

**Minutes of 1237<sup>th</sup> Meeting of the  
Town Planning Board held on 15.1.2021**

**Present**

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Y.S. Wong

Chief Traffic Engineer (Hong Kong)

Transport Department

Mr Alex K.K. Au

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang

Director of Lands

Mr Andrew C.W. Lai (a.m.)

Assistant Director (Regional 3)

Lands Department

Mr Alan K.L. Lo (p.m.)

Director of Planning

Mr Ivan M.K. Chung

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Professor T.S. Liu

Dr Conrad T.C. Wong

**In Attendance**

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms W.H. Ho (a.m.)

Ms Caroline T.Y. Tang (p.m.)

Senior Town Planner/Town Planning Board

Ms Christine C.M. Cheung (a.m.)

Mr Eric C.Y. Chiu (p.m.)

## **Opening Remarks**

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.
2. The Chairperson also extended a welcome to Mr Ivan M.K. Chung, the Director of Planning, who attended the Town Planning Board meeting the first time.

## **Agenda Item 1**

[Open Meeting]

### Confirmation of Minutes of the 1236<sup>th</sup> Meeting held on 11.12.2020

[The item was conducted in Cantonese.]

3. The draft minutes of the 1236<sup>th</sup> meeting held on 11.12.2020 were sent to Members on 15.1.2021. Subject to any proposed amendments by Members on or before 18.1.2021, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 18.1.2021 without amendments.]

## **Agenda Item 2**

[Open Meeting]

### Matters Arising

[The item was conducted in Cantonese.]

#### (i) Approval of Draft Outline Zoning Plans

4. The Secretary reported that on 5.1.2021, the Chief Executive in Council approved the draft Pok Fu Lam Outline Zoning Plan (OZP) (renumbered as S/H10/19) and the draft Ma Tau Kok OZP (renumbered as S/K10/26) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZPs was notified in the Gazette on 15.1.2021.

(ii) Reference Back of Approved Outline Zoning Plans

5. The Secretary reported that on 1.12.2020 and 5.1.2021, the Chief Executive in Council referred the Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32 and the Approved Shek Kip Mei OZP No. S/K4/29 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance respectively. The reference back of the said OZPs was notified in the Gazette on 11.12.2020 and 15.1.2021 respectively.

[Dr C.H. Hau, Ms Sandy H.Y. Wong and Mr Franklin Yu joined the meeting at this point.]

**Hong Kong District**

**Agenda Item 3**

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Stanley Outline Zoning Plan No. S/H19/13  
(TPB Paper No. 10706)

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[The item was conducted in Cantonese and English.]

6. The Secretary reported that one of the amendments on the draft Stanley Outline Zoning Plan No. S/H19/13 (the draft OZP) was to take forward the decision of the Metro Planning Committee (MPC) on a s.12A application No. Y/H19/1 and Ove Arup & Partners Hong Kong Limited (ARUP), Siu Yin Wai & Associates Limited (SYW) and LWK & Partners (Hong Kong) Limited (LWK) were three of the consultants of the applicant, and a representation and a comment on representation (comment) had been submitted by Ms Mary Mulvihill (R10/C10). The following Members had declared interests on the item:

Mr K.K. Cheung	-	his firm having current business dealings with ARUP, SYW and LWK; and his firm hiring Ms Mary Mulvihill on a contract basis from time to time;
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- Mr Alex T.H. Lai - his former firm having current business dealings with ARUP, SYW and LWK; and his former firm hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Thomas O.S. Ho ] having current business dealings with ARUP;  
Mr Franklin Yu ] and
- Mr Ricky W.Y. Yu - having past business dealings with LWK.

7. As Messrs K.K. Cheung and Alex T.H. Lai had no involvement in the R10/C10's submission, and Messrs K.K. Cheung, Alex T.H. Lai, Thomas O.S. Ho, Franklin Yu and Ricky W.Y. Yu had no involvement in the application in relation to the amendment item, Members agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

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

#### ***Government Representatives***

- Mr Louis K.H. Kau - District Planning Officer/ Hong Kong (DPO/HK), Planning Department (PlanD)
- Mr Rico W.K. Tsang - Senior Town Planner/Hong Kong (STP/HK), PlanD

- Mr Ivanhoe C.H. Chang - Commissioner for Heritage (C for H),  
Development Bureau (DEVB)
- Ms Susanna L.K. Siu - Executive Secretary (Antiquities &  
Monuments), Antiquities and Monuments  
Office (ES(AM), AMO), DEVB
- Mr Mike K.O. Tang - Engineer (Heritage Conservation)3,  
Commissioner for Heritage's Office  
(CHO), DEVB
- Ms Fiona Y.C. Tsang - Curator (Historical Buildings)1, AMO,  
DEVB

***Representers, Commenters and their Representatives***

R1 – Yeung Kin Lun

- Mr Tsui Ho Yin ] Representer's Representatives  
Mr Liu Wing Hong Johnson ]

R2 – Chung Hin Tak

R3 – Lee Chun Lam

R6 – Darren Danny Edward Patterson

R7 – Cheng Chi Fung

R8 – Ma Ka Man

R9 – New Season Global Limited

*New Season Global Limited*

- Mr Mak King Man ]  
Mr Kan Sze Man ]  
Mr Leung King Yin Kevin ]  
Mr Chan Chun Kei Barry ]  
Mr Wu Tsan Sum Roger ]  
Mr Lai Ka Wing ] Representers' Representatives  
Mr Lam Kwong Leung ]

*Masterplan Limited*

Mr Ian Brownlee ]

Ms Whitman, Kira Loren ]

R4 – Chan Kin Man

Mr Chan Kin Man - Representor

R5 – Mok Chi Hing

Mr Mok Chi Hing - Representor

R10/C10 – Mary Mulvilhill

Ms Mary Mulvilhill - Representor and Commentor

10. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representors, commentors and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representor, commentor or his/her representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representors, commentors or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representors, commentors or their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representors, commentors and their representatives. After the Q&A session, the government representatives, representors, commentors or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comments in their absence and inform the representors and commentors of the Board's decision in due course.

11. The Chairperson then invited PlanD's representative to brief Members on the representations and comments.

12. With the aid of a PowerPoint presentation, Mr Rico W.K. Tsang, STP/HK, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representors and commentors, planning assessments and



PlanD's views on the representations and comments as detailed in TPB Paper No. 10706 (the TPB Paper).

13. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations/comments.

R2 – Chung Hin Tak

R3 – Lee Chun Lam

R6 – Darren Danny Edward Patterson

R7 – Cheng Chi Fung

R8 – Ma Ka Man

R9 – New Season Global Limited

14. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points:

- (a) a s.12A application to rezone the Representation Site A (the Site) to facilitate a proposed preservation-cum-development project was approved by the Metro Planning Committee (MPC) in 2019. The applicant had put forward two rezoning options: (i) to rezone the Site from "Government, Institution or Community" ("G/IC") to "Residential (Group C)" ("R(C)"), and (ii) to rezone the Site to "Other Specified Uses" annotated "Residential Development with Historic Building Preserved" ("OU(RDHBP)"). Both options had similar development parameters including a maximum building height (BH) of 3 storeys in addition to 1 storey of carport. Under the "R(C)" option, the Site was divided into two sub-areas and subject to a maximum BHs of 75mPD (covering Maryknoll House and the slope on the eastern side) and 64mPD (covering the remaining part of the Site which included the ground level of the Site around Maryknoll House) respectively. Under the "OU(RDHBP)" option, the proposed BH for the whole site was 75mPD. According to the conceptual development scheme submitted by the applicant, a triple volume entrance and a new wing on the eastern side of Maryknoll House were proposed. The slope at the

southern side would be formed for the development of two additional residential blocks;

- (b) the building height restrictions (BHRs) for the Site on the OZP had largely followed the BHRs proposed under the “R(C)” option in the s.12A application except that in the area to the further north of Maryknoll House, which was relaxed from 64mPD to 75mPD. However, as the BHR for the area to the west of Maryknoll House was kept at 64mPD, which was the ground level, it was considered that the BHR would limit the design flexibility of the proposed development for adaptive reuse of Maryknoll House;
- (c) currently, there were two existing structures adjacent to the western façade of Maryknoll House, which included a one-storey quarter and a covered carport. The owner had requested for more flexibility in BHRs at the Site such that a good design for a new extension could be incorporated as part of the adaptive reuse of an old building for a new purpose without compromising the public appreciation of the existing Maryknoll House façade from public viewpoints. While the photomontages prepared by PlanD were based on the proposed relaxation of BHR from 64mPD to 75mPD for the area to the west of Maryknoll House in R9’s submission, the proposed building structure in the photomontage covering the whole western area was not the owner’s intention. In response to the visual impact concern, the project team of the proposed preservation-cum-development project was exploring another conceptual layout with a 2-storey extension building to the west and a detached 3-storey building to the east of Maryknoll House. A revised BHR of 71.4mPD for only a portion of the area to the west of Maryknoll House was proposed to accommodate a 2-storey extension building (the western extension), which would ensure sufficient control over the building bulk and allow flexibility for future design. With the revised BHR of 71.4mPD within a confined area to the west of Maryknoll House, the upper portion of the western façade of Maryknoll House could still be appreciated by the public from selected vantage points; and

- (d) regarding the requirement of providing public access to Maryknoll House for public appreciation, there were limitations as it involved the right of way issue under the lease. During the consideration of the s.12A application, MPC Members considered that it would be important to have public access to the Site to facilitate public appreciation of Maryknoll House. Members might note that Maryknoll House had never been accessible to the public as the only access to the Site would need to pass through the neighbouring private properties. The access to the Site was a right of way which was subject to an agreement between private owners of the adjacent lot and the subject lot and the users were restricted to “Vendors, and the owners and occupiers”. It implied that in legal terms the right of way was for owners and their guests but not for trespassers or the “general public”. As such, while the requirement of providing public access to Maryknoll House was stipulated in the Explanatory Statement (ES) of the OZP, the requirement might not be complied with due to the legal agreement regarding the users of the right of way. The owner of the Site would further look into the issue during the s.16 application stage.

