

**Minutes of 1261st Meeting of the
Town Planning Board held on 17.12.2021**

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

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John 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

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Miss Fiona W.S. Li

Chief Engineer (Works),
Home Affairs Department
Mr Paul Y.K. Au

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Stanley C.F. Lau

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Stanley T.S. Choi

Dr Jeanne C.Y. Ng

Dr Conrad T.C. Wong

Mr Y.S. Wong

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planners/Town Planning Board
Ms Josephine Y.M. Lo (a.m.)
Ms Johanna W.Y. Cheng (p.m.)

Senior Town Planners/Town Planning Board
Ms Annie H.Y. Wong (a.m.)
Ms Carmen S.Y. Chan (p.m.)

Opening Remarks

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1260th Meeting held on 3.12.2021

[The item was conducted in Cantonese.]

2. The draft minutes of the 1260th meeting held on 3.12.2021 were sent to Members on 17.12.2021. Subject to any proposed amendments by Members on or before 20.12.2021, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 20.12.2021 without amendments.]

[Ms Sandy H.Y. Wong, Mr Wilson Y.W. Fung and Miss Fiona W.S. Li, Principal Assistant Secretary (Transport) 3, joined the meeting at this point.]

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

- (i) [Confidential Item] [Closed Meeting]

3. The item was recorded under confidential cover.

[Messrs K.K. Cheung and L.T. Kwok, Dr Frankie W.C. Yeung and Miss Winnie W.M. Ng joined the meeting at this point.]

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/10 and the Draft Tin Shui Wai Outline Zoning Plan No. S/TSW/15

(TPB Paper No. 10790)

[The item was conducted in Cantonese and English.]

4. The Secretary reported that the amendment items mainly involved a site in Tin Shui Wai for public housing development by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. The Engineering Feasibility Study (EFS) for the aforesaid amendment item was conducted by the Civil Engineering and Development Department (CEDD) with Black & Veatch Hong Kong Limited (B&V) as the study consultant. Representations and comments had been submitted by the Hong Kong Bird Watching Society (HKBWS) (C3 of both LFS OZP and TSW OZP) and Ms Mary Mulvihill (R2/C4 of both LFS OZP and TSW OZP). The following Members had declared interests on the items:

Mr Andrew C.W. Lai - being a Member of HKHA;
(as Director of Lands)

Mr Paul Y.K. Au - being a representative of the Director of Home Affairs
(as Chief Engineer who was a member of the Strategic Planning
(Works), Home Affairs Committee and Subsidized Housing Committee of
Department) HKHA;

Mr Thomas O.S. Ho - having current business dealings with HKHA;

- Mr K.K. Cheung - his firm having current business dealings with HKHA and B&V, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Alex H.T. Lai - his former firm having current business dealings with HKHA and B&V, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Dr C.H. Hau - conducting contract research projects with CEDD, and being a member of HKBWS;
- Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS;
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work;
- Mr Franklin Yu - being a member of the Building Committee and Tender Committee of HKHA;
- Mr L.T. Kwok - his serving organisation operating a social service team which was supported by HKHA (including a service unit at Tin Ching Estate) and had openly bid funding from HKHA;
- Mr Ricky W.Y. Yu - having a project in Tin Shui Wai for social housing development;
- Dr Conrad T.C. Wong - having current business dealings with HKHA; and
- Mr Y.S. Wong - being a member of Funds Management Sub-Committee of Finance Committee of the HKHA.

[Mr Andrew C.W. Lai, Director of Lands, Mr Paul Y.K. Au, Chief Engineer (Works), Home Affairs Department, and Mr Franklin Yu left the meeting temporarily at this point.]

5. Members noted that Dr Conrad T.C. Wong, Dr C.H. Hau, Messrs Thomas O.S. Ho and Y.S. Wong had tendered apologies for not being able to attend the meeting, and Mr Andrew C.W. Lai, Director of Lands, and Mr Paul Y.K. Au, Chief Engineer (Works), Home Affairs Department had left the meeting temporarily for the item. Members also agreed that as the interests of Messrs L.T. Kwok, Ricky W.Y. Yu and Dr Lawrence W.C. Poon were indirect, and Messrs K.K. Cheung, Alex T.H. Lai and K.W. Leung had no involvement in the projects on the representation sites and/or the submissions of the representations and comments, they could stay in the meeting.

Presentation and Question Sessions

6. 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 their absence.

7. The following government representatives, representers, commenters and representers'/commenter's representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Mr Kepler S.Y. Yuen - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW)

Ms Bonnie K.C. Lee - Senior Town Planner/Yuen Long West (STP/YLW)

Mr Keith P.S. Wong - Town Planner/Yuen Long West (TP/YLW)

Civil Engineering and Development Department (CEDD)

Mr Thomas W.K. Chan - Chief Engineer/Housing Projects 2 (CE/HP2)

Mr John C.L. Chan - Senior Engineer/2 (SE/2)

Mr Issac C.K. Tsao - Engineer/8 (E/8)

Consultants

Mr Edwin C.H. Lo - Technical Director, Binnies HK Ltd.

Representers, Commenters and their Representatives

R2/C4 of LFS OZP and R2/C4 of TSW OZP – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R3 of LFS OZP and R3 of TSW OZP – Fung Kam Lam

Mr Fung Kam Lam - Representer

C1 of LFS OZP and C1 of TSW OZP – Ping Shan Rural Committee

C2 of LFS OZP and C2 of TSW OZP – 陶連壽 莫志坤 莫堯炳 (沙江圍村長)

Mr To Sum Kau] Commenter and
Mr Mok Chi Kwan] Commenter's
Mr Mok Yiu Ping] Representatives

8. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representers, commenters and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representers, commenters 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

representers, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, government representatives, the representers, commenters or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

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

10. With the aid of a PowerPoint presentation, Ms Bonnie K.C. Lee, STP/YLW, PlanD briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the Paper.

11. The Secretary reported that a letter in respect of the LFS OZP was received on 26.11.2021 from 屏山鄉沙江圍村代表 (the representatives of Sha Kong Wai Village) (C2 of both OZPs). The content of the letter was similar to the comments submitted by C2 which had already been incorporated in the TPB Paper No. 10790 (the Paper) as appropriate. Members were invited to note that as the letter was submitted after the statutory publication period of the draft OZPs, it should be treated as not having been made under section 6A(3)(a) of the Town Planning Ordinance (the Ordinance). The Chairperson remarked that the representatives of Sha Kong Wai Village who attended the hearing meeting would make oral submissions.

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

R3 of LFS OZP and R3 of TSW OZP – Fung Kam Lam

13. With the aid of a PowerPoint presentation, Mr Fung Kam Lam made the following main points:

- (a) he objected to the amendment to the Remarks of the Notes of the OZPs in which the clause exempting the land/pond filling and land excavation works pertaining to public works co-ordinated or implemented by Government (which were always permitted) from the requirement of planning permission (the 'Exemption Clause') was extended to cover conservation-related zones. He remarked that he would raise the same objection to other OZPs involving such amendments such as the Ping Shan OZP;
- (b) after the incorporation of the 'Exemption Clause', the Remarks of the conservation-related zones of the two OZPs were amended to read as 'any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), should not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Board under section 16 of the Town Planning Ordinance'. The amendments were the addition of the text in brackets;
- (c) according to PlanD's responses in the Paper, the amendments were in line with the latest revision of the Master Schedule of Notes (MSN) to Statutory Plans, which was promulgated in August 2021. However, it should be noted that the amendments to the two OZPs were gazetted in May 2021. He submitted representations in respect of the two OZPs during the statutory public consultation period and a letter to the Board concerning the amendments to the MSN in August 2021;
- (d) with reference to the OZPs covering the Lantau Island, the new 'Exemption Clause' had been incorporated into the Tung Chung Valley, Tai O and Yi O OZPs only. In most of the OZPs, the clause exempting planning permission for land/pond filling and land excavation works applied only to maintenance, repair and rebuilding works;

- (e) PlanD responded in the Paper that public works co-ordinated or implemented by Government were carried out under an established monitoring mechanism whereby the proposed works had to be agreed by the bureaux/government departments concerned and in compliance with the relevant government requirements. However, there should be a “check and balance” in the system, like the purpose of establishing the Independent Commission Against Corruption, the Audit Commission and the Ombudsman. The Board with its transparent operation was still an important and irreplaceable gate keeper;
- (f) PlanD further responded in the Paper that planning permission for filling of land/pond and excavation of land was also required for a permitted use/development (i.e. a Column 1 use or a use specified in the Covering Notes) if the works were not exempted in the Remarks of the Notes. In this regard, statutory control over developments within the conservation-related zones had not been undermined under the Ordinance. However, according to the latest amendments, local public works, road works and other public works co-ordinated or implemented by Government involving filling of land/pond and excavation of land, could be exempted from the requirement of planning permission and this might be problematic if the scale of works involved was substantial; and
- (g) in future, local public works, road works, and the provision of, e.g. ‘Nature Trail’, ‘On-Farm Domestic Structure’ and ‘Picnic Area’, within the conservation-related zones as well as the wetland conservation parks in the future Northern Metropolis involving filling of land/pond and excavation of land would not need to be considered by the Board. The Board was invited to reconsider the implications of such amendments and close the loophole vigilantly.

