chau Outline Zoning Plan No. S/NE-PC/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 2,626 representations and no comment were received.

78. As the representations were interrelated and related to the conservation and development of the Planning Scheme Area, the hearing of the representations could be considered collectively in one group. The hearing could be accommodated in the Town Planning Board (the Board)'s regular meeting and a separate hearing session would not be necessary.

79. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for October 2017.

80. After deliberation, the Board agreed that:

- (a) the representations should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer.

### **Agenda Item 8**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations on the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/20  
(TPB Paper No. 10330)

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[The item was conducted in Cantonese]

81. As the amendment item on the draft South Lantau Coast Outline Zoning Plan No. S/SLC/20 (the draft OZP) was related to rezoning of a site for the development of sewage treatment works (STW) by the Drainage Services Department (DSD) and Black and Veatch Hong Kong Limited (B&V) was the consultant of DSD, the Secretary reported that the

following Members had declared interests in the item:

Ms Janice W.M. Lai	]	having current business dealings with DSD
Dr C.H. Hau	]	
Mr Thomas O.S. Ho	-	his firm having past business dealings with DSD
Professor T.S. Liu	-	being Principal Investigator (PI) of a book project funded by DSD, which was completed in 2015
Mr Alex T.H. Lai	]	their firm having current business dealings with B&V
Mr K.K. Cheung	]	

82. Members noted that Messrs Thomas O.S. Ho, K.K. Cheung and Alex T.H. Lai and Ms Janice W.M. Lai had already left the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

83. The Secretary reported that on 2.6.2017, the draft OZP was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 2 representations were received.

84. Representations R1 and R2 submitted by Heung Yee Kuk and the Indigenous Inhabitant Representative and Resident Representative of Tong Fuk Village respectively requested to revise the boundary of “Village Type Development” (“V”) zone at Tong Fuk and to rezone an area to the south of Tong Fuk from “Coastal Protection Area” to “Government, Institution or Community”. Both representations were not related to the amendment item of the OZP, i.e. rezoning a site at Pui O from “Coastal Protection Area” (“CPA”) to “Other Specified Uses” annotated “Sewage Treatment Works”.

85. In accordance with section 6(2) of the Ordinance, both R1 and R2 were considered invalid and should be treated as not having been made in accordance with section 6(3)(b) of the Ordinance.

86. After deliberation, the Board agreed that:
- (a) representations R1 and R2 were considered as invalid; and
  - (b) since representations R1 and R2 were considered as invalid, no meeting for consideration of the representations was required.

**Agenda Item 9**

[Open Meeting]

Submission of the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/20A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10331)

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[The item was conducted in Cantonese]

87. The Secretary reported that the declaration of interest for this item was the same as that recorded under Agenda Item 8 in paragraphs 82 and 83 above.
88. The Secretary continued to report that Members agreed under Agenda Item 8 that the two representations received were not related to the amendment to the draft South Lantau Coast Outline Zoning Plan, and should be regarded as invalid and treated as not having been made in accordance with section 6(3)(b) of the Town Planning Ordinance (the Ordinance). Members noted that the plan making process had been completed and the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.
89. After deliberation, the Board :
- (a) agreed that the draft South Lantau Coast OZP No. S/SLC/20A 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 South Lantau Coast OZP No. S/SLC/20A 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 10**

[Open Meeting]

**Any Other Business**

[The item was conducted in Cantonese]

- 90. There being no other business, the meeting was closed at 3:20 p.m.