15. Mr Ian Brownlee then showed a 5-minute video with Mr Jean Francois Milou, the principal designer of Maryknoll House project. According to Mr Milou, the main intention for the preservation-cum-development project was to preserve the southern façade of Maryknoll House which would be fully open to the seascape without obstruction. New extensions were only proposed in the west and east of Maryknoll House. While he appreciated PlanD’s concern on the visual impact of the proposed development to the west of Maryknoll House up to a BHR of 75mPD, a relaxation in the BHR of 64mPD for that area was needed to ensure the sensible adaptive reuse of the building. An architectural solution for the western extension was derived based on a number of principles including a sensitive articulation to the historic building through a glass structure of the western facade, the unity of material and colour scheme merging the old and the new as one ensemble, the need to limit the footprint of the western extension to a confined area and the BH of two storeys to preserve the roof architecture. As the preservation-cum-development project was a challenge for the developer and the designer, more flexibility in the BHRs would enable a better design without compromising the public view of the historic building.

16. Mr Ian Brownlee concluded that, if the BHR for the area to the west of Maryknoll House was relaxed to 71.4mPD within a confined area, more flexibility would be given to the project team in the future design of the preservation-cum-development project. The s.16 requirement would enable the Board to scrutinise the development scheme to ensure that the proposed extension building would not create adverse visual impact on Maryknoll House and that all relevant planning concerns could be addressed.

R10/C10 – Mary Mulvilhill

17. Ms Mary Mulvilhill made the following main points:

- (a) her support to the draft OZP stemmed from the proposal to keep Maryknoll House intact, but not for the proposed residential use. The building was located in “G/IC” zone which was intended for community use. Adaptive reuse of Maryknoll House could be considered to meet some of the deficits in government, institution and community (GIC) facilities including community care services (CCS), residential care home for the elderly (RCHE) and child care centre (CCC). Stanley was far from hospitals and other community facilities in the Southern District and therefore some localised services would be needed. In view of the tranquil environment and gardens in Maryknoll House, it was an ideal location for the provision of a residential elderly care facility to serve the wider community together with ancillary day care services to cater for local needs;
- (b) there was no indication by the Government as to where and when the deficits in GIC facilities would be accommodated apart from the “multi-pronged approach” to identify suitable premises for such uses, notwithstanding that the deficit in elderly facilities had kept growing and the number of elderly people doubling. The low-rise character of Stanley made it unlikely that GIC facilities could be included in future developments. The administration failed in exercising the power of compulsory purchase to fulfil the mandate to prioritise the provision of essential services. The elderly tsunami and the lack of elderly services

would be the overriding community need to be addressed by the Government;

- (c) using historic buildings for a community purpose would allow far more people to appreciate the heritage. Currently, the GIC sites in Stanley were used to accommodate facilities such as prison and army camp which were not for the benefit of the local community. If Maryknoll House was used as a private residence, it would be nothing more than a backdrop in Stanley;
- (d) she strongly objected to the proposed removal of planning control on the Site. The developer knowingly acquired a site with an existing historic building and should be aware of certain responsibilities and restrictions in relation to the Site; and
- (e) she objected to any blockage of exterior views on Maryknoll House that would diminish the status of the historic building. Preservation-cum-development projects in many heritage sites had messed around with the prominent features gradually obliterated. The failure in the preservation of the most significant tree at Heritage 1881 was a classic example. The proposed western extension at the Site would be an out of context appendage that would greatly diminish the character and overall appearance of Maryknoll House.

18. As the presentations of PlanD's representatives, the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

[Dr Frankie W.C. Yeung joined the meeting during the presentation.]

*Imposition of BHRs on the Site*

19. The Chairperson and some Members raised the following questions:
- (a) how the sub-areas of the Site with BHRs of 64mPD and 75mPD were delineated;
  - (b) the rationale for designating a BHR of 64mPD in the area to the south and west of Maryknoll House and the possible impact of relaxing the BHR; and
  - (c) the lease requirement of the Site.
20. Mr Louis K.H. Kau, DPO/HK, made the following responses:
- (a) the delineation of the sub-areas with BHRs of 64mPD and 75mPD at the Site on the draft OZP had made reference to the submission made by the applicant for the “R(C)” zone option in the s.12A application. As compared with that option, the BHR for the northern portion of the Site had been relaxed from 64mPD to 75mPD and there was minor boundary adjustment for the sub-areas to tie in with the existing structures;
  - (b) the BHR of 64mPD in the area to the west of Maryknoll House mainly reflected the ground level of the area around Maryknoll House. The area to the south of Maryknoll House was a slope with lower site level. The BHR of 64mPD for this area was to ensure that the two new buildings to be built at the southern sloping area would not exceed the ground level of Maryknoll House (i.e. 64mPD) so as to preserve the public views on the southern façade without any obstruction. Provision for minor relaxation of the BHR had been stipulated in the OZP to allow for design flexibility due to possible site constraints and innovative design with sufficient justifications; and

- (c) the Site was governed by the Conditions of Sale No. 3114 for RBL 333, in which was restricted to not more than ten houses, but there were no restrictions on user, gross floor area (GFA), site coverage (SC) or BH. In 1974, Maryknoll Fathers and Brothers sold part of RBL 333 for private residential development which was subsequently registered as RBL 333 s.A and the Site was registered as RBL 333 RP. Both parties entered an assignment that RBL 333 RP would not erect more than 3 houses and RBL 333 s.A could erect the remaining 7 houses. The owner of the latter subsequently applied for lease modification and removed the house number restriction. The Lands Department would consider whether the proposed development at the Site was in line with the lease requirements in the building plan submission stage.

*R9's Revised Proposal*

21. A Member asked R9 on the reasons for the proposed relaxation of BHR in the west of Maryknoll House for the provision of a 2-storey extension and the use of the extension. In response, Mr Ian Brownlee, the presenter's representative, said that a triple volume main entrance and a new extension on the eastern side of Maryknoll House were proposed in the conceptual scheme of the s.12A application. In the latest conceptual layout, in order to keep Maryknoll House intact as far as possible and to preserve the southern façade, a new detached building in the east and a new extension to the west of Maryknoll House were proposed. As not more than three houses were allowed at the Site in accordance with the lease restrictions, new development was proposed in the form of extension or addition to the existing buildings. As the current BHR of 64mPD for the area to the west of Maryknoll House was in fact the ground level, a relaxation of BHR in the area was required to accommodate a 2-storey western extension which was intended for residential use. The relaxation of BHR would allow more design flexibility for better protection of the historic building by putting the new floor area to locations which had less impact on the existing building. In the revised proposal, a relaxation of BHR to 71.4mPD was requested in a confined area to the west of Maryknoll House, which was considered more compatible with the existing building.

22. Another Member asked whether the triple volume main entrance in the conceptual development scheme under the s.12A application would be retained in the revised proposal. Mr

Barry C.K. Chan, the representers' representative, pointed out that it was a preservation-cum-development project with an aim to promoting adaptive reuse of an old building with a new purpose and the primary objective was to protect the southern façade of Maryknoll House. It was noted that the Board had a concern on the impact of the triple volume entrance on the architectural integrity of the historic building when considering the s.12A application. In that regard, the project team had further revised the design by removing the main entrance from the middle of the Site. The proposed relaxation of the BHR was to allow more flexibility for exploring alternative design options and incorporating new design concept for better integration of the new and old in the western part of the Site.

23. The Chairperson and some Members raised the following questions to the government representatives:

- (a) whether R9 had provided any information to demonstrate the design merits of the revised BHR from 64mPD to 75mPD for the area to the west of Maryknoll House;
- (b) the reasons for adopting a BHR of 75mPD for the whole area to the west of Maryknoll House in the photomontage prepared by PlanD;
- (c) whether extension/addition to the existing building could be carried out anywhere within the Site as long as it complied with the BHR;
- (d) PlanD's views on the revised BHR of 71.4mPD as proposed by R9 in the meeting; and
- (e) whether the conceptual proposal presented in the s.12A application could still be submitted for the Board's consideration during the s.16 application stage.

24. Mr Louis K.H. Kau, DPO/HK, made the following responses:

- (a) in general, the Board would take into account a host of factors including site constraints, and design and planning merits of a proposal when



considering applications for minor relaxation of BHRs. Regarding R9's proposal, there was insufficient information in the written submission to demonstrate that there were site constraints and/or innovative design to justify the proposed relaxation of BHR from 64mPD to 75mPD for the area to the west of Maryknoll House. As such, PlanD did not support the relaxation of the BHR as requested by R9;

- (b) an Indicative Layout Plan for a 2-storey extension (71.4mPD) in the west of Maryknoll House was presented by R9 at the meeting. The relaxation of BHR to 75mPD for the whole area to the west of Maryknoll House was proposed in the written submission which would allow the construction of a building with a BH of 75mPD in any part of that area. As such, a BHR of 75mPD for the whole area to the west of Maryknoll House was adopted in the photomontage to show the worst case scenario;
- (c) according to the Remarks of the Notes of the "OU(RDHBP)" zone, planning permission from the Board was required for any new development, or demolition of, addition, alteration and/or modification to or redevelopment of Maryknoll House (the s.16 requirement). The owner was required to apply for the Board's permission for any extension/addition to the existing building. The owner could also apply for minor relaxation of BHR in accordance with the provision of the OZP to cater for any design flexibility for the proposed development;
- (d) while the revised BHR of 71.4mPD might have less visual impact, R9 had not provided sufficient information to justify the proposed relaxation of BHR. Notwithstanding that, the owner of the Site could seek the permission from the Board for minor relaxation of the BHR with a concrete development proposal and supporting information and justifications in the s.16 application stage; and
- (e) the conceptual development scheme presented in the s.12A application could still be submitted for the Board's consideration during the s.16 application stage. However, the applicant would need to provide more

justifications to support the proposal in view of the previous concerns raised by Members during the consideration of the s12A application.