C1 of LFS OZP and C1 of TSW OZP – Ping Shan Rural Committee

C2 of LFS OZP and C2 of TSW OZP – 陶連壽 莫志坤 莫堯炳 (沙江圍村長)

14. Mr To Sum Kau made the following main points:

- (a) he was a villager of Sha Kong Wai Village;
- (b) the amendments to the OZPs for a proposed public housing development with five building blocks of 30-storey were published on 7.5.2021, and the indigenous villagers were shocked as they had not been consulted. There was no information about the proposed amendments from the Yuen Long District Office (YLDO), Yuen Long District Council (YLDC) and the Ping Shan Rural Committee (PSRC). The village representatives were not notified either. The villagers were dissatisfied with the arrangement and hence about 200 objection letters were collected from the three villages of Sha Kong Wai, San Hing Tsuen and Ngau Hom (the three villages) within two weeks;
- (c) the villagers' needs of community facilities were not recognised. The application for providing a recreation centre for the elderly and children made by a DC member of their constituency in 2019 was rejected by YLDC. It was a deviation from the people-oriented policy;
- (d) the proposed public housing development would impose adverse impacts on the security, traffic, tranquil living environment, rural character and culture of the villages. The proposed housing development sitting right in front of the entrance gate of the Sha Kong Wai Village should be shelved and an alternative site should be identified; and
- (e) if their views were neglected by the Government, the three villages would be forced to fight for protecting their homes as their private lands would be resumed mandatorily.

15. Mr Mok Yiu Ping made the following main points:

- (a) he was the village representative of Sha Kong Wai Village;
- (b) the proposed public housing development would displace the venue for holding the 'Tai Ping Ching Chiu' ritual event which would be held in three

years from now and they had encountered difficulty in identifying an alternative venue. 'Tai Ping Ching Chiu' was an important cultural heritage which should be respected;

- (c) while the provision of public housing was supported, he objected to the proposed public housing development as it would be located in front of the village entrance gate and its location to the southeast of the villages would affect the fung shui of the villages; and
- (d) the proposed public housing development would impose adverse traffic impact on Tin Wah Road which was already congested.

R2/C4 of LFS OZP and R2/C4 of TSW OZP – Mary Mulvihill

16. With the aid of a visualiser, Ms Mary Mulvihill made the following main points:

- (a) as mentioned in the submissions from her and the villagers, greater effort should be made to engage people who would be affected by the proposed public development, in particular that the DC with only a few members could not function properly now;
- (b) the meeting papers should be downloadable in a more simple and easy way by splitting them into different parts, otherwise the general public would be denied the right to gain a clear picture of the proposals;
- (c) while rezoning for the proposed public housing would be approved ultimately, the issues set out below should be carefully considered;

Tree Preservation

- (d) the existing trees which provided a natural barrier from traffic noise would be removed and replaced with a single row of ornamental trees. PlanD responded that the trees would need to be felled due to infrastructure and site formation works. Noting that the existing strong mature trees were located

at the periphery of the road while the proposed building blocks would be located in the central part of the site, it was trusted that they could be duly preserved with the technology nowadays;

Traffic concerns and pedestrian facilities

- (e) the traffic impact of the proposed public housing development as raised by the villagers was a major concern;
- (f) Members should consider whether the road to be upgraded, which appeared to be very wide, could accommodate heavy traffic flow, and whether the proposed at-grade crossings between the two development phases, or from the proposed development to the cycle track at Tin Shui Path and Tin Shui Wai New Town, would be safe for pedestrians;
- (g) she also doubted why the proposed road was not provided underground, considering that the high construction and maintenance cost should not be the concern if underground road would be more beneficial for the locals in respect of better living environment and provision of more open space;

Provision of facilities

- (h) PlanD responded that recreational facilities on the roof of the multi-storey ancillary facilities/carpark would be provided. However, all natural terrain would be replaced by podium facilities with hard paving and potted plants and this would deprive the residents, in particular the children, from connecting with the natural world;
- (i) the Paper was evasive about the provision of adequate outdoor facilities. There would be about 10,000 new population in the proposed development but no details on the provision of outdoor facilities were provided in the indicative scheme. Members should question whether these facilities would be effectively provided later. The underground vehicular road she proposed would allow the provision of aboveground space for recreation purpose;

- (j) there was a severe deficit in Government, Institution and Community (GIC) facilities, including a shortfall of child care centre (-68%), community care services (CCS) facilities (-82%) and residential care home for the elderly (RCHE) (-87%) for the TSW OZP area, and there would be no child care centre, CCS facilities and RCHE (i.e. a shortfall of 100%) for the LFS OZP area. The long-term provision of GIC facilities could not meet the current and future needs of the district;
- (k) the community did not trust the Social Welfare Department (SWD) as it conspired to remove the requirement of elderly and child care facilities from the Hong Kong Planning Standards and Guidelines (HKPSG) in 2008. Such decision had largely led to the chronic shortage of such facilities the community currently faced. This had also allowed for the rezoning of many GIC sites for other developments on the pretext that there was no deficit in community services and provision of these services was shoved into the leftover spaces instead of in a well-planned manner, bearing in mind that the community services for the vulnerable groups, including elderly and children, should be easily accessible;
- (l) Members should consider the cumulative impact of all on-going development plans, such as a private development in the LFS OZP area. There should be a holistic view to consider the overall impacts with regard to the loss of view, the loss of green belt and inadequacy of community services;

Others

- (m) while she objected the zoning amendment for a completed residential development under Item B, she noted that it was to reflect the as-built condition;
- (n) Item C appeared to be a swapping arrangement, but a larger portion of “G/IC” site was rezoned to ‘Road’ which would result in reduction of sites allocated for GIC facilities;

- (o) she totally supported R3's objection to the amendment to the Notes. The Government had ignored the conservation effort and recommendations of relevant studies for its own expediency and boosting of housing supply. Town planning was a mechanism allowing examination of plans before they were implemented and the plans should be withheld if they were not for the best interest of the community. Members should retain the autonomy to monitor the government related works and remove the amendment to the Notes; and
- (p) town planning in Hong Kong was skewed. The Government had put the public housing developments in isolated pockets and decanted the working class or grassroots from the urban area for the construction of private dwellings with expensive club houses. People living in the private dwellings should have cars to afford living in the peripheral areas while those people living in the public housing should be located close to their work places and schools. Ghettos should not be created. The Urban Renewal Authority should facilitate the deprived ones to live in the urban area, so that they could have more chances to get mixed with other people from different classes of the society, and be stimulated and developed and their children could access better education facilities for social mobility.

17. As the presentations of PlanD's representatives, the representers, commenter 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, commenter, 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.

The Site and the Proposed Public Housing Development under Item A

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

- (a) regarding C2's concern on resuming private land for public housing, the

land ownership of the site under Item A (Site A);

- (b) the existing land use of Site A;
- (c) the zoning history of Site A;
- (d) the type of public housing to be provided at Site A;
- (e) whether filling of land/pond or excavation of land would be involved at Site A;
- (f) whether more GIC facilities could be provided in the proposed development to meet the needs of the villages nearby including Sha Kong Wai Village;
- (g) the implementation programme of the proposed public housing development; and
- (h) any supporting facilities for residents in Phase 1 prior to the full implementation of the development.

19. With the aid of a visualiser and some PowerPoint slides, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points:

- (a) as shown on Plan H-3a of the Paper, the portion of Site A on the TSW OZP was on government land (shown in white) and the remaining portion on the LFS OZP was partly on government land (shown in white) and partly on private land (shown in green) involving Tso/Tong lands. The “Village Type Development” (“V”) zone to the west of the proposed public housing development was not included in order to avoid the potential impact on the land supply for Small House development;
- (b) as shown in the aerial photo on Plan H-3b of the Paper, there were mainly trees and works area of the Drainage Services Department on the government land portion of Site A. The private land portion was occupied

by two temporary car parks with planning permissions;

- (c) as shown on Plan 2a of RNTPC Paper No. 4/21 submitted for the proposed amendments to the approved OZPs, Site A was previously zoned “Residential (Group C)” and “Green Belt” (“GB”) on the LFS OZP and “Government, Institution or Community” (“G/IC”) and an area shown as ‘Road’ on the TSW OZP;
- (d) the type of public housing had not been determined yet. Interchangeability between Public Rental Housing and subsidised sale flat in the detailed design stage would allow flexibility for HD to better respond to the market situation and the community’s housing needs;
- (e) there was no pond within Site A and thus no filling of pond would be involved, whereas filling of land would be involved for the site formation works for the proposed development. Planning permission was not required for filling of land/pond or excavation of land under the subject “Residential (Group A)1” (“R(A)1”) and “R(A)” zones;
- (f) there would be a complex for social welfare, retail and other ancillary facilities (the complex), including kindergarten, in the southern part of the Phase 2 development. The 2020 Policy Address announced that social welfare facilities with total gross floor area (GFA) equivalent to about 5% of the GFA of future public housing projects could be provided as far as practicable. The incorporation of social welfare facilities and other GIC facilities in the proposed development would be further considered in consultation with the relevant government departments in the detailed design stage. SWD and HD were exploring to provide additional facilities which could serve the future residents of the proposed development as well as the local community. As to whether the GIC facilities to be incorporated could meet the specific needs of the villagers, SWD would be further consulted in the detailed design stage of the proposed development. Moreover, the addition of GFA for GIC facilities to the proposed development would not require planning permission as the floor space for

use solely as GIC facilities as required by the Government would be exempted from plot ratio calculation under the provision of the OZPs;

- (g) according to the implementation programme of the proposed development, the tentative population in-take of Phase 1 and Phase 2 would be 2030 and 2032 respectively; and
- (h) the residents of Phase 1 could be served by existing facilities in the community nearby prior to the full implementation of the proposed development. The possibility to advance the construction of the complex in Phase 2 for the benefit of the residents in Phase 1 would be subject to the liaisons of the concerned government departments in the detailed design stage.

Integration with the Surroundings

20. Given that urbanisation of the New Territories would be intensified due to the Government's recent development strategy, a Member asked how the villagers could cope with the high-density environment near their village. In response, Mr To Sum Kau (C1's representative and C2) said that the vacant land to the northeast of Sha Kong Wai Village could be an alternative site for the proposed public housing development. Their village had already been surrounded by the TSW New Town in the east, Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) in the south and mountains in the north. The proposed development would affect the ventilation, traffic, security and fung shui on the one hand, and take away their communal space for activities on the other. Furthermore, as pointed out by Mr Mok Yiu Ping, the village representative, the venue for holding the 'Tai Ping Ching Chiu' ritual event once every six years would be displaced. Their voice should be heard and conflicts between rural and urban should be avoided.