25. A Member enquired about the possible impact of the western extension on Maryknoll House from heritage conservation point of view. In response, Mr Ivanhoe C.H. Chang, C for H, said that the impact of any new development or addition/modification to the Grade 1 historic building should be minimised as far as practicable. In the subject preservation-cum-development project, the southern façade was the most important façade and the public view to this façade should be preserved. While the eastern extension as proposed in the conceptual development scheme under the s.12A application and the western extension as shown in the revised conceptual layout would have certain impacts on the existing historic building, it was noted that the southern façade would still be preserved under the two proposals. The assessment of the impacts would be subject to the detailed technical assessments to be submitted by the applicant during the s.16 application stage.

#### *Public Access to the Site*

26. A Member asked how the future public access to Maryknoll House could be ensured. The Chairperson also enquired about the MPC's views on the issue when considering the s.12A application. Mr Louis K.H. Kau, DPO/HK, responded that in the s.12A application, the applicant had proposed a preservation-cum-development project with in-situ preservation of Maryknoll House. As part of the proposal, members of the public would be allowed to visit Maryknoll House and to access to certain common areas of the building including part of the Chapel, the wooden staircase and the library. Noting that the CHO had given policy support to the preservation-cum-development project and the applicant would be required to submit a conservation management plan during the later s.16 application stage, the MPC partially agreed to the s.12A application. In view of the above, the intention of providing reasonable public access to Maryknoll House for public appreciation was stipulated in the ES. Should there be any problems in providing public access or other feasible alternatives, it could be submitted as part of the development scheme for the MPC's consideration in the s.16 application stage. He further added that as Maryknoll House was previously used as a retreat house for outsiders who had to reach the building via the concerned right of way, there should be room to explore suitable measures to allow public access to the building. It would be subject to the owner of the Site to sort out how the need for public appreciation of the building and the interest of the adjacent lot

owners could be balanced.

27. In response to the Chairperson's question on whether the owner would keep the pledge to allow the public to visit the historic building, Mr Ian Brownlee, the representer's representative, said that the area of interest of the Site would be the exterior design of the historic building. Owing to the restriction in the legal agreement among the landowners regarding the users of the right of way, instead of opening up the Site for the general public, only limited access by the public in groups could be arranged. He further added that the major public benefit of the preservation-cum-development project was the in-situ preservation of the historic building and relevant restrictions had been incorporated in the OZP in that any demolition of, addition, alteration and/or modification to or redevelopment of the existing building required permission from the Board.

28. A Member asked what the Government's policy in preserving privately-owned historic buildings was. Mr Ivanhoe C.H. Chang, C for H, responded that the grading system for historic buildings was administrative in nature, providing an objective basis for determining the heritage value, and hence the preservation need, of historic buildings in Hong Kong. It would not affect the ownership, management, usage and development rights of the buildings graded. Under the prevailing heritage conservation policy, while owners of historic buildings might apply to relevant departments for demolishing and redeveloping the existing buildings, the Government would provide economic incentives in order to encourage and facilitate private owners to preserve their historic buildings. In the case of Maryknoll House, which was a Grade 1 historic building, the s.12A application for the preservation-cum-development project at the Site was supported on the consideration that Maryknoll House would be preserved in-situ and guided tours would be arranged to allow the public to visit and appreciate the common facilities of Maryknoll House, including the original chapel, the wooden staircase and the library.

#### *Provision of GIC facilities*

29. In response to a Member's enquiry on the provision of GIC facilities in Stanley, Mr Louis K.H. Kau, DPO/HK, said that the existing population of Stanley was about 16,000 and about 10% of the population in the Stanley and Shek O area was in the age group of over 65, which was lower than the average of the territory. While there were deficits in the provision of CCS, RCHE and CCC in Stanley, there would be sufficient provision of RCHE in the Southern

District.

30. The Member asked how the deficit of GIC facilities in Stanley could be dealt with. Mr Louis K.H. Kau said that the Social Welfare Department (SWD) would take into account a host of factors including the needs of the local community, the overall demand for welfare services, the location and accessibility of the site in planning for appropriate welfare facilities to meet the service demand. The Labour and Welfare Bureau and the SWD had adopted a multi-pronged approach to identify suitable sites or premises for the provision of more welfare services which were in acute demand, including i) monitoring closely if there were suitable vacant government sites or vacant G/IC premises; ii) identifying suitable land sale sites and requiring private developers to provide welfare facilities through land sale conditions; iii) encouraging non-governmental organisations to apply for grants for providing welfare facilities; and iv) taking forward the initiative of purchase of premises for the provision of welfare facilities as a short term measure. SWD indicated that they would attempt to purchase premises for the provision of CCS and CCC in the Southern District.

31. Noting that the Site was privately owned, another Member asked why it was previously zoned “G/IC” on the OZP. Mr Louis K.H. Kau said that Maryknoll House had a long history of providing hospitality for priests passing through Hong Kong. As such, the Site had been zoned “G/IC” since the first draft Stanley OZP gazetted in 1988 to reflect the use at that time. It was different from other “G/IC” sites which were designated for specific GIC uses as required by the Government. Mr Andrew C.W. Lai, Director of Lands, supplemented that the Site was governed by the Conditions of Sale No. 3114 for RBL 333 which was granted in 1931. While there were no restrictions on user, GFA, SC or BH, the Site was restricted to ‘not more than ten houses’.

32. As Members did not have any further questions, the Chairperson said that the Q&A session was completed. She thanked the government representatives as well as the representers/commenter and their representatives for attending the meeting. The Board would deliberate the representations/comments in closed meeting and would inform the representers/commenters of the Board’s decision in due course. The government representatives as well as the representers/commenter and their representatives left the meeting at this point.

[Miss Winnie W.M. Ng joined the meeting during the Q&A session.]

[Messrs Thomas O.S. Ho, Philip S.L. Kan and Alex T.H. Lai left the meeting at this point.]

### Deliberation Session

33. The Chairperson briefly recapitulated the key points raised in the Presentation and Question Sessions. Almost all of the representations were in support of the proposed amendment Item A on the draft OZP, which was to take forward the decision of the MPC on a s.12A application for the implementation of a preservation-cum-development project on the site of Maryknoll House. The applicant of the s.12A application had submitted a representation (R9) and proposed a number of changes to Item A, including a relaxation of the BHR within a confined area to the west of Maryknoll House to 71.4mPD, removal of the s.16 requirement and the requirement for provision of public access to Maryknoll House as stipulated in the ES of the OZP. Members should consider whether the representer (R9) had provided strong justification in support of the said proposal, in particular whether the proposed changes would undermine the objective of preservation embedded in the zoning.

#### *The s.16 Requirement*

34. Members generally agreed to retain the s.16 requirement which was not uncommon for sites involving preservation of historic buildings under other similar heritage conservation zonings on the OZP. It enabled the Board to scrutinise the development scheme such that relevant planning concerns related to the preservation of historic building could be addressed at the s.16 application stage.

#### *The BHR and R9's Revised Proposal*

35. Members noted that the BHRs for the Site with more stringent control in the area to the west of Maryknoll House basically followed the conceptual development scheme submitted by R9 in the s.12A application. They considered that the stipulated BHRs could ensure that views towards the western façade, which could be viewed from more vantage points than the eastern facade, could be better preserved.

36. While R9 had proposed to reduce the BHR to 71.4mPD and confine the BHR to a smaller area to the west of Maryknoll House, Members generally considered that R9 had not provided sufficient planning and design merits in the submission to justify the relaxation of BHR. The only reason put forward by R9, which was to provide more flexibility for building design, was not strong enough to warrant a sympathetic consideration by the Board. Besides, the preservation-cum-development project was still in the conceptual design stage. Given the s.16 requirement and the provision for minor relaxation of BHR under the Notes of “OU(RDHBP)”, it would be more prudent for R9, i.e. the owner of the Site, to submit a concrete scheme for the MPC’s consideration at the s.16 application stage. A Member also remarked that even if the Board agreed to the proposed amendments to the OZP to meet the representation, the ensuing statutory plan-making process would only delay the implementation of the preservation-cum-development project.

*Requirement for Public Access*

37. Members generally saw a need to retain the requirement for the provision of reasonable public access to Maryknoll House for public appreciation in the ES of the OZP, which was one of the major considerations in approving the s.12A application, and the detailed arrangements for public access could be considered as part of the s.16 planning application. Should the applicant have any problems in the provision of public access or other feasible alternatives, they could be included in the development scheme for the MPC’s consideration at the s.16 application stage. A Member remarked that the Board should not impose overly stringent restrictions which might discourage the land owners from proceeding with the preservation-cum-development project.

*Provision of GIC Facilities*

38. Regarding a representer/commenter’s proposal to use the Site for providing GIC facilities to serve the community, some Members considered it not appropriate as the original “G/IC” zoning for the Site was to reflect the existing use of Maryknoll House. The Site had never been identified for the provision of GIC facilities to serve the community. The Chairperson added that it would not be realistic to expect the private land owner to preserve Maryknoll House for the provision of GIC facilities. Some Members concurred and opined that the Site, which was not located close to the potential users, might not be an ideal location for the

provision of GIC facilities.

39. A Member remarked that, in responding to representers/commenters' concern on the provision of GIC facilities particularly for zoning amendments involving "G/IC" site as in the subject case, PlanD might consider providing more detailed information on the provision of GIC facilities, in terms of location and distribution, in the district and local area, taking into account the characteristics of individual districts. The Chairperson remarked that the level of details for such information would be considered on a case-by-case basis. PlanD would take note of the Member's suggestion.

40. Members generally considered that the BHRs for the Site had made reference to the proposal of the s.12A application submitted by the representer (R9), and there was insufficient information provided in R9's representation to justify relaxation of BHR for the area to the west of Maryknoll House. The s.16 requirement and the requirement for a reasonable public access to Maryknoll House had reflected the Board's intention when approving the s.12A application and therefore should not be removed. Any proposal for minor relaxation of BHR could be submitted as part of the development proposal to the Board for consideration under the planning application mechanism.

41. Members generally considered that other grounds and proposals of the representations and comments in respect of the OZP had been addressed by the departmental responses as detailed in the Paper and the presentation and responses made by the government representatives at the meeting.

42. After deliberation, the Board noted the supportive views of R1 to R8, R9 (part) and R10 (part). The Board decided not to uphold R9 (part) and R10 (part) and considered that the draft Stanley Outline Zoning Plan (OZP) should not be amended for the following reasons :

- “ (a) the Notes of the “Other Specified Uses” annotated “Residential Development with Historic Building Preserved” (“OU(RDHBP)”) is considered appropriate to ensure proper planning controls for the in-situ preservation of Maryknoll House. It has struck a balance between the property right of the owner in the redevelopment and the need for preserving Maryknoll House. The removal of the Remark (1) of the Notes,

which required planning permission from the Board for new development, or demolition of, addition, alteration and/or modification to or redevelopment of Maryknoll House, is not justified (**R9**);

- (b) the building height restriction (BHR) of the “OU(RDHBP)” zone is considered appropriate to ensure the preservation of public views of southern and southwestern façades of Maryknoll House. There is also provision under the “OU(RDHBP)” zone for minor relaxation of the BHR to allow for design flexibility due to possible site constraints and innovative design. The proposal for relaxing the BHR upfront is considered not justified (**R9**);
- (c) the planning intention of “OU(RDHBP)” zone is primarily to preserve the historic building of Maryknoll House in-situ through the preservation-cum-development project. The Explanatory Statement (ES) of the OZP, which does not form part of the OZP, is intended to reflect the planning intention and the objectives of the Board for the zone. Should there be any problems in providing the public access, it can be dealt with at the s.16 planning application stage. The proposal for revising the ES is considered not necessary (**R9**); and
- (d) the ‘Social Welfare Facility’ use is always permitted under the “OU(RDHBP)” zone. As the site is privately owned, its use for any social welfare facilities is subject to the owner’s decision (**R10**).”

43. The Board also agreed that the draft Stanley OZP, together with its respective Notes and updated ES, was suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.



**Agenda Item 4**

[Open Meeting]

Request for Deferment of Review of Application No. A/H19/80

Proposed Minor Relaxation of Building Height Restriction for Permitted Commercial Development within “Commercial (1)” Zone and Proposed Eating Place and Shop and Services Uses within an area shown as ‘Pedestrian Precinct/Street’ in “Commercial (1)” Zone, 7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley (Stanley Lots 427 and 428 and Stanley Inland Lot 124)

(TPB Paper No. 10707)

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[The item was conducted in Cantonese.]

44. The Secretary reported that the applicant was Rostar Co. Ltd. (Rostar) and the following Members had declared interests on the item:

- |                  |   |   |
|------------------|---|---|
| Mr K.K. Cheung   | - | his firm having current business dealings with Rostar; and    |
| Mr Alex T.H. Lai | - | his former firm having current business dealings with Rostar. |

45. Members noted that Mr Alex T.H. Lai had already left the meeting. As Mr K.K. Cheung had no involvement in the application, Members agreed that he could stay in the meeting.

46. The Secretary reported that on 23.12.2020, the applicant requested deferment of consideration of the review application for two months to allow time for preparation of further information (FI) to address comments from relevant government departments. It was the first time that the applicant requested deferment of the review application.

47. Members noted that the justifications for deferment met the criteria as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare FI to respond to the comments of relevant government departments in resolving major technical issues, the deferment period was

not indefinite, and the deferment would not affect the interests of other relevant parties.

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

49. As the representatives of Agenda Items 5 and 6 had been invited to join the meeting in the afternoon session, the Chairperson suggested and Members agreed to proceed with the consideration of the review application under Agenda Item 7 before the end of the morning session.

### **Kowloon District**

#### **Agenda Item 7**

[Open Meeting]

Review of Application No. A/K7/120

Proposed School (Tutorial School) in "Residential (Group B)" Zone, G/F, Block H, 268B Prince Edward Road West, Ho Man Tin, Kowloon

(TPB Paper No. 10709)

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[The item was conducted in Cantonese.]

50. The Secretary reported that the application site (the Site) was located in Ho Man Tin and Mr Stanley T.S. Choi had declared an interest on the item for co-owning with his spouse a property on Prince Edward Road West (PERW) and his spouse being the director of a company which owned a parking space in Ho Man Tin. As the property co-owned by Mr Choi had a direct view of the Site, Members agreed that Mr Choi should be invited to leave the meeting temporarily for the item.

[Mr Stanley T.C. Choi left the meeting temporarily at this point.]

51. Members noted that the applicant had indicated that he would not attend the meeting. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Ms Johanna W.Y. Cheng                      - District Planning Officer/Kowloon  
(DPO/K), PlanD

52. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/K to brief Members on the review application.

53. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10709 (the Paper).

54. As the presentation from DPO/K had been completed, the Chairperson invited questions from Members. Members had no question on the review application. The Chairperson thanked DPO/K for attending the meeting and she left the meeting at this point.

#### Deliberation Session

55. Members generally considered that the application did not comply with the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” and there was no change in the planning circumstances since the consideration of the subject application by the MPC meeting. Members agreed that there was no reason to deviate from the MPC’s decision.

56. After deliberation, the Board decided to reject the application on review for the following reasons:

“(a) the proposed tutorial school will cause disturbance or nuisance to the

residents of the same residential building as there is no separate access to the proposed tutorial school; and

- (b) approval of the application will set an undesirable precedent for other similar applications for tutorial schools within residential buildings in the area with no separate access.”

[Mr Stephen L.H. Liu, Mr L.T. Kwok, Dr Frankie W.C. Yeung and Professor Jonathan W.C. Wong left the meeting at this point.]

[The meeting was adjourned for lunch break at 1:00 p.m.]

57. The meeting was resumed at 2:00 p.m.

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

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Y.S. Wong

Chief Traffic Engineer (Hong Kong)  
Transport Department  
Mr Alex K.K. Au

Chief Engineer (Works)  
Home Affairs Department  
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr Terence S.W. Tsang

Assistant Director (Regional 3)  
Lands Department  
Mr Alan K.L. Lo

Director of Planning  
Mr Ivan M.K. Chung

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

**Agenda Items 5 and 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/685

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 913 S.B ss.1 in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po

Review of Application No. A/NE-LT/686

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 913 S.B RP in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po

(TPB Paper No. 10708)

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[The item was conducted in Cantonese.]

59. Members noted that the two review applications each for a proposed House (New Territories Exempted House (NTEH) – Small House) were similar in nature and the application sites (the Sites) were located adjacent to each other in the same “Agriculture” (“AGR”) zone, and agreed that the applications could be considered together.

60. The Secretary reported that the Sites were located in Lam Tsuen and Mr C.H. Tse had declared an interest on the items for co-owning with spouse part of five lots of land in the area. As the land co-owned by Mr Tse had no direct view of the Sites, Members agreed that he could stay in the meeting.

**Presentation and Question Sessions**

61. The representative of Planning Department (PlanD), the applicant and the applicants’ representative were invited to the meeting at this point:

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

Mr Leung Tsz Ho - Applicant of application No. A/NE-LT/685

Mr Hung Shu Ping - Applicants' representative

62. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review applications.

63. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on the background of the review applications including the consideration of the applications by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10708 (the Paper).

64. The Chairperson then invited the applicant and the applicants' representative to elaborate on the review applications.

65. With the aid of a visualiser, Mr Leung Tsz Ho, the applicant, and Mr Hung Shu Ping, the applicants' representative, made the following main points:

- (a) the technical issue on sewage discharge due to the level of the Sites (at 52.1mPD) being lower than the pipe invert level of the nearby public sewerage system (at 52.41mPD) as mentioned by the Drainage Services Department (DSD) could be easily resolved. As observed by the applicants at the Sites, the Sites were currently about 15cm lower than the nearby footpath while the actual level of the connection point of the nearby sewerage system was about 70cm below the footpath. As such, there was scope to raise the formation level at the Sites so as to increase the level difference between the discharge point of the proposed Small Houses and the sewerage connection point. Based on their discussion with DSD, DSD would have no strong view on such proposal. The applicants would also consider to place the kitchens and toilets of the proposed Small Houses on an elevated level within the houses or even the second floor to further ensure there was sufficient level difference for discharge of sewage by gravity to the existing public sewerage system.



The technical concern on sewage discharge could be addressed by imposing appropriate approval conditions;

- (b) Lot 603 in D.D. 8 in the “Village Type Development” (“V”) zone was identified by PlanD as land available for development of Small Houses. However, the lot, which roughly represented more than 2/3 of the total land available for Small House development, was subject to very complicated ownership issue that could not be easily resolved in the foreseeable future. With the ownership issue remained unresolved, the lot could not be used for any development. Even the Government had stated openly that land ownership issue in the New Territories was one of the challenges in development. As such, the Board should take into account the above constraint and give sympathetic consideration to the applications. On the other hand, the Government should address the housing need of villagers through proper long-term planning to provide land for village expansion; and
- (c) the Sites were surrounded by existing or approved Small House developments. PlanD’s argument that the Sites were not infill developments simply because there were still vacant land to the immediate northeast of the Sites was not convincing.