21. Some Members raised the following questions:

- (a) measures for the integration of the proposed public housing development with Sha Kong Wai Village;

- (b) how to address the fung shui issue and whether reference could be made to other plan-making experience in dealing with fung shui; and
- (c) the feasibility of developing the proposed public housing at C2's suggested alternative site.

22. With the aid of some PowerPoint slides, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points:

- (a) the proposed public housing development was located to the west of TSW New Town, to the north of HSK/HT NDA and to the east of Sha Kong Wai Village. The surrounding environment of Site A was not entirely rural in nature. It was not uncommon to build new developments or public housing estates in the vicinity of villages nowadays. That said, the proposed development would not affect the "V" zone at Sha Kong Wai Village. According to the Preliminary Landscape and Visual Impact Assessment (LVIA) and Air Ventilation Assessment (AVA), the proposed development would not generate significant adverse visual and ventilation impacts on the surrounding environment. With regard to the views collected from the consultation with YLDC and PSRC concerning the land use compatibility with Sha Kong Wai Village, building setbacks and building separations would be incorporated in the design of the proposed development. Moreover, the proposed complex of ancillary facilities and social welfare facilities would serve not only the future residents but also the community nearby. While it appeared difficult to spare extra area for open space between the proposed housing development and the villages taking into account the site configuration and land use efficiency, measures for better integration could be further explored in the detailed design stage;
- (b) fung shui issue was site specific and there was no general rule to address the issue. With reference to the plan-making process for HSK/HT NDA, with the support of documentary, open space was proposed in front of the Declared Monument of Tang's Ancestral Hall and along the view corridor ('fung shui lane') on the OZP. For Site A, the concerned government

department advised that there was no information showing that the vicinity of the site was a 'Fung Shui Area'. Also, the site was at least 120m away from the village entrance gate of Sha Kong Wai. Notwithstanding, the above concern of the villagers was noted and mitigation measures such as building setbacks from the site boundary and building disposition would be further considered in the detailed design stage; and

- (c) the "V" zone to the west of the Site A comprised three villages including Sha Kong Wai, San Hing Tsuen and Ngau Hom. The area to the northeast of the "V" zone mentioned by the commenter, which was zoned "GB", was a brownfield cluster namely 'Sha Kong Wai North' shortlisted for public housing development in the second phase review on brownfield sites. To meet the acute housing demand of the community, the Government was making every possible effort to identify suitable sites for housing development including Site A.

Traffic and Transport

23. Some Members raised the following questions:
- (a) public transport provision for the proposed public housing development;
 - (b) proposed new road alignment for the proposed public housing development and the rationales of the design;
 - (c) site formation works of the proposed new road;
 - (d) noting that the proposed new road was parallel to Tin Ying Road, whether widening Tin Ying Road would cater for the traffic demand instead of providing a new road bisecting Site A;
 - (e) whether the barbecue site to the north of Site A was a use conforming to the respective OZP and whether it could be accessed via Man Tak Road in addition to the existing New Sha Kong Wai Road; and

- (f) pedestrian connectivity of the proposed public housing development.

24. With the aid of some PowerPoint slides, Mr Thomas W.K. Chan, CE/HP2, CEDD, and Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points:

- (a) a preliminary Traffic and Transport Impact Assessment (TTIA) had been conducted under the EFS and the public transport demand was assessed. The TTIA recommended the widening of a section of Tin Wah Road. Bus lay-by accommodating two buses would be provided on both bounds of the road to cater for the demand. New bus routes were also recommended in the TTIA subject to further review with the bus companies one to two years before population in-take to take into account the latest circumstances. No public transport interchange would be required;
- (b) as shown on Plan 2a of RNTPC Paper No. 4/21, the section of existing New Sha Kong Wai Road which was a sub-standard road currently running through Site A would be modified and upgraded to a standard single two-way carriageway. Taking account of factors including land ownership, implementation programme and the existing road alignment, Phase 1 of the proposed development and the proposed road on the government land portion without requiring land resumption could be developed in an earlier stage. The alternative of shifting the proposed road to the western part of the site involving private land was hence not considered;
- (c) the existing New Sha Kong Wai Road would be re-aligned with its entrance at Tin Wah Road. The site formation level would be about +6.5mPD taking account of the drainage system;
- (d) the existing New Sha Kong Wai Road also served the area to the north of Site A comprising a barbecue site. The upgraded New Sha Kong Wai Road would be required to maintain such road connectivity. While the option of providing a vehicular access to Site A via Tin Ying Road was explored, it was considered not appropriate as Tin Ying Road was a road with higher

speed limit. Furthermore, the level difference between Tin Ying Road and New Sha Kong Wai Road was a technical constraint and hence the option of upgrading New Sha Kong Wai Road was adopted. New Sha Kong Wai Road would mainly serve the proposed public housing development and the area to its north. Upgrading the road to a standard carriageway with a minimum width of 7.3m would cater for the demand. According to the technical assessment and departmental comments, the proposed at-grade pedestrian crossings would also cater for the future demand. The provision of pedestrian facilities would be further reviewed in the detailed design stage;

- (e) the barbecue site to the north of Site A which obtained planning permission from the Board in 1999 was a conforming land use. As shown on Plan H-3a of the Paper, the existing New Sha Kong Wai Road connecting Tin Wah Road was the only vehicular road serving the barbecue site. Man Tak Road was not serving this area;
- (f) with reference to Drawing H-2 of the Paper, an at-grade pedestrian crossing at the northern side of Tin Ying Road/Tin Wah Road junction was proposed for crossing Tin Ying Road to TSW New Town. Alternatively, an existing crossing connecting the existing footpath and cycle track along the southern side of Tin Wah Road could be used to reach the existing subway and then the cycle track at Tin Shui Path; and
- (g) the proposed road was not the subject of the amendment item. Any possible change to the road alignment in the detailed design stage would not have implications on the amendments to the OZPs.

25. The Chairperson supplemented that any road works authorised under the Roads (Works, Use and Compensation) Ordinance (Chapter 370) should be deemed to be approved pursuant to the provision of the Ordinance.

Landscape, Visual and Air Ventilation Impacts

26. Some Members raised the following questions:

- (a) whether there were valuable trees for preservation and how the buffer function of the trees could be maintained;
- (b) whether AVA was conducted for the proposed public housing development; and
- (c) whether there was a photomontage of the proposed public housing development showing the viewpoint from Sha Kong Wai Village.

27. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points with the aid of some PowerPoint slides:

- (a) as shown on Plan H-3, there were trees within Site A. According to the broad brush tree survey under the Engineering Feasibility Study (EFS), no Old and Valuable Trees were identified. Similar to other housing projects, unnecessary tree felling would be avoided. A compensatory planting ratio of a minimum of 1:1 would be provided as far as possible within the housing site and works limit in accordance with the relevant technical circular. Off-site compensatory planting would also be provided if necessary;
- (b) an AVA (Expert Evaluation) was conducted under the EFS to assess the wind performance of the proposed development. With the incorporation of mitigation measures, the proposed development would not have significant adverse ventilation impact on the surrounding environment; and
- (c) a photomontage at the viewpoint from the entrance gate of Sha Kong Wai (VP6) was prepared to demonstrate the visual impact. Under the existing condition, developments in TSW New Town including Tin Wah Estate and Tin Shui Estate were seen from VP6. With the planned HSK/HT NDA implemented, there would be a housing estate with a building height of 140mPD as seen from VP6.

Cultural Heritage

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

- (a) noting the long history of the ‘Tai Ping Ching Chiu’ ritual event conveyed by the villagers of Sha Kong Wai Village, whether such information could be reflected in the Explanatory Statement (ES) of the OZP for the purpose of cultural conservation;
- (b) details of holding the ‘Tai Ping Ching Chiu’ ritual event including the area required and the duration of the event; and
- (c) whether there were criteria for identifying suitable locations to hold the ‘Tai Ping Ching Chiu’ ritual event such as the consideration of fung shui.

29. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW said that there was not a fixed venue for holding the ‘Tai Ping Ching Chiu’ ritual event once every six years. The event was held on private land at Site A in 2019 while it was held on another private land zoned “GB” to the northwest of the village in 2007 and 2013. According to the Covering Notes of the OZPs, festival celebrations or religious functions for a period not exceeding two months did not require planning permission from the Board. For cultural heritage in the LFS area, in consultation with the Antiquities and Monuments Office, information mainly related to the built heritage had been specified in paragraph 12 of the ES. There was no information about the cultural event like ‘Tai Ping Ching Chiu’ in the ES.

30. In response, Messrs Mok Yiu Ping and To Sum Kau, C1’s representatives and C2, made the following main points:

- (a) the event had a history of 600 to 700 years. The ritual was usually conducted for three days and four nights by the Taoist priests and after that Chinese opera would be performed for seven days. There were many steps in the whole process and the routing involved the fung shui pond, entrance gate and Hung Shing Temple. When the land owner who offered help in the past years refused to release the land temporarily to the organiser for the ritual

event, the last event in 2019 was held at Site A. Normally an area of 30,000 square feet was required for both the ritual event and Chinese opera. The whole process which included venue set-up, construction of the bamboo-shed theatre and clearance after the event would last for about two months; and

- (b) the Former Sha Kong Public Luen Yick School, which was a vacant school site with sufficient space, could be a venue for holding the ‘Tai Ping Ching Chiu’ ritual event. There was no specific criterion for identifying suitable locations to hold the event.

Public Consultation

31. Some Members raised the following questions:

- (a) details of the public consultation conducted for the two OZPs;
- (b) whether there would be follow-up consultation after the completion of the plan-making procedure; and
- (c) as the proposed public housing development might involve land resumption, whether public consultation conducted for amendments to the two subject OZPs had, amongst others, engaged the affected private land owners.

32. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points:

- (a) prior to the submission of the proposed amendments to the approved OZPs for consideration by RNTPC, PlanD, CEDD and HD had consulted the Housing, Town Planning and Development Committee of the YLDC on 17.3.2021, and the PSRC on 9.4.2021 for the proposed public housing development. The minutes of the said meetings were appended at Annexes VIIa and VIIb of the Paper respectively. The meeting paper was distributed to the PSRC members before the meeting and the representatives of Sha Kong Wai Village expressed their views in the meeting. The established

consultation procedure in respect to amendments to OZP was duly followed;

- (b) YLDC and PSRC could be further consulted via YLDO when SWD and HD reviewed the provision of GIC facilities in the detailed design stage; and
- (c) to follow the established plan-making procedure, the concerned rural committee was consulted in respect of the two subject OZPs while there was no consultation specifically conducted for the affected private land owners.

Land Resumption

33. Some Members raised the following questions:

- (a) whether the affected villagers would be briefed about the land resumption procedure; and
- (b) for Site A, who the owners of Tso/Tong lands were, and the land resumption arrangement for Tso/Tong lands.

34. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points:

- (a) the land resumption procedure had not yet commenced. Upon the gazette of land resumption, the Lands Department would issue letters to the land owners and other stakeholders of Site A. The enhanced ex-gratia compensation and rehousing arrangement launched since 2018 had been adopted in the implementation of relevant government projects; and
- (b) while Site A involved Tso/Tong land, the details related to land resumption, which should not be a consideration in the plan-making stage, were not yet available. The land resumption arrangement for Tso/Tong land would follow the established practice and procedure.

35. In response to the question on the resumption of Tso/Tong land, the Chairperson supplemented that there was no difference between resuming Tso/Tong land and other private land under the Land Resumption Ordinance. The statutory compensation or ex-gratia compensation in lieu payable for the resumption of private land would be disbursed to the Tso/Tong managers for distribution to the concerned clan members. When exercising its statutory authority to resume Tso Tong land in accordance with the law, the Government did not have to obtain the unanimous consent of all clan members, unlike the case of disposal of Tso Tong land involving consent of Tso Tong members.

The 'Exemption Clause'

36. Some Members raised the following questions:

- (a) the kind of works that might be coordinated or implemented by Government;
- (b) the control of the works coordinated or implemented by Government in the planning system; and
- (c) noting R3's concern on an open and transparent monitoring system, after the incorporation of the 'Exemption Clause', how the exempted government works would be monitored in other regimes.

37. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following main points with the aid of some PowerPoint slides:

- (a) the amendments of extending the 'Exemption Clause' to the conservation-related zones under the two subject OZPs were made prior to the promulgation of the latest MSN agreed by the Board. About 20 other OZPs had already been amended likewise to incorporate the 'Exemption Clause' with a view to streamlining the planning application process/mechanism. Drainage works were an example of the works implemented by Government while repairing electrical power line or optical fiber network by the service providers was an example of the works coordinated by Government;

- (b) the 'Exemption Clause' under the OZPs would not exempt all land/pond filling and land excavation works. If the works were not exempted in the Remarks of the Notes, planning permission for filling of land/pond and excavation of land would still be required. Furthermore, if a 'use' was a Column 2 use, the use itself would still require planning permission and its associated land/pond filling and/or land excavation works would form part of the proposal requiring permission; and
- (c) the exempted public works should conform to any other relevant legislations. For instance, if a project required the conduct of Environmental Impact Assessment (EIA), it would be subject to the public consultation procedures under the EIA Ordinance. Road works would be subject to appropriate gazette arrangements under the Roads Ordinance. For local public works, the respective district office would consult the local residents.

38. With regard to the 20 odd OZPs which had already incorporated the 'Exemption Clause' aforementioned, the Chairperson enquired whether those amendments were made prior to the latest revision of MSN and whether conservation-related zones were involved. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLV, PlanD, said that the incorporation of the 'Exemption Clause' in those OZPs was made prior to the promulgation of the latest MSN. Such a clause aimed at streamlining the planning application process/mechanism and thus the amendments involving the extension of the 'Exemption Clause' to conservation-related zones were made to those OZPs when opportunities arose, including the two subject OZPs. The latest MSN revised in August 2021 was to standardise the extension of the 'Exemption Clause' to all relevant OZPs.

39. The Chairperson further enquired whether planning permission was required for the provision of, say a visitor centre and a road after the incorporation of the 'Exemption Clause'. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLV, PlanD, said that 'Visitor Centre' was a Column 2 use in the "Conservation Area" ("CA") zone under the LFS OZP, and planning permission for the use from the Board was required. Its associated land/pond filling and/or land excavation works, if any, would form part of the proposal and would also be submitted for the Board's consideration. Since road works coordinated or implemented by Government was always permitted in the Covering Notes, the provision of a road in the "CA" zone did not require

planning permission but still had to conform to any other relevant legislation and government requirements.

40. With regard to the land resumption matter, Mr Mok Yiu Ping (C1's representative and C2), as the village representative of Sha Kong Wai, demanded the timely notification of land resumption from the Government, in addition to notifying YLDC and PSRC.

41. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the presentation had been completed. The Board would further deliberate on the representations and comments and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers and commenters and their representatives and the government representatives for attending the meeting. They left the meeting at this point.

[Dr Frankie W.C. Yeung, Miss Winnie W.M. Ng, Messrs Alex T.H. Lai, Stephen L.H. Liu and C.H. Tse left the meeting during the Q&A session, and Dr Roger C.K. Chan, Dr Lawrence K.C. Li, Messrs Daniel K.S. Lau and K.K. Cheung left the meeting at this point.]

Deliberation Session

42. The Chairperson remarked that as gathered from the relevant submissions made by the commenter/commenter's representative at the hearing, there was no specific criterion for identifying suitable locations for the 'Tai Ping Ching Chiu' ritual event and such event could possibly be held in other sites/premises, such as the vacant school site as suggested by the villagers. While the identification of suitable sites for the ritual event would be subject to further discussions between the concerned government departments and the villagers, it would not appear justifiable to amend the OZPs to meet the representations for the reason that part of Site A had to be reserved for holding ritual events and should not be rezoned for public housing purpose. Regarding the arrangements for land resumption, while this should not be a factor guiding the consideration of land use planning, Members might wish to note that the Government had been exploring the possibility of advancing consultation with the affected lot owners and occupants on resumption and clearance issues in parallel with the plan-making process. As for the concern on the alignment of the proposed upgrading of existing New Sha Kong Wai Road, it should be noted that the road was not the subject of amendments to the

OZPs and its alignment was subject to further review in the detailed design stage. Members were invited to consider the suitability of Site A for rezoning to “R(A)1” and “R(A)” for the proposed public housing development. As regards the amendment to the Notes for extending the ‘Exemption Clause’ to the conservation-related zones, it was noted that PlanD’s representative had provided details in response to Members’ inquires.

43. Members generally considered amendments to the zonings on and relevant Notes to the OZPs appropriate but expressed views on various issues as below.

Integration with the Surroundings and Cultural Heritage

44. The Vice-chairperson and some Members were of view that for more housing projects to be implemented in the New Territories, the integration of new developments with the rural settlements should be prudently taken into account in building design and disposition. To enhance the integration with the surroundings, a Member considered that the facilities in the proposed public housing development such as open space and recreational facilities should also serve the villages nearby.

45. A Member, whilst recognising the need for urbanisation in the New Territories, expressed that from the fung shui and heritage conservation perspectives, in addition to incorporating building setbacks in the design of the proposed development, coordination could be given to maintaining an axis on corridor between the entrance gate and the shrine of Sha Kong Wai Village, which was similar to the experience in HSK/HT NDA. By doing so, this would also be a respect of the village tradition and culture.

46. With regard to some Members’ views related to the integration issue, the Chairperson enquired whether it was appropriate for the Board to include in the ESs of the OZPs the need for integrating the rural settlement with the proposed development in the design of the latter within the “R(A)1” and “R(A)” zones. Mr Ivan M.K. Chung, Director of Planning, said that according to the Covering Notes, festival celebrations for a period not exceeding two months would not require planning permission from the Board. Noting that there was not a fixed venue for holding the ‘Tai Ping Ching Chiu’ ritual event in the area and any integration of the rural settlements with proposed housing development could be considered in the detailed design of the development, it appeared inappropriate to specify the relevant requirements in the

respective ESs. Given that a planning brief would need to be prepared for the public housing development, it would be more effective to spell out suitable requirements, if any, in this administrative document which would be guidelines for the project proponent to implement the scheme. Relevant government departments such as PlanD and DO would be involved in the preparation of the planning brief. Moreover, the organisation of festival celebrations in the district might require short term permits or approvals. The concerned government departments could facilitate the organisers in the process.

47. The Chairperson, whilst acknowledging Members' concern on the integration between the urban and rural culture in the New Territories, supplemented that the topic was one related to policy areas concerning culture and community building. Making amendments to the Notes or the ESs of the OZPs for a single site under Item A could not address the issue. Having said that, Members might notice that the Northern Metropolis Development Strategy had projected a vision of making the Metropolis with unique metropolitan landscape featured with 'Urban-Rural Integration and Co-existence of Development and Conservation'. This would be a framework guiding the planning and development in the northern New Territories with a view to promoting the integration of urban and rural settlements. The Chairperson suggested and Members generally agreed that their concern could be addressed through the preparation of the planning brief for a more compatible building design and disposition of the proposed public housing development which would show appreciation of the needs and culture of the villages in the vicinity. The matter would be deferred to PlanD and other concerned government departments for follow-up accordingly. A Member further said that urban-rural integration in the area would rely on the collaborative efforts of government departments and the local network including DO, DC and RC, and should not be dependent solely on the efforts of the implementation agent of the proposed public housing development.

New Sha Kong Wai Road and Pedestrian Connectivity

48. For the sake of better living environment in the proposed public housing development, the Vice-chairperson and a Member said that the alignment of New Sha Kong Wai Road bisecting the development should be further reviewed by CEDD and HD in the detailed design stage. A new access to the barbecue site to the north via Tin Ying Road instead of the proposed new road across the housing site should also be considered.

49. A Member remarked that the grade-separated crossings above the multi-lane carriageways and cycle tracks in TSW New Town were not pedestrian-friendly. At-grade crossings for more direct linkages between developments were preferred. It should be mindful of the walkability of pedestrians especially the elders and disables in the design of the proposed public housing development.

50. The Chairperson concluded that Members generally agreed that the OZPs should not be amended to meet the adverse representations and that all grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

51. After deliberation, the Town Planning Board (the Board) noted the supportive views of Representation No. **R1 of the LFS OZP** and decided not to uphold Representations No. **R2 and R3 of the LFS OZP** and Representations No. **R1 to R3 of the TSW OZP**, and agreed that the draft OZPs should not be amended to meet the representations for the following reasons:

“Item A of Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (LFS OZP) and Tin Shui Wai Outline Zoning Plan (TSW OZP)”

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply, including carrying out various land use reviews on an on-going basis. The site is located at the fringe of and in close proximity to the Tin Shui Wai New Town with existing public roads and supporting infrastructural facilities. The site is no longer required for “Government, Institution or Community” uses. Taking into account that there is no insurmountable technical problem identified for the proposed public housing developments, it is considered suitable for rezoning the site for residential use with a view to increasing housing land supply (**R1 of TSW OZP**);
- (b) an Engineering Feasibility Study with technical assessments on the potential impacts on various aspects, including traffic, environmental and landscape, has been conducted and confirmed that there is no insurmountable technical problem in developing the site for public housing development. Design and

provision of local open space and recreational facilities, location of compensatory tree planting and pedestrian accessibility will be further considered at the detailed design stage (**R2 of LFS OZP and TSW OZP**);

- (c) the planned Government, Institution and Community (GIC) facilities are generally sufficient to meet the demand of the planned population in the district in accordance with the Hong Kong Planning Standards and Guidelines. Appropriate community facilities will be provided in the proposed public housing development to serve the residents and locals. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments (**R1 of TSW OZP, and R2 of LFS OZP and TSW OZP**);

Item B of TSW OZP

- (d) the amendment is to reflect the completed residential development. The development restrictions are the same as those stipulated under the lease conditions of the land grant (**R2 of TSW OZP**);

Items C1 and C2 of TSW OZP

- (e) the amendments are to reflect the existing road alignment. The GIC facilities to be provided at both sides of the road will not be affected (**R2 of TSW OZP**);

Amendment to the Notes of LFS OZP and TSW OZP in relation to 'Market' use

- (f) the amendment to the Notes to delete 'Market' use from various zones is to reflect the Master Schedule of Notes to Statutory Plans adopted by the Town Planning Board. 'Market' use has been subsumed under 'Shop and Services' use which is permitted within various zones (**R1 of TSW OZP**); and

Amendment to the Notes of LFS OZP and TSW OZP for extending the exemption clause to the conservation-related zone(s)

- (g) the amendment to the Notes to extend the exemption clause for filling of land/pond and excavation of land in relation to conservation-related zones is to streamline the planning application process/mechanism. The amendment is in line with the latest revision of the Master Schedule of Notes to Statutory Plans **(R3 of LFS OZP and TSW OZP).**”

52. The Board also agreed that the draft LFS OZP and TSW OZP, together with their respective Notes and updated Explanatory Statements, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Mr Lincoln L.H. Huang left the meeting temporarily and Mr Ricky W.Y. Yu left the meeting at this point. Mr Franklin Yu rejoined the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TM-SKW/112

Proposed Temporary Eating Place for a Period of 3 Years in “Green Belt” Zone, Government Land in D.D. 374, G/F, No. 305 So Kwun Wat, 18.5 Miles, Castle Peak Road, Tuen Mun (TPB Paper No. 10791)

[The item was conducted in Cantonese and English.]

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

PlanD’s Representative

Mr Kepler S.Y. Yuen - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW)

Applicant and Applicant’s Representative

Ms Chung Yuk Ying - Applicant

Mr Chan Siu Chor - Applicant’s Representative

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

55. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, briefed Members on the background of the review application including the consideration of the application 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 the TPB Paper No. 10791 (the Paper).

56. The Chairperson then invited the applicant and the applicant's representative to elaborate on the review application. Ms Chung Yuk Ying, the applicant, and Mr Chan Siu Chor, the applicant's representative, made the following main points:

- (a) The So Kwun Wat Farming Association (the Association) was established in 1970 as a private club providing food and beverage to its members. She was the second generation of the founders and intended to maintain its operation. The proposed eating place at the Association could serve the hikers of MacLehose Trail Section 10 as a supply point before they headed to Hong Kong Gold Coast;
- (b) if the planning permission was granted, they would install a fiberglass oil tank and man-hole to address the environmental and drainage impacts;
- (c) the application site (the Site) was originally not zoned "Green Belt" when the Association occupied the Site. As the former premises of the Association was affected by the construction of Tuen Mun Road, the Site was used for reprovisioning for the Association by the Old District Office;
- (d) the premises of the Association was not for domestic use. As reflected by the rate charged by the Government which was about \$2,000, it was regarded as a commercial use. The rate charged for a house with building licence was only about \$400; and

- (e) the Association ran a whole-day kindergarten at the Site in 1976 involving cooking facilities. It was a use prior to the designation of “GB” zone around 1991. It was unreasonable to zone the Site as “GB” which prohibited them from using the Site for many other uses.

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

The Site, its History and related Enforcement Action

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

- (a) the ‘existing use’ at the Site prior to the designation of “GB” zone;
- (b) whether the eating place under the application was an ‘existing use’;
- (c) the scale of the proposed eating place as shown in Drawing R-1;
- (d) the applicant mentioned that the proposed eating place would serve the hikers. The details of the operation such as the food to be served;
- (e) the use under the Government Land Licence (GLL) issued by the Lands Department (LandsD) and its validity;
- (f) whether there was a relationship between the application and the enforcement case;
- (g) the background and scale of the eating place under the enforcement case;
- (h) noting that the applicant had mentioned the history of the Association, the relevance of the Association to the application; and
- (i) whether the Association owned the parking spaces at the vacant land to the south of the Site and any parking fee was required.

59. With the aid of PowerPoint slides, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, made the following points:

- (a) as shown in the aerial photo taken on 10.8.1982 when the GLL of the Site was issued, there was no structure at the Site. The aerial photo on 1.12.1982 revealed that a structure had been built at the Site. On 1.11.1993, the Site was designated as “Undetermined” zone on the first statutory plan which was a Development Permission Area (DPA) Plan. It was zoned “GB” on the first Outline Zoning Plan (OZP) on 6.6.1996. According to the land use survey conducted in 1993 for the preparation of the DPA Plan, the Site was occupied by a domestic structure while the kindergarten use was not observed. The detailed uses within the structure were not available since the survey was conducted outside the premises. The Site had been zoned “GB” since the first OZP;
- (b) the eating place under the application was not an ‘existing use’ tolerated under the OZP. According to Plan R-2 of the Paper, the building to the immediate east and the area to the south of the Site (with a blue dashed boundary line) were related to the Association and the eating place use involved at the Site was the subject of a planning enforcement case against unauthorised development in 2018;
- (c) according to the floor plan submitted by the applicant as shown in Drawing R-1, the proposed eating place was located on the ground floor of the premises at the Site involving a kitchen and about 20 seats;
- (d) as advised by the District Lands Office/Tuen Mun, LandsD, the temporary structure at the Site partly covered by the GLL was restricted to the use as latrine/storage. There was no validity period of the GLL;
- (e) the Enforcement Notice was issued on 9.5.2018 requiring the discontinuance of the UD and the Compliance Notice was issued on 29.10.2020. There was no information whether there was a relationship between the subject application and

the enforcement case; and

- (f) according to the record, the Association was established in 1970 under the Societies Ordinance. According to the justifications put forth by the applicant in support of the review application, the Association had previously operated kindergarten, convenience store, clinic and private club for its members. In response, LandsD provided comments from the land administration perspective that the GLL which partly covered the temporary structure at the Site and restricted the use as latrine/storage, was issued to the Association in 1982 but not the applicant.

60. In response, Ms Chung Yuk Ying, the applicant, and Mr Chan Siu Chor, the applicant's representative, made the following main points:

- (a) the eating place was operated in 2017-2018 within five containers. The vacant land to the south of the Site should not be the subject of the enforcement case as there was no eating place but vehicles owned by the residents nearby;
- (b) the proposed eating place would be a resting place for the hikers. Coffee, milk tea and instant noodles would be served there;
- (c) the former premises of the Association located adjacent to Tuen Mun Road was established in 1970. A kindergarten was operated there from 1971 to 1981/1982 for the deprived children. The former premises was subsequently demolished due to road works and was re-provisioned at the Site with a two-storey premises for the Association. There was a clinic and kindergarten on the ground floor. The kindergarten was operated till 1986 due to under-enrolment. The premises was then used by the Association for cooking and preparing festive food such as Chinese New Year puddings till 1991. Although the kindergarten was not operated anymore, the desks and chairs were kept in the premises and a caretaker lived there. The previous land use survey conducted by PlanD was not accurate as no survey was conducted inside the premises. Her father was one of the council members of the Association and she had taken up management of the premises since 2000; and

- (d) the Association did not own any of the aforementioned parking spaces. Those vehicles belonged to either the residents nearby or the hikers.