66. As the presentations from PlanD’s representative, the applicant and the applicants’ representative had been completed, the Chairperson invited questions from Members.

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

- (a) whether the proposed Small Houses were in line with the planning intention of the “AGR” zone, and whether they warranted a departure from the planning intention;
- (b) whether the applicants had provided technical submissions to address the concern on sewage discharge, and views of the concerned government departments;

- (c) whether the applicants were permitted to raise the site formation level at the Sites to address the sewerage connection issue, and whether raising the site formation level could satisfactorily address the concerns of relevant government departments thereby warranting approval of the applications;
- (d) whether there were regulations governing the location of kitchen and toilets in a Small House, and whether putting those facilities on the second floor of a Small House as proposed by the applicants was feasible; and
- (e) noting the applicants' claim that a large portion of the land within the "V" zone could not be made available for Small House development due to complicated land ownership issues, whether such issue had been considered in the planning assessment.

68. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) the Sites were located in the "AGR" zone, the planning intention of which was primarily to retain and safeguard food quality agricultural land/farm/fishponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The Director of Agriculture, Fisheries and Conservation did not support the applications as the Sites possessed potential for agricultural rehabilitation and there was no strong planning justification to warrant a departure from the planning intention. Generally speaking, according to the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories' (the Interim Criteria), whether a Small House application could be approved would depend on the individual merits of the application, including location of the site, whether there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village concerned, comments of relevant government departments on the

application and whether the development would cause adverse impact on the surrounding environment etc.;

- (b) the applicant had stated in his submission that the formation level of the Sites could be raised to address the concern on sewage discharge. However, no additional information such as details of the connection points and alignment of the connections had been provided by the applicants to demonstrate the feasibility of their proposals and facilitate relevant government departments such as the DSD, Water Supplies Department and Environmental Protection Department to assess the acceptability of the proposals. It was noted that three planning permissions for Small House developments (under applications No. A/NE-LT/582 to 584) near the Sites had lapsed during the processing of land grant. Based on her knowledge, difficulty in providing suitable sewerage connection for sites situated in water gathering grounds (WGG) was one of the main reasons for the delay in processing land grant;
- (c) it was stipulated in the Interim Criteria that Small Houses within WGG should be able to be connected to existing or planned sewerage system in the area. Based on the information provided by the applicants in the application forms, no land filling works to raise the formation level of the Sites were required for the proposed Small House developments. It should be noted that the assessments made by PlanD and other relevant government departments were based on the proposals as submitted by the applicants. If the applicants wished to address the sewerage connection issue through raising the site formation level, the applicants should provide additional information on that aspect to facilitate relevant departments' consideration;
- (d) whilst there might not be any specific regulations governing the location of kitchen and toilets in a Small House, she was not in a position to comment on the technical feasibility of the alternative sewerage discharge proposal made by the applicants. The applicants could have,

but had not, included such proposal in their submissions for relevant departments' consideration; and

- (e) land ownership was subject to change over time and was not a material planning consideration. PlanD's estimate of land available within "V" zone for Small House development included vacant private lots as well as government land that had not been earmarked for provision of government, institution and community facilities. While some land within "V" zones in the New Territories might be owned by Tso/Tong or subject to other complications in terms of land ownership, there was scope that such land could be made available for Small House development in the future.

69. Some Members asked Mr Leung Tsz Ho, the applicant, and Mr Hung Shu Ping, the applicants' representative whether they had submitted any sewerage connection proposal with technical details. In response, Mr Leung and Mr Hung said that they had stated in the written submissions that the formation level at the Sites could be raised to address the technical concern of relevant government departments. The applicants would also undertake to employ suitable professionals to resolve the issue on sewerage connection if the applications were approved. With the use of suitable modern technology, no insurmountable issue was anticipated. On the other hand, regarding the lapsed planning permissions under applications No. A/NE-LT/582 to 584, the applications for Small House grant were not approved by Lands Department mainly because they were cross-village applications submitted by villagers outside Ma Po Mei and there was strong objection from local villagers.

70. As Members had no further question, the Chairperson said that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications and inform the applicants of the Board's decision in due course. The Chairperson thanked PlanD's representative, the applicant and the applicants' representative for attending the meeting. They left the meeting at this point.

#### Deliberation Session

71. Two Members said that the technical concern on sewerage connection of the

proposed Small Houses was only one of the planning considerations. Whilst the applicants had attempted to address the sewerage connection issue by proposing to raise the formation level at the Sites, information was not provided to demonstrate the feasibility of such proposal. Even if suitable sewerage connection to the existing public sewerage system could be provided, the review applications should still not be supported as there was still land available within the concerned “V” zone to meet the outstanding Small House applications. Three Members concurred and said that the applicants should be made aware of this point so that they would not be given false hope and proceed to carry out abortive work to tackle the technical concerns as set out in the rejection reasons. In that regard, the Vice-chairperson remarked that according to the minutes of the RNTPC meeting in Annex B of the Paper, RNTPC had duly considered the rejection reasons that were given to the applicants and had deliberated on whether the sequence of the rejection reasons should be adjusted in accordance with their order of significance. While the applicants might have the impression that the applications could be approved if the sewerage connection issue could be resolved, whether there was a general shortage of land to meet the demand for Small House development remained a major consideration of the Board as stipulated clearly under the Interim Criteria. At the moment, there was sufficient land within the “V” zone to meet the outstanding Small House applications submitted to the Lands Department.

72. The Vice-chairperson continued to say that based on the description provided by the applicants’ representative, Lot 603 in D.D. 8, which PlanD considered available for Small House development but the applicants disagreed, was part of the estate of the applicants’ ancestor rather than land owned by Tso/Tong. A Member said that while there might be difficulties for some villagers to acquire suitable land for Small House developments, it should not be a material consideration of the Board for planning applications and the current review applications should not be supported. Another Member echoed this view and said that it was up to the villagers to resolve the allegedly complicated land ownership issue among themselves.

73. Members considered unanimously that the review applications should be rejected. The Chairperson suggested that the applicants should be made fully aware of Members’ view that even if the technical issues associated with sewerage connection could be resolved at this juncture, the review applications would not be supported as there was still land available for Small House development in the “V” zone. Members agreed.

74. After deliberation, the Board decided to reject both applications on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) even assuming that land were not available and the factor in (b) above would no longer be a consideration for rejection, it remains a fact that the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.”

75. The Board also agreed to remind the applicants that even if the circumstances concerning availability of land in the “V” zone would change in the future and paragraph 74(b) above would no longer be a factor for rejecting the applications, the applicants would still have to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.

[Dr Lawrence K.C. Li and Dr Jeanne C.Y. Ng arrived to join the meeting during the deliberation session.]

[Mr Wilson Y.W. Fung left the meeting at this point.]

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

#### **Agenda Item 8**

[Open Meeting]

Draft Mui Wo North Outline Zoning Plan No. S/I-MWN/C – Preliminary Consideration of a New Plan

(TPB Paper No. 10713)

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[The item was conducted in Cantonese.]

76. The Secretary reported that Dr Lawrence W.C. Poon had declared an interest on the item for being the Permanent President of Szewei Kwangning Fraternal Association which had a branch in Mui Wo, and being the Honourable Consultant of Mui Wo Rural Committee (MWRC). Members agreed that the interest of Dr Lawrence W.C. Poon was indirect and he could stay in the meeting.

#### **Presentation and Question Sessions**

77. The following representatives of the Planning Department (PlanD) were invited to the meeting:

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands  
(DPO/SKIs)

Mr Richard Y.L. Siu - Senior Town Planner/Islands

Mr Kenneth C.K. Yeung - Senior Town Planner/Special Duties

Mr Kanic C.K. Kwok ]  
Mr Cyrus C.F. Chow ] Town Planners/Islands

Mr Keith L.C. Wu - Assistant Town Planner/Islands

78. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the Paper.

79. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the need for the outline zoning plan (OZP), existing land uses, land use planning considerations, general planning intention and proposed land use zonings of the draft OZP as detailed in TPB Paper No. 10713.

80. As the presentation from PlanD's representative had been completed, the Chairperson invited questions and comments from Members.

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

*General Issues*

- (a) whether the Mui Wo North area had sufficient infrastructure to support development;
- (b) whether it was appropriate for the boundary of the draft OZP to abut the boundaries of country parks, and whether a buffer should be provided in between;
- (c) how the mismatch between the boundaries of private lots and land use zones should be reconciled;



*Green Belt*

- (d) the justifications for zoning the areas near country park as “Green Belt” (“GB”) instead of some more restrictive conservation zonings;
- (e) whether the development rights of the private lots at Butterfly Hill would be affected under the “GB” zoning;

*Village Type Development/Residential Use*

- (f) noting that there was a general shortage of housing land supply in Hong Kong, whether additional land should be reserved for low-density residential development or for development of village houses by indigenous villagers;
- (g) whether the local villagers had been consulted on the boundaries of the proposed “Village Type Development” (“V”) zones;
- (h) noting that there were some individual sites zoned “Residential (Group C)” (“R(C)”), and some existing village settlements that were not recognised villages but still zoned “V”, what the justifications were;

*Agriculture*

- (i) whether it was appropriate to zone most of the scattered patches of abandoned agricultural land as shown on Plan 5 of the Paper as “GB”;

*Open Space and Recreation*

- (j) whether the current zoning for Silver Mine Bay Beach allowed provision of additional facilities in the future to better serve the needs of visitors and promotion of Mui Wo as a tourist destination;

- (k) a strip of “GB” zone was sandwiched between the two “Recreation” (“REC”) zones occupied by the Hong Kong Playground Association Jockey Club Silvermine Bay Camp (HKPA Camp) and the Methodist Retreat Centre (MRC), and whether it could be incorporated into the “REC” zones;

*Conservation*

- (l) according to the Environmental Impact Assessment for the Drainage Services Department (DSD)’s Drainage Improvement Works in Mui Wo, Romer’s Tree Frogs were found in the Silvermine Cave in Mui Wo. In that regard, whether the OZP could provide safeguard to the sensitive environment near Silvermine Cave;

*Archaeological Interest*

- (m) whether the Government had any plans to carry out archaeological study at the sites of archaeological interest (SAIs) in the Mui Wo North area; and

*Permitted Burial Grounds*

- (n) whether the permitted burial grounds within the “GB” zone would be expanded.

82. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides and the visualiser:

*General Issues*

- (a) the Mui Wo North area was largely bounded by country parks and comprised rich natural habitats and was served by limited infrastructure, therefore it was necessary to control the development within the area to avoid causing adverse impact on the environment and to maintain the unique natural and rural character and cultural heritage of the area.

Large-scale development was not recommended for the area. With the publication of the draft Development Permission Area (DPA) Plan covering the area under the Town Planning Ordinance (TPO), all new developments/redevelopments within the area would be subject to statutory planning control. Under the provision of the draft Mui Wo North DPA Plan, planning permission from the Town Planning Board (the Board) was required for most developments/redevelopments within the area. Upon gazettal of the draft OZP, all new developments must conform to the provision of the draft OZP and obtain planning permission, if required, from the Board in accordance with the draft OZP;

- (b) Lautau was mostly covered by country parks and major development areas were already covered by statutory town plans. It was the intention to put the remaining areas such as Mui Wo North under statutory planning control to avoid uncontrolled development which might affect the natural environment of the remaining areas. The Mui Wo North area was bounded by Lantau North (Extension) Country Park and Lantau North Country Park to the north. The planning scheme boundary of the Mui Wo North area would be abutting the boundary of the two country parks seamlessly with no left over areas which were not covered by either country parks or statutory plans. Areas in close proximity to the country parks would be zoned “GB” to provide a buffer from the existing and potential developments, within which there would be a presumption against developments;
- (c) in drawing up zoning boundaries, various considerations had been taken into account such as planning intentions, local character, existing land uses, existing physical features, topography, and land use compatibility, etc. In general, land ownership pattern was only one of the factors considered. In fact, in many cases, land use zoning boundaries did not follow the boundaries of private lots;

*Green Belt*

- (d) the area adjoining the country parks generally consisted of woodland and shrubland. The Director of Agriculture, Fisheries and Conservation (DAFC) had been consulted on the conservation value of those areas and it was considered that the “GB” zoning was appropriate as habitats of similar nature elsewhere on Lantau were also zoned “GB”;
- (e) the area near Butterfly Hill mainly consisted of woodland. Majority of the woodland area was covered by a private lot. According to information from the Lands Department (LandsD), the development right of the private lot could not be ascertained. As for the existing domestic buildings/structures along the southern fringe of the Butterfly Hill, some were domestic structures on government land. According to the covering Notes of the draft OZP, no action was required to make any existing domestic buildings/structures conform to the draft OZP. While the area was proposed to be zoned “GB”, replacement of an existing domestic building by a New Territories Exempted House (NTEH) was always permitted on land falling within the boundaries of the draft OZP under the covering Notes of the draft OZP. However, for house development other than NTEH, planning permission from the Board would be required;

*Village Type Development/Residential Use*

- (f) the planning intention of the “V” zone was primarily to reflect the existing recognised villages as well as other village settlements. Due to the natural and rural character of the area and the limitation on infrastructural capacity, large-scale residential development in the area was not recommended;
- (g) in drawing up the boundaries of the proposed “V” zones for recognised villages, the 10-year Small House demand forecast estimated by relevant

Rural Committees/Indigenous Inhabitant Representatives provided by LandsD had been taken into account among other factors, such as the village ‘environs’, the area of the existing village clusters, the number of approved and outstanding Small House Applications and the topography. There was sufficient land available for Small House development in the recognised villages to meet the Small House demand. Upon agreement by the Board, the relevant Rural Committee would be consulted on the draft OZP. PlanD would report the views collected as well as any proposed revisions to the draft OZP to the Board before it was gazetted under section 5 of the TPO for public inspection. For the existing village settlements that were not recognised villages, the “V” zones generally reflected the existing village clusters and no additional land was reserved for their expansion;

- (h) while replacement of an existing domestic building by a NTEH was always permitted on land covered by the draft OZP, the “R(C)” zone on the draft OZP mainly reflected the existing domestic buildings/structures on lots with building entitlement under the lease;

#### *Agriculture*

- (i) Plan 5 of the Paper showed the existing land uses of the area, including active and abandoned farmland. The proposed “Agriculture” (“AGR”) zone covered the clusters of some existing farmland under active cultivation, as well as abandoned farmland which possessed potential for agricultural rehabilitation in the vicinity of villages. In that regard, DAFC had been consulted and had no adverse comment on the proposed land use zonings including “AGR” and “GB”. Besides, ‘agricultural use’ was always permitted in the “GB” zone and it was not necessary to zone all patches of scattered abandoned agricultural land as “AGR”;

### *Open Space and Recreation*

- (j) Mui Wo North area was surrounded by country parks and the overall planning objective of the area was to preserve the natural environment and the rural ambiance. There was no plan for any major development in the area. The Silver Mine Bay Beach and some nearby areas were zoned “Open Space” (“O”) and improvement works had been carried out to improve the public facilities near the beach, and there was scope to provide additional facilities in support of the leisure and recreational uses in the area within the “O” zone in accordance with the Notes of the draft OZP;
- (k) with the planning intention to preserve the existing natural environment of the area, the current zonings were mainly to reflect the existing developments in the area and the “REC” zones covered the HKPA Camp and MRC. Some scattered domestic structures were found within the “GB” zone sandwiched between the two “REC” zones. Therefore “REC” zone was not proposed to cover the in-between area;

### *Conservation*

- (l) while the Silvermine Cave fell outside the boundary of the subject draft OZP, there were records of Romer’s Tree Frogs at marshes and woodland edge near Butterfly Hill in the vicinity of Mang Tong. DAFC had been consulted in that regard and advised that as the marshes and estuaries of Wang Tong River was located in close proximity to the developed areas, the “GB” zone was appropriate and sufficient to protect the environment and ecology of that area;

### *Archaeological Interest*

- (m) there were four areas in Mui Wo North that were identified as SAIs. Major developments at or near those SAIs were not anticipated. It should be noted that SAI was not a type of land use zoning.

Notwithstanding this, taking into account the advice given by the Antiquities and Monuments Office (AMO), the information related to the SAIs was included in the Explanatory Statement of the draft OZP. In the future, if there was any development at site falling within the SAIs, the relevant government departments/private developer might need to carry out archaeological impact assessment, as required by the AMO. Most of the proposed zonings on the draft OZP were not intended for large-scale development. For example, the “GB” zone, which covered majority of area on the draft OZP, had a presumption against development and excavation works within the “GB” zone, except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works, required planning permission from the Board. As such, there was sufficient safeguard provided for protection of those SAIs; and

*Permitted Burial Grounds*

- (n) to respect local ritual and tradition, the Home Affairs Department had designated a number of permitted burial grounds in the New Territories intended for burial of deceased indigenous villagers. Any burial activities should be confined within the designated burial grounds. If the permitted burial grounds located in the “GB” zone had to be expanded in the future, planning permission from the Board would be required.

83. In response to the Chairperson’s request, Mr Alan K.L. Lo, Assistant Director (Regional 3), LandsD, said under the prevailing policy, indigenous villagers could apply to develop Small Houses within the ‘village environs’ of recognised villages and LandsD would process each application for Small House development based on its merits.

84. The Chairperson remarked that the overarching principle of “Development in the North; Conservation for the South” embraced by the Sustainable Lantau Blueprint should be uphold. Developments in the area were not encouraged and proposed zonings should primarily reflect the existing situation. However, PlanD might consider fine-tuning and rationalising the boundaries of the “REC” and “V” zones as land use zonings on OZP were intended to be

broad-brush in nature. Ms Donna Y.P. Tam, DPO/SKIs, said that PlanD would consider all comments made by Members as well as views collected in the upcoming consultations, and review the zoning boundaries of various zones and, where appropriate, propose revisions for the Board's consideration.

85. After deliberation, the Board agreed that:

- (a) the draft Mui Wo North OZP No. S/I-MWN/C together with its Notes was suitable for consultation with Islands District Council (IsDC) and Mui Wo Rural Committee (MWRC);
- (b) the Explanatory Statement (ES) was suitable to serve as an expression of the planning intention and objectives of the Board for the various land use zonings of the draft OZP; and
- (c) the ES was suitable for consultation with IsDC and MWRC together with the draft OZP.

### **Agenda Item 9**

[Open Meeting]

Draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/C – Preliminary Consideration of a New Plan

(TPB Paper No. 10714)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

86. The following representatives of the Planning Department (PlanD) were present at the meeting:



- Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands  
(DPO/SKIs), PlanD
- Mr Richard Y.L. Siu - Senior Town Planner/Islands
- Mr Kenneth C.K. Yeung - Senior Town Planner/Special Duties
- Mr Kanic C.K. Kwok ]  
Mr Cyrus C.F. Chow ] Town Planners/Islands
- Mr Keith L.C. Wu - Assistant Town Planner/Islands

87. The Chairperson invited PlanD's representatives to brief Members on the Paper.

88. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the need for the outline zoning plan (OZP), existing land uses, land use planning considerations, general planning intention and proposed land use zonings of the draft OZP as detailed in TPB Paper No. 10714.