61. The Chairperson pointed out that according to paragraph 5.2.1 of the Paper, the GLL was not transferrable. In other words, if planning permission for proposed eating place was granted, the licensee should submit application to LandsD for the modification of the licence conditions to avoid a breach of any conditions.

62. In response to a Member's question on the definition of 'Eating Place', Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, said that 'Eating Place' was not a Column 2 Use under the "GB" zone and hence the applicant had submitted a planning application for a temporary use. 'Eating Place' meant any premises used for the carrying on of any business where the primary purpose was the sale of food or drinks mainly for consumption on the premises. The Chairperson supplemented that there was no further elaboration of the food categories to be served under the term.

63. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked the government representative and the applicant and her representative for attending the meeting. They left the meeting at this point.

Deliberation Session

64. The Chairperson remarked that the s.16 application was rejected by the RNTPC for the main reason, amongst others, that the proposed use was not in line with the planning intention of the "GB" zone. It was noted that the applicant had an intention to operate the proposed temporary eating place to serve the hikers but there were outstanding technical issues that had not yet been addressed. Putting aside the technical feasibility issue, Members should first consider whether there was any strong planning justification in the submission for a departure from the planning intention.

65. A Member said that the planning intention of “GB” zone was a material consideration for the application while the history of the Association and the related enforcement case were irrelevant. There was no strong justification for a departure from the RNTPC’s decision.

66. A Member enquired whether a planning permission was required if the proposed use was in existence before the gazette of the first OZP covering the Site. At the Chairperson’s invitation, the Secretary said that according to the Covering Notes of the OZP, the use of any land in existence immediately before the first publication of the statutory plan was regarded as an ‘existing use’ which no planning permission was required. Nevertheless, according to the information provided by DPO/TM&YLW, the Site was used for domestic purpose but not eating place when the first statutory plan was published.

67. Two Members, while considering that the proposed use at the Site zoned “GB” inappropriate, were of view that there was a rising demand of kiosks for snacks and beverage for hikers along the hiking routes especially during the pandemic. The approval of food licence by the relevant authority might take into account such demand.

68. The Chairperson concluded that Members generally considered that there was no strong planning justification for a departure of RNTPC’s decision. Regarding the applicant’s query on the extent of the enforcement case, it should be noted that planning application and enforcement action were under separate statutory provisions under the Town Planning Ordinance. The subject District Planning Office would follow-up the matter with the applicant as appropriate.

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

- “(a) the proposed use is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed use is not in line with the Town Planning Board Guidelines No.10 for Application for Development within the “GB” zone in that the applicant fails to demonstrate that the proposed use would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.”

70. The meeting was adjourned for lunch break at 1:45 p.m.

[Miss Fiona W.S. Li, Principal Assistant Secretary (Transport) 3, Professor Jonathan W.C. Wong, Dr Lawrence W.C. Poon, Dr Venus Y.H. Lun and Mr L.T. Kwok left the meeting at this point.]

71. The meeting was resumed at 2:10 p.m.

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

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Chief Engineer (Works),
Home Affairs Department
Mr Paul Y.K. Au

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Stanley C.F. Lau

Director of Lands
Mr Andrew C.W. Lai

Tsuen Wan and West Kowloon District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Submission of the Draft Urban Renewal Authority Cheung Wah Street/Cheung Sha Wan Road Development Scheme Plan No. S/K5/URA3/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance

(TPB Paper No. 10792)

[The item was conducted in Cantonese.]

73. The Secretary reported that the draft Development Scheme Plan (DSP) was submitted by the Urban Renewal Authority (URA). The following Members had declared interests on the item for having affiliation/business dealings with URA:

Mr Ivan M.K. Chung - being a non-executive director of the URA Board and
(*as Director of Planning*) a member of its Committee;

Mr Andrew C.W. Lai - being a non-executive director of the URA Board and
(*Director of Lands*) a member of its Committee;

Mr Lincoln L.H. Huang - being the Deputy Chairman of Appeal Board Panel of
URA;

Mr Y.S. Wong - being a non-executive director of the URA Board and
a member of its Committees;

Mr Thomas O.S. Ho - having current business dealings with URA;

Dr Conrad T.C. Wong - having current business dealings with URA;

- Mr K.K. Cheung - his firm having current business dealings with URA;
- Mr Alex T.H. Lai - his former firm having current business dealings with URA;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan;
- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund of URA;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund of URA;
- Dr Lawrence W.C. Poon - being a former non-executive director of the URA Board and its Committees' former chairman/member, and a former director of the Board of the Urban Renewal Fund;
- Mr Daniel K.S. Lau - being a member of Hong Kong Housing Society which was currently in discussion with URA on housing development issues;
- Mr L.T. Kwok - the institution he was serving had received sponsorship from URA; and
- Mr Peter K.T. Yuen - being a member of the Board of Governor of the Hong Kong Arts Centre which received funding from the Urban Renewal Fund of URA before.

74. Members noted that Dr Conrad T.C. Wong, Messrs Thomas O.S. Ho and Y.S. Wong had tendered apologies for not being able to attend the meeting, Messrs Ivan M.K. Chung, K.K.

Cheung, Alex T.H. Lai, Ricky W.Y. Yu, Wilson Y.W. Fung, Daniel K.S. Lau and L.T. Kwok and Dr Lawrence W.C. Poon had already left the meeting, and Messrs Lincoln L.H. Huang and Andrew C.W. Lai had left the meeting temporarily. Members also agreed that as the interests of Ms Lilian S.K. Law and Mr Peter K.T. Yuen were indirect, they could stay in the meeting.

Presentation and Question Sessions

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

PlanD's Representatives

Mr Derek P.K. Tse - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)

Ms Jessica Y.C. Ho - Senior Town Planner/Sham Shui Po

Mr C.K. Fung - Town Planner/Sham Shui Po 2

URA's Representatives

Mr Wilfred C.H. Au - Director

Mr Mike Y.F. Kwan - General Manager

Ms. Daisy Lai - Senior Manager

Ms. Clarice Ho - Manager

76. The Chairperson extended a welcome and explained the procedure of the meeting. She then invited the representatives of PlanD and URA to brief Members on the TPB Paper No. 10792 (the Paper).

77. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, briefed Members on the DSP as detailed in Paper, including the background, the proposed development parameters of the DSP and the notional scheme (the Scheme) prepared by URA.

78. With the aid of a PowerPoint presentation, Mr Mike Y.F. Kwan, URA, made the following main points:

Background

- (a) the DSP was in line with the objectives of the Urban Renewal Strategy including restructuring and replanning of the concerned urban area; designing more effective and environmentally-friendly local transport and road networks; rationalising land uses within the concerned urban area; redeveloping dilapidated building; providing more open space and community/welfare facilities; and enhancing the townscape with attractive landscape and urban design;

- (b) a nearby street block at Kim Shin Lane/Fuk Wah Street was identified for having an imminent need for redevelopment and the Kim Shin Lane/Fuk Wah Street Development Project (DP) (SSP-017) was commenced under the Urban Renewal Authority Ordinance (URAO) on 24.9.2021. On the same day, the subject Cheung Wah Street/Cheung Sha Wan Road DSP (SSP-018) was submitted to the Town Planning Board (the Board). The SSP-017 project involved about 90 street numbers of buildings with old building age, suspected illegal rooftop structures, poor hygiene, lack of fire fighting equipment and relatively high number of subdivided flats. The SSP-017 project fell within an area zoned “Residential (Group A)8” (“R(A)8”) on the Cheung Sha Wan Outline Zoning Plan (OZP), under which planning permission was not required for composite residential/commercial redevelopment not exceeding the OZP development restrictions, i.e. maximum total plot ratio (PR) of 9.0 with domestic PR not exceeding 7.5 and maximum building height (BH) of 120mPD for residential sites with areas of 400m² or more. As the existing PR of the buildings within DP SSP-017 was 8.12, the gain in PR of 0.88 for the redevelopment project was considered commercially undesirable in light of the high acquisition costs. It was considered more rational and feasible to improve the old district environment in a

comprehensive manner by adopting a holistic planning-led approach and the subject SSP-018 project was identified for land use re-structuring to create planning gains at district level together with the redevelopment under DP SSP-017. These projects which adopted the planning-led approach could showcase other potential urban renewal projects with low redevelopment potential in Tsuen Wan, Sham Shui Po, Kowloon City, Yau Mong and Hong Kong East;

- (c) the existing Cheung Sha Wan Sports Centre, located within Site A, only had one multi-purpose arena for use as one volleyball court/one substandard basketball court/four badminton courts, which could not cater for the community needs. The Highways Department (HyD)'s temporary works depot, currently located within Site B, constrained public access to the Sham Shui Po Sports Ground and nearby public open space (POS). There were opportunities for re-structuring the land uses under the DSP;
- (d) through the DSP, the planned open space with better arrangement and planned Government, institution and community (GIC) facilities together with the supply of housing units could be realized;

The Draft DSP

- (e) the DSP area, comprising Site A and Site B, had a total site area of about 19,000m². Site A was proposed to be zoned "R(A)". The Scheme for Site A proposed two residential towers over a podium with retail and GIC facilities with domestic PR of 7.5, non-domestic PR of 1.0 and BH of 140mPD. GIC facilities (equivalent to PR of 1.0 and proposed to be exempted from GFA calculation) as well as an at-grade POS of not less than 750m² would also be provided at Site A. Site B was proposed to be partly zoned "Government, Institution or Community" ("G/IC") for a GIC complex for welfare and health services and sports centre with total gross floor area (GFA) of not less than 33,696m² and BH of 95mPD, and partly zoned "Open Space" ("O") for an at-grade POS of not less than 9,645m²;

- (f) the total GFA for GIC use in the Scheme would be not less than 38,000m², including new sports facilities, social welfare facilities, district health facilities and other community facilities. That would be more than 33 times of the existing GFA of the Cheung Sha Wan Sports Centre. The affected Cheung Sha Wan Sports Centre at Site A would be re-provisioned at Site B with GFA of about 9,100m² in the proposed GIC complex, which would be about 8 times of the existing GFA (about 1,170m²). Additional recreational facilities such as fitness room, children playing room and table tennis room would be provided in the new sports centre;
- (g) footbridges were proposed to connect the proposed POS and GIC uses within the DSP and DP SSP-017 at Kim Shin Lane. The re-structured POS provision would not fall short of the existing POS and would provide better integration. Building setbacks would also be proposed at Site A to create a more pedestrian-friendly environment, which included a building setback of not less than 6m from the adjacent Cheung Sha Wan Catholic Secondary School (CSWCSS), a 15m to 20m-setback from Cheung Wah Street and a setback of not less than 16m setback from Cheung Sha Wan Road for the western portion of the podium. A public vehicle park with 50 private car parking space at Site A would also be provided to accommodate some existing on-street parking spaces along Fuk Wa Street/Cheung Wah Street and for pavement widening to enhance the pedestrian environment;
- (h) trees along the site boundaries of Site A would be retained or transplanted as far as practicable and subject to the agreement of the Leisure and Cultural Services Department (LCSD);
- (i) for Site A, the proposed PR for the commercial portion (2- storey at podium level) was 1.0. Three additional storeys of GIC facilities would be provided at the podium and the GFA, which was equivalent to a PR of 1.0, was proposed to be exempted from GFA calculation. Besides, a 15m-wide building separation would be provided between the two residential towers above the podium to enhance air ventilation; and

- (j) about 1,830 new residential units would be provided under the DSP and the DP SSP-017 through restructuring and re-planning of land uses and the resulting increase in GIC facilities and POS in the area would benefit the community.

79. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, continued to brief Members on the planning assessment of the draft DSP, as detailed in paragraph 11 of the Paper, that PlanD had no objection to the draft DSP including the Scheme, the proposed PR and BH restrictions, and exemption of floor space for GIC facilities required by the government. Mr Tse also said that if the Board decided to deem the draft DSP as being suitable for publication in accordance with section 25(9) of the URAO, the DSP area should, from the date of exhibition, be excised from the OZP. The other proposed amendments to the Cheung Sha Wan OZP would be submitted to the Metro Planning Committee for consideration in due course. Subject to the Board's agreement, the draft OZP and draft DSP would be gazetted on the same day.

80. As the presentations of the representatives of PlanD and URA had been completed, the Chairperson thanked DPO/TWK and the representative of URA for their presentations. She said that URA's adoption of a planning-led approach to explore possible opportunities to better utilize government land near URA project site and advance the implementation of GIC facilities and POS developments was welcomed. The Chairperson then invited questions and comments from Members.

The DSP/development intensity

81. A Member asked whether the DSP would encroach onto Cheung Sha Wan Road. In response, Mr Wilfred C.H. Au, URA, said that Site A and Site B would not encroach onto the as-built alignment of Cheung Sha Wan Road. Mr Derek P.K. Tse, DPO/TWK, supplemented that there was once a proposal to re-align Cheung Sha Wan Road as shown on the Cheung Sha Wan OZP. As subsequently confirmed with the Transport Department (TD), there was no need to re-align the existing Cheung Sha Wan Road and the 'Road' area shown on the OZP would be amended to reflect the as-built condition.

82. A Member asked about the rationale for a proposed non-domestic PR of 1.0 at Site A, rather than the maximum non-domestic PR of 1.5 permitted in “R(A)” zone. In response, Mr Wilfred C.H. Au, URA, said that the proposed non-domestic PR of 1.0 for Site A was the optimal option. With non-domestic PR of 1.0 instead of 1.5, the buildings at the site would be less bulky and could provide (i) setback along Cheung Wah Street and Cheung Sha Wan Road; (ii) buffer from the adjoining CSWCSS; (iii) building separation between the residential towers for better air ventilation and daylight penetration; (iv) retention of the existing trees as far as practicable; and (v) provision of GIC facilities (equivalent PR of 1.0) to serve the locals.

POS/GIC complex at Site B

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

- (a) the implementation mechanism of the proposed POS and GIC complex ;
- (b) noting that the proposed GIC complex at Site B was located at a distance from MTR stations, whether the accessibility could be improved for those residing in nearby residential clusters such as Un Chau Estate; and
- (c) noting that some ball courts in the Sham Shui Po Sports Ground were not north/south oriented, whether there was room to re-configure some of the ball courts/fields during the design of the POS at Site B.

84. In response, Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, made the following main points:

- (a) URA would be responsible for the design and construction works of the proposed POS and GIC complex at Site B. The completed POS and GIC complex would be handed back to the Government for management and maintenance;
- (b) the GIC complex was proposed to be located at the western portion of Site B to avoid the MTR tunnel under the site. To enhance the accessibility to the POS and GIC complex at Site B, URA would further liaise with relevant

government departments, including TD and HyD to explore possible re-alignment of pedestrian crossing and relocation of traffic lights at the junction of Cheung Sha Wan Road and Hing Wah Street and/or to re-locate some bus stops; and

- (c) the Sham Shui Po Sports Ground to the south of Site B did not form part of the DSP. However, URA would closely liaise with the LCSD under a separate revitalisation initiative on the design and integration between the future POS and the sports ground and the possibility to provide new ball courts/fields in north/south orientation as far as possible.

85. A Member asked when the Sham Shui Po Sports Ground was built and whether there was any redevelopment program for the sports ground. Mr Derek P.K. Tse, DPO/TWK said that the Sham Shui Po Sports Ground was completed in 1988 and no large-scale redevelopment plan was known at the moment.

Elevated pedestrian network

86. The Chairperson and a Member asked whether URA's proposal for pedestrian footbridges to connect Site A and Site B as well as the nearby DP SSP-017 would be stipulated on the DSP and how implementation of the footbridges could be ensured. In response, Mr Derek P.K. Tse, DPO/TWK, said that the DSP boundary would only cover Site A and Site B and the alignment of the proposed footbridge would not be shown on the DSP. However, the provision of footbridges to link up Site A, Site B and the nearby DP SSP-017 would be stated in the Explanatory Statement of the DSP. Mr Wilfred C.H. Au, URA, supplemented that URA would further liaise with TD and HyD regarding details of the footbridge network.

Public consultation

87. A Member noted that concerns were raised by the CSWCSS during the public consultation period and asked how the concerns would be addressed. Mr Wilfred C.H. Au, URA, replied that URA had met with the school principal and teachers of CSWCSS on the day the DS was commenced, and they would address the latter's concerns on the footbridge alignment that might affect the privacy of their students, the noise impact during the

construction stage of Site A, road safety issue as well as the design of the school boundary wall to enhance permeability for better air ventilation. URA would share their experience with and further explain to the concerned party on how they had tackled similar issues when dealing with similar projects.

Others

88. A Member asked whether existing residents to be affected by the redevelopment project could be re-housed in the same district or within the project so that they could maintain their social network in the area. In response, Mr Wilfred C.H. Au, URA, said that under their established practice, flat owners affected by the URA redevelopment projects could join the Flat-for-Flat Scheme in lieu of cash compensation. Tenants in domestic units living in affected properties meeting the eligibility criteria would be re-housed in public housing units provided by the Hong Kong Housing Authority or the Hong Kong Housing Society. However, it would be difficult to rehouse all affected tenants within the same district, especially within the urban area, in light of the locations of public rental housing supply.

89. In response to two Members' enquires on the financial viability of the DSP and the DP SSP-017, Mr Wilfred C.H. Au, URA, replied that the DP SSP-017 was commenced and would be implemented separately by URA. Site A could help enhance the financial viability of DP SSP-017. The DSP could serve as a showcase to demonstrate a solution for better land utilization and URA's assistance in expediting implementation of "G/IC" and "O" sites. The Chairperson remarked that the Board should consider whether the draft DSP was acceptable from land use perspective, while the financial viability of projects was URA's consideration.

[Ms Sandy H.Y. Wong left the meeting during the question and answer session.]

90. As Members had no further questions to raise, the Chairperson thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

91. The deliberation session was recorded under confidential cover.

[Ms. Bernadette H.H. Linn left the meeting after deliberation of this item, and Messrs Lincoln L.H. Huang and Andrew C.W. Lai rejoined the meeting at this point.]

General

92. The Vice-chairperson took over to chair the meeting at this point.

Agenda Item 6

[Open Meeting]

Proposed Amendments to the Definitions of Terms Used in Statutory Plans and Board Use Terms

(TPB Paper No. 10793)

[The item was conducted in Cantonese.]

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

Ms Fannie F. L. Hung - Chief Town Planner/Town Planning Board
(CTP/TPB)

Mr Kelvin K.H. Chan - Senior Town Planner/Town Planning Board

94. The Vice-chairperson extended a welcome and invited PlanD's representative to brief Members on the Paper. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, CTP/TPB, PlanD briefed Members on the background, and proposed amendments to the Definitions of Terms used in Statutory Plans (DoT) and Broad Use Terms (BUT), as detailed in TPB Paper No. 10793 (the Paper).

95. As the presentation of CTP/TPB was completed, the Vice-chairperson invited questions and comments from Members.

'Agricultural Use' and 'Animal Boarding Establishment' ('ABE')

96. The Vice-chairperson and some Members raised the following questions and comments:

- (a) whether a place with provision of swimming facilities and a playground for animals but without overnight lodging would be regarded as 'ABE';
- (b) whether a place for rearing rabbits and lambs, both of which could be food for consumption, would be regarded as 'Agricultural Use'; and
- (c) whether shelters for stray cattles would be considered as 'ABE'.