89. As the presentation from PlanD's representative had been completed, the Chairperson invited questions and comments from Members.

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

- (a) why the "Village Type Development" ("V") zone for the recognised village at San Tau was separated into three portions, whether there was scope to rationalise the boundaries of the two "V" zones in the northern part of San Tau so that they would not appear to be fragmented, and what considerations had been taken into account in drawing up the boundaries of the "V" zones;
- (b) whether it was the intention for the OZP to dissect the Lantau North (Extension) Country Park;

- (c) whether the “Coastal Protection Area” (“CPA”) zoning along the coastlines would affect the provision of basic public facilities such as piers;
- (d) why the existing domestic structures in Sha Lo Wan near the headland of Lantau North (Extension) Country Park were not zoned “Residential (Group C)” (“R(C)”) to reflect their current land use;
- (e) why some patches of active agricultural land in the northern part of Sha Lo Wan, which were coloured pink on Plan 5 of the Paper, were not zoned as “Agriculture” (“AGR”) but “Green Belt” (“GB”); and
- (f) whether there were clear criteria governing whether land occupied by existing domestic structures should be zoned as “V” or “R(C)”.

91. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides and the visualiser:

- (a) the “V” zones were designated having regard to the village ‘environs’, local topography, existing settlement pattern, outstanding Small House applications and demand forecast. Areas of difficult terrain, dense vegetation, conservation and ecological values had been excluded. The existing village clusters at San Tau and adjacent land suitable for village type development were zoned “V”. Outside the “V” zones was mostly agricultural land, some under active farming. The two “V” zones in the northern part and the “V” zone in southern part of San Tau were separated by a stream. In drawing up the boundaries of “V” zones, an incremental approach had been adopted and suitable land was identified to cater for the outstanding Small House applications. The 10-year Small House demand forecast was only one of the factors taken into account in the process. Land in the southern “V” had already been reserved for village expansion in accordance with the incremental approach, the area between the two northern “V” zones, which consisted of active and abandoned farmland, was recommended to be put under “AGR” zone

- (b) the Lantau North (Extension) Country Park consisted of two separate areas including a headland fronting the Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road. The OZP had included the areas which were outside the boundary of country park in order to put those areas under statutory planning control and better protect the environment therein;
- (c) there were already a few existing piers/jetties in the area, whereas existing ferry service linking Tung Chung, Sha Lo Wan, Tai O and Tuen Mun was provided at the pier at Sha Lo Wan. The Civil Engineering and Development Department (CEDD) was carrying out a study on traffic and transport capacity of Lantau, which would include the need and feasibility to provide additional ferry services for Lantau. In addition to cycle tracks, CEDD was working on the improvement and expansion of mountain bike trail networks on Lantau. According to the covering Notes of the draft OZP, local public works implemented by the Government were permitted within the OZP area and as such, the provision of public facilities would not be affected;
- (d) the existing domestic structures in Sha Lo Wan near the headland of Lantau North (Extension) Country Park fell within an area proposed to be zoned “GB”. As those domestic structures were scattered and did not form a cluster and no building lots had been involved, it was considered not appropriate to zone them as “R(C)” in a piecemeal manner. Notwithstanding the above, the proposed covering Notes of the draft OZP stipulated that replacement of an existing domestic building by a New Territories Exempted House (NTEH) in the “GB” zone was always permitted and no planning permission from the Town Planning Board (the Board) was required;
- (e) the “AGR” zone was primarily intended to include active farmland as well as abandoned farmland that possessed potential for agricultural rehabilitation. The Director of Agriculture, Fisheries and Conservation

had been consulted on the boundaries of the proposed “AGR” zone. While some of the scattered patches of active agricultural land was not zoned “AGR”, as ‘agricultural use’ was always permitted within the “GB” zone, the farming activities on those sites would not be adversely affected; and

- (f) generally speaking, “V” zone would be designated for indigenous villages and other village clusters. For lots within building entitlement under the lease, consideration would be given to designating those lots under a “R(C)” zoning.

92. The Chairperson remarked that PlanD might consider to review whether some of the boundaries of the “V” zones should be rationalised and to ensure a consistent approach be adopted in designating the various “V” zones, as well as be prepared to elaborate to the stakeholders how additional public facilities, such as piers and cycle paths, could be provided in the area to enhance its environment for public enjoyment.

93. After deliberation, the Board agreed that:

- (a) the draft Sha Lo Wan and San Tau OZP No. S/I-SLW/C together with its Notes was suitable for consultation with Islands District Council (IsDC) and Tai O Rural Committee (TORC);
- (b) the Explanatory Statement (ES) was suitable to serve as an expression of the planning intention and objectives of the Board for the various land use zonings of the draft OZP; and
- (c) the ES was suitable for consultation with IsDC and TORC together with the draft OZP.

**Agenda Item 10**

[Open Meeting]

Draft Sham Wat and San Shek Wan Outline Zoning Plan No. S/I-SW/C – Preliminary Consideration of a New Plan  
(TPB Paper No. 10715)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

94. The following representatives of the Planning Department (PlanD) were present at the meeting:

- |                       |   |
|-----------------------|---|
| Ms Donna Y.P. Tam     | - District Planning Officer/Sai Kung and Islands (DPO/SKIs) |
| Mr Richard Y.L. Siu   | - Senior Town Planner/Islands                               |
| Mr Kenneth C.K. Yeung | - Senior Town Planner/Special Duties                        |
| Mr Kanic C.K. Kwok    | ] Town Planners/Islands                                     |
| Mr Cyrus C.F. Chow    |   |
| Mr Keith L.C. Wu      | - Assistant Town Planner/Islands                            |

95. The Chairperson invited PlanD's representatives to brief Members on the Paper.

96. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the need for the outline zoning plan (OZP), existing land uses, land use planning considerations, general planning intention and proposed land use zonings of the draft OZP as detailed in TPB Paper No. 10715.

97. As the presentation from PlanD's representative had been completed, the

Chairperson invited questions and comments from Members.

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

- (a) whether the existing local provisions store, proposed to be zoned “Village Type Development” (“V”) zone, would be affected;
- (b) the reason to include the two pieces of land on the western fringe of the draft OZP as “Coastal Protection Area” (“CPA”) zones; and whether a special zoning should be introduced to cover land that fell within a site of archaeological interest (SAI);
- (c) whether there was a need to exclude vacant land that was odd-shaped and difficult to be used for Small House development from PlanD’s estimation of land available within the “V” zone, and whether additional land could be zoned as “V” to meet the potential demand for Small House developments in the future;
- (d) whether PlanD had adopted a consistent approach in drawing up the boundaries of the “V” zones on different OZPs;
- (e) the basis for drawing up the boundary of zonings along the coastline, and whether the tidal range had been taken into account;
- (f) whether a specific government department would be responsible for managing the land zoned “Site of Special Scientific Interest” (“SSSI”) and “CPA”; and
- (g) noting that a number of private lots in Nam Tin fell within the proposed “Green Belt” (“GB”) zone, whether the development rights of those lots would be adversely affected by the proposed zoning.

99. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides and the visualiser:

- (a) the operation of the existing provisions store within the proposed “V” zone would not be affected, as it would be an “existing use” under the provision of the draft OZP. According to the Notes of the “V” zone, development of New Territories Exempted House (NTEH) was always permitted and using the ground floor of the NTEH for ‘shop and services’ and ‘eating place’ uses was also always permitted;
- (b) the incorporation of the two small patches of land on the western fringe that fell outside the boundary of the Lantau North Country Park into the draft OZP and zoning them as “CPA” would allow statutory planning control so as to better preserve the environment. The SAI only earmarked the boundary of land that might be of archaeological interest and was not intended to be a type of land use zoning. For future development within SAIs, relevant government departments such as the Antiquities and Monuments Office would be consulted and project proponents might be required to carry out archaeological impact assessment and implement mitigation measures;
- (c) the “V” zones on the draft OZP were mainly to reflect the existing clusters of village houses. The land at the back of the “V” zone of Sham Wat was mainly steep slopes with limited scope for village development or expansion. It was noted that both the number of outstanding Small House application and the 10-year Small House demand forecast for Sham Wat were 0. As such, the current “V” zone boundary as shown on the draft OZP was proposed;
- (d) a consistent approach had been adopted in drawing up the boundaries of the “V” zones on the four draft OZPs. Taken into account the nil outstanding Small House application and 10-year Small House demand forecast, the “V” zones for Sham Wat and Shan Shek Wan were primarily drawn up to reflect the existing village clusters rather than reserve additional land to cater for demand for Small House development in the future. However, while the “V” zone covered mainly the existing

clusters, there was still some vacant land between houses that might be used for building village houses;

- (e) for statutory plans involving coastlines, the high water mark was usually used to delineate the boundary between land and sea. Land use zonings would normally only be designated for land area;
- (f) majority of the land proposed to be zoned “SSSI” and “CPA” were government land under management by LandsD. Since the area was now covered by the draft DPA Plan, any development on those sites would need to conform to the requirements of the statutory plan in force; and
- (g) currently there were some scattered domestic buildings/structures, some of which fell within private lots, in the proposed “GB” zone near Nam Tin. According to the proposed covering Notes of the draft OZP, replacement of an existing domestic building by a NTEH in the “GB” zone was always permitted and no planning permission from the Board was required. The development rights of the concerned lot owners would not be adversely affected by the proposed “GB” zone.