97. In response, Ms Fonnice F.L. Hung, CTP/TPB, made the following main points:

- (a) according to the proposed amendments, a place providing training or recreational facilities for animals without overnight accommodation would fall within the proposed definition of 'ABE';
- (b) if a place was solely for rearing rabbits and lambs for the purpose of providing food and other products, it was considered as 'Agricultural Use'. If only a limited number of rabbits or lamb were kept as an attraction of say a hobby farm, they would not be considered as 'Agricultural Use'; and
- (c) it was understood that stray cattles would move about freely and would not be kept in captivity, as such, the 'ABE' use was not applicable.

'Holiday Camp' and 'Tent Camping Ground'

98. Some Members raised the following questions and comments:

- (a) if a camp site operated by the Government (which was regarded as 'Tent Camping Ground') was changed to one operated by a private third party, whether the same camp site would become a 'Holiday Camp' use; and

- (b) for erection of tents within a park, what use would those be regarded as.

99. In response, Ms Fannie F.L. Hung, CTP/TPB, made the following main points:

- (a) it was quite common that a camp site operated by private sector would normally involve other commercial activities and facilities such as hobby farming, recreation facilities, and sale of food and drinks. In the unlikely event that a camp site operated by the Government was subsequently changed to privately-run, it was not anticipated that the mode of operation would remain the same as that operated by the Government. As such, a camp site operated by private sector would be regarded as 'Holiday Camp'; and
- (b) the erection of tent within a park for recreation, rather than lodging purpose, would be considered as a leisure activity in the park. It was not a separate use in itself.

100. The Secretary further explained that 'Tent Camping Ground' use had all along been intended to cover those operated or designated by government departments including the Leisure and Cultural Services Department and Agriculture, Fisheries and Conservation Department. It was a use always permitted under Column 1 of the "Green Belt" ("GB") zone and referred to those traditional camp sites solely for the public to erect a tent for temporary lodging without changing the characteristics of the area. That type of camp site was currently operated by the Government departments. However, some green groups had previously raised concerns that 'Tent Camping Ground' should not be a Column 1 use under "GB" zone as there was a misunderstanding that 'Tent Camping Ground' covered privately operated ones. As such, there was a need to differentiate the definitions of 'Holiday Camp' and 'Tent Camping Ground' clearly. The newly emerging camping use, such as caravan sites or glamping ground which was privately owned and/or commercially operated fell within the definition of 'Holiday Camp' (instead of 'Tent Camping Ground') and required planning permission in "GB" zone.

101. Whilst having no objection to the proposed amendment to the definition of 'Holiday Camp', the Vice-Chairperson suggested and Members agreed that the wordings in the definition could be refined as follows:

“Means any place where huts, cabins, *shelters or* other structures ~~or shelters~~ are put up as short-term accommodation for leisure for people on outings or on vacation.”

Petrol Filling Station (PFS)

102. Some Members raised the following questions and comments:
- (a) as electricity and petrol were different fuel sources, whether electric vehicle (EV) charging station could be put under a separate term rather than subsumed under PFS; and
 - (b) whether relevant government departments were consulted in relation to the revision to the proposed DoT and whether there were implications on the current regulations governing EV charging and PFS.
103. In response, Ms Fionnie F.L. Hung, CTP/TPB, made the following main points:
- (a) in order to promote the usage of EVs, the Environmental Protection Department planned to expand the EV charging network and one of the initiatives was to explore the need and feasibility to gradually convert some of the existing PFSs to quick EV charging stations in the medium to long term. Previously, the DoT for PFS had also been refined to include the supply of gas instead of putting stations for gas filling under a new term. Similar to petroleum, electricity was also a source of fuel for vehicles. Given their similar nature and operation mode for filling up fuel for vehicles with not much difference in their impacts, it was considered that subsuming EV charging under PFS was appropriate. It would also facilitate the initiative to encourage EV charging in a timely manner. If a new term for EV charging facilities was to be used, it would involve amendments to all OZPs with ‘PFS’ use; and
 - (b) relevant government departments had been consulted and had no adverse comment on the proposed revision to add the supply of electricity for EV charging under the ‘PFS’ use term nor had raised any concerns on the

implications on existing regulations governing EV charging and PFS. The Fire Services Department (FSD) reminded that some fire safety considerations should be observed in future conversion of PFS to EV charging station.

104. In response to a Member's question, Ms Fannie F.L. Hung, CTP/TPB, said that if only a limited number of EV charging stations were provided in the car park of a shopping mall, such uses that were minor in scale could be regarded as an ancillary use of the car park. Another Member asked why convenience store use was allowed within PFS. The Secretary explained that the convenience stores within PFS were usually small in scale and mainly served drivers using the PFS. The convenience store of reasonable scale was considered an ancillary use to PFS.

105. A Member asked if planning permission for a particular site was obtained for a PFS for EV charging, whether that planning permission would also cover PFS for other types of fuel such as petrol or gas. The Secretary said that if the intention was for PFS use in a broad term that might involve storage of gasoline, liquefied petroleum gas, oil, grease and/or electricity, the application must fulfill all requirements and regulations for the permission of all of those fuels to the satisfaction of relevant government departments such as Electrical and Mechanical Services Department and FSD. However, if the site was intended solely for EV charging station use, the applicant could apply for a more restricted use, for example, PFS (EV charging station), the assessment for the application would be confined to that particular type of fuel. Once such application was approved, only EV charging station use would be allowed at the application site and no other fuel types under the DoT of 'PFS' was allowed.

106. Some Members considered it awkward that the definition of 'PFS' also covered electricity supply service. In reference to a Member's question on whether a new term, such as energy station could be used to replace PFS to better reflect the changing circumstances, the Vice-chairperson said that the introduction of a new term would have implications on all existing OZPs with the said term. He suggested that the nomenclature and/or definition of 'PFS' might be further reviewed in the longer term, if needed.

[Mr Philip S.L. Kan left the meeting during the question and comment session.]

107. After deliberation, the Board agreed to the proposed amendments to the BUT and DoT in Annex A of the Paper subject to the amendments to the DoT for ‘Holiday Camp’ as set out in paragraph 101 above and the proposed arrangement for promulgation.

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Urban Renewal Authority To Kwa Wan Road/Wing Kwong Street Development Scheme Plan No. S/K9/URA3/1 and Draft Hung Hom Outline Zoning Plan No. S/K9/27

(TPB Paper No. 10794)

[The meeting was conducted in Cantonese.]

108. The Secretary reported that the draft Development Scheme Plan (DSP) was located in Hung Hom (K9) and submitted by the Urban Renewal Authority (URA). Representations/comments had been submitted by Mary Mulvihill (R13/C23 of DSP and R2/C1 of OZP) and URA (C1 of DSP). The following Members had declared interests on the item for having affiliation/business dealings with URA and/or the representer/commenter and/or owning properties in the Hung Hom area:

Mr Ivan M.K. Chung - being a non-executive director of the URA Board and
(*as Director of Planning*) a member of its Committee;

Mr Andrew C.W. Lai - being a non-executive director of the URA Board and
(*Director of Lands*) a member of its Committee;

Mr Lincoln L.H. Huang - being the Deputy Chairman of Appeal Board Panel of
URA;

- Mr Y.S. Wong - being a non-executive director of the URA Board and a member of its Committees;
- Mr Thomas O.S. Ho - having current business dealings with URA;
- Dr Conrad T.C. Wong - having current business dealings with URA;
- Mr K.K. Cheung - his firm having current business dealings with URA, and hiring Mary Mulvihill on a contract basis from time to time;;
- Mr Alex T.H. Lai - his former firm having current business dealings with URA, and hiring Mary Mulvihill on a contract basis from time to time;;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. Which was a licensed user of a few URA's residential units in Sheung Wan;
- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund of URA;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund of URA;
- Dr Lawrence W.C. Poon - being a former non-executive director of the URA Board and its Committees' former chairman/member, and a former director of the Board of the Urban Renewal Fund;
- Mr Daniel K.S. Lau - being a member of Hong Kong Housing Society

which was currently in discussion with URA on housing development issues;

- Mr L.T. Kwok - the institution he was serving had received sponsorship from URA;
- Mr Peter K.T. Yuen - being a member of the Board of Governor of the Hong Kong Arts Centre which received funding from the Urban Renewal Fund of URA before; and
- Mr Stanley T.S. Choi - owning a flat in Hung Hom.

109. Members noted that Dr Conrad T.C. Wong, Messrs Thomas O.S. Ho, Stanley T.S. Choi and Y.S. Wong had tendered apologies for not being able to attend the meeting, Messrs Ivan M.K. Chung, K.K. Cheung, Alex T.H. Lai, Ricky W.Y. Yu, Wilson Y.W. Fung, Daniel K.S. Lau and L.T. Kwok and Dr Lawrence W.C. Poon had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

110. The Secretary briefly introduced TPB Paper No. 10794. On 9.7.2021, the draft URA To Kwa Wan Road/Wing Kwong Street DSP No. S/K9/URA3/1 and the Draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/27 were exhibited for public inspection under s.5 of the Town Planning Ordinance. During the exhibition periods, a total of 13 valid representations and 24 valid comments were received for the DSP. One other comment for the DSP was made with identity information missing and should be treated as not having been made pursuant to sections 6A(2) and 6A(3)(b) of the Town Planning Ordinance (the Ordinance). A total of 2 valid representations and 1 comment were received for the OZP.

111. As the representations and comments were generally related to the rezoning of the “CDA” sites on the OZP and the DSP, the hearing of all representations and comments was recommended to be considered by the full Town Planning Board (the Board) in two groups at the same meeting. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration

of the representations and comments by the full Board was tentatively scheduled for January/February 2022.

112. After deliberation, the Board noted that one comment for the DSP with the required identity information missing as mentioned in paragraph 1.3 of the Paper should be treated as not having been made pursuant to sections 6A(2) and 6A(3)(b) of the Ordinance and agreed that:

- (a) the valid representations and comments should be considered in two groups by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 8

Any Other Business

[Open Meeting]

113. There being no other business, the meeting was closed at 4:15 p.m.