100. After deliberation, the Board agreed that:

- (a) the draft Sham Wat and San Shek Wan OZP No. S/I-SW/C together with its Notes was suitable for consultation with Islands District Council (IsDC) and Tai O Rural Committee (TORC);
- (b) the Explanatory Statement (ES) was suitable to serve as an expression of the planning intention and objectives of the Board for the various land use zonings of the draft OZP; and
- (c) the ES was suitable for consultation with IsDC and TORC together with the draft OZP.



**Agenda Item 11**

[Open Meeting]

Draft Pui O Au Outline Zoning Plan No. S/I-POA/C – Preliminary Consideration of a New Plan (TPB Paper No. 10716)

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[The item was conducted in Cantonese.]

Presentation and Question Sessions

101. The following representatives of the Planning Department (PlanD) were present at the meeting:

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands (DPO/SKIs)

Mr Richard Y.L. Siu - Senior Town Planner/Islands

Mr Kenneth C.K. Yeung - Senior Town Planner/Special Duties

Mr Kanic C.K. Kwok ]  
Mr Cyrus C.F. Chow ] Town Planners/Islands

Mr Keith L.C. Wu - Assistant Town Planner/Islands

102. The Chairperson invited PlanD's representatives to brief Members on the Paper.

103. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the need for the outline zoning plan (OZP), existing land uses, land use planning considerations, general planning intention and proposed land use zonings of the draft OZP as detailed in TPB Paper No. 10716.

104. As the presentation from PlanD's representative had been completed, the Chairperson invited questions and comments from Members.

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

- (a) clarification of the ‘Development in the North; Conservation for the South’ concept on the Sustainable Lantau Blueprint (the Blueprint), and whether Pui O Au area was earmarked for conservation;
- (b) noting that a “Green Belt” (“GB”) zone was sandwiched between a “Village Type Development” (“V”) zone and a “Government, Institution or Community” (“G/IC”) zone on the western part of the draft OZP, whether the “GB” zone was appropriate, and whether there was scope to subsume it under the “V” or “G/IC” zone;
- (c) whether private lots within the “GB” zone could be used for development of New Territories Exempted Houses (NTEH); and
- (d) whether the existing domestic buildings/structures scattered around the area were permitted use under the Town Planning Ordinance, and whether they should be individually zoned as “V” or “Residential (Group C)” (“R(C)”) to reflect their existing domestic use.

106. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides and the visualiser:

- (a) according to the Blueprint, development of Lantau would concentrate along the northern coast stretching from Tung Chung towards Sunny Bay to the east, while predominant part of Lantau to the south was earmarked for conservation;
- (b) the objective of the draft OZP was primarily to preserve the natural landscape and environment. The “GB” zone located to the east of the “V” zone mainly consisted of a slope currently covered by dense vegetation. It was considered appropriate to zone this area “GB” to reflect its existing condition;

- (c) according to the Notes of the proposed “GB” zone of the draft OZP, planning permission was required for proposed house (including NTEH) development. Owners of private lots could submit planning application to the Board if they wished to develop new NTEHs. Notwithstanding that, according to the proposed covering Notes of the draft OZP, rebuilding of NTEH or replacement of an existing domestic building by a NTEH was always permitted and no planning permission was required; and
  
- (d) the existing domestic buildings/structures falling within the area were considered as ‘existing uses’ as they were in existence before the publication of the draft DPA Plan covering the area. Based on the available information, those existing domestic buildings/structures were covered by private lots and/or building licences. Replacement of those existing domestic buildings/structures by a NTEH was always permitted under the draft OZP. As a general principle, it was not recommended to zone each individual existing structure in a piecemeal manner merely to reflect the existing land uses.

107. The Chairperson remarked that all four draft OZPs being considered by the Board under Items 8 to 11 aimed to take forward the principle of ‘Development in the North; Conservation for the South’ emphasised by the Blueprint. Balancing the need for development and conservation was the central issue. In particular, the public might be interested to know how the boundaries of the “V” zones were drawn up on the draft OZPs, i.e. for areas with recognised villages, land had been reserved in “V” zones for development of Small Houses by indigenous villagers; and for areas not involving recognised villages, the “V” zones were designated primarily to reflect existing clusters of village houses. It was important that a consistent approach was adopted in drawing up the boundaries of land use zones and PlanD should be prepared to elaborate on the methodology/rationale when the draft OZPs were published for public inspection. On the other hand, PlanD should be able to explain to the public how the proposed zonings could allow the provision of public facilities in the future, thereby enabling the public to better enjoy the environment and natural resources these areas were offering. Lastly, PlanD might also consider whether there was scope to rationalise some of the zoning boundaries as appropriate in the light of the comments made

by Members and the views collected during the upcoming consultations.

108. After deliberation, the Board agreed that:

- (a) the draft Pui O Au OZP No. S/I-POA/C together with its Notes was suitable for consultation with Islands District Council (IsDC) and South Lantao Rural Committee (SLRC);
- (b) the Explanatory Statement (ES) was suitable to serve as an expression of the planning intentions and objectives of the Board for the various land use zonings of the draft OZP; and
- (c) the ES was suitable for consultation with IsDC and SLRC together with the draft OZP.

109. The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

### **Procedural Matters**

#### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/13 (TPB Paper No. 10711)

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[The item was conducted in Cantonese.]

110. The Secretary reported that representations/comment had been submitted by Hong Kong and China Gas Company Limited (HKCG) (R65), a subsidiary of Henderson Land Development Co. Limited (HLD), and Ms Mary Mulvihill (R76/C138). The following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having current business dealings with HLD and HKCG, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Alex T.H. Lai - his former firm having current business dealings with HLD and HKCG, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Peter Y.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD;
- Dr C.H. Hau - being an employee of HKU which had received a donation from a family member of the Chairman of HLD before; and
- Dr Lawrence K.C. Li - being the deputy chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before.

111. Members noted that Mr Alex T.H. Lai had already left the meeting. As the item was procedural in nature, Members agreed that all the other Members who had declared interests could stay in the meeting.

112. The Secretary briefly introduced TPB Paper No. 10711. On 10.7.2020, the draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment items mainly covered Stages 1 and 2 of the Yuen Long South (YLS) Development. A total of 79 valid representations were received. Eight other submissions were made with their identity

information missing and should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance. On 16.10.2020, the 79 valid representations were published for public comment. A total of 140 valid comments were received. Two other submissions were made with their identity information missing and should be considered as invalid and treated as not having been made pursuant to sections 6A(2) and 6A(3)(b) of the Ordinance.

113. Since the representations/comments were of similar nature, it was suggested that the hearing would be considered by the full Town Planning Board (the Board) collectively in one group. The subject draft OZP and the draft Tai Tong OZP No. S/YL-TT/17 were gazetted under section 5 of the Ordinance on the same date and both OZPs collectively reflected Stages 1 and 2 of the YLS Development. As a significant number of representations and comments on the two OZPs were submitted by the same representers and commenters, the Board might consider the representations and comments on the two OZPs collectively. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session irrespective of the number of OZPs he/she had made submissions on. Consideration of the representations and comments by the full Board was tentatively scheduled for March 2021.

114. After deliberation, the Board noted that the representations and comments made with the required identity information missing as mentioned in paragraphs 1.2 and 1.3 of the Paper respectively should be treated as not having been made, and agreed that:

- (a) the valid representations and comments, together with those of the draft Tai Tong OZP No. S/YL-TT/17, should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter irrespective of the number of OZPs he/she had made submissions on.

**Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tai Tong Outline Zoning Plan No. S/YL-TT/17  
(TPB Paper No. 10712)

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[The item was conducted in Cantonese.]

115. The Secretary reported that representation/comment had been submitted by Ms Mary Mulvihill (R31/C167) and the following Members had declared interests on the item:

- |                  |   |   |
|------------------|---|---|
| Mr K.K. Cheung   | - | his firm hiring Ms Mary Mulvihill on a contract basis from time to time; and    |
| Mr Alex T.H. Lai | - | his former firm hiring Ms Mary Mulvihill on a contract basis from time to time. |

116. Members noted that Mr Alex T.H. Lai had already left the meeting. As the item was procedural in nature, Members agreed that Mr K.K. Cheung could stay in the meeting.

117. The Secretary briefly introduced TPB Paper No. 10712. On 10.7.2020, the draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment items mainly covered Stages 1 and 2 of the Yuen Long South (YLS) Development. A total of 136 valid representations were received. Three other submissions were made with their identity information missing and should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance. On 16.10.2020, the 136 valid representations were published for public comment and a total of 171 valid comments were received.

118. Since the representations/comments were of similar nature, it was suggested that the hearing would be considered by the full Town Planning Board (the Board) collectively in one group. The subject draft OZP and the draft Tong Yan San Tsuen OZP No. S/YL-TYST/13

were gazetted under section 5 of the Ordinance on the same date and both OZPs collectively reflect Stages 1 and 2 of the YLS Development. As a significant number of representations and comments on the two OZPs were submitted by the same representers and commenters, the Board might consider the representations and comments on the two OZPs collectively. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session irrespective of the number of OZPs he/she had made submissions on. Consideration of the representations and comments by the full Board was tentatively scheduled for March 2021.

119. After deliberation, the Board noted that the representations made with the required identity information missing as mentioned in paragraph 1.2 of the Paper should be treated as not having been made, and agreed that:

- (a) the valid representations and comments, together with those of the draft Tong Yan San Tsuen OZP No. S/YL-TYST/13, should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter irrespective of the number of OZPs he/she had made submissions on.

#### **Agenda Item 14**

[Open Meeting]

#### **Any Other Business**

120. There being no other business, the meeting was closed at 6:00 p.m.