

**Minutes of 1268th Meeting of the
Town Planning Board held on 29.4.2022**

Present

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

Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Prof Roger C.K. Chan

Dr Conrad T.C. Wong

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer (New Territories West)
Transport Department
Ms Carrie K.Y. Leung (a.m.)

Chief Traffic Engineer (New Territories East)
Transport Department
Mr Ken K.K. Yip (p.m.)

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

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Dr Sunny C.W. Cheung

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

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

In Attendance

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

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

Senior Town Planner/Town Planning Board
Ms M.L. Leung (a.m.)
Ms Annie H.Y. Wong (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 1266th Meeting

[The item was conducted in Cantonese.]

2. The draft minutes of the 1266th meeting which was conducted by circulation were confirmed by circulation on 22.4.2022 without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) **Approval of Draft Outline Zoning Plans**

3. The Secretary reported that on 15.3.2022, the Chief Executive in Council (CE in C) approved the draft Ma Tau Kok Outline Zoning Plan (OZP) (re-numbered as No. S/K10/28) and the draft Kwun Tong (South) OZP (re-numbered as No. S/K14S/24) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft plans was notified in the Gazette on 25.3.2022.

4. On 22.3.2022, the CE in C approved the draft Kennedy Town and Mount Davis OZP (re-numbered as No. S/H1/22) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 1.4.2022.

5. On 12.4.2022, the CE in C approved the draft Lau Fau Shan and Tsim Bei Tsui OZP (re-numbered as S/YL-LFS/11) and the draft Tin Shui Wai OZP (re-numbered as S/TSW/16) under section 9(1)(a) of the Town Planning Ordinance. The approval of the above OZPs was notified in the Gazette on 22.4.2022.

(ii) Reference Back of Approved Outline Zoning Plans

6. The Secretary reported that on 15.3.2022, the CE in C referred the Approved Wan Chai North OZP No. S/H25/4 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZP was notified in the Gazette on 25.3.2022.

7. On 12.4.2022, the CE in C referred the Approved Pok Fu Lam OZP No. S/H10/19 and Approved Ma On Shan OZP No. S/MOS/24 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZPs was notified in the Gazette on 22.4.2022.

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2022

Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use in “Residential (Group B)” Zone and area shown as ‘Road’, 33-35 Kennedy Road, Wan Chai, Hong Kong

(Application No. A/H5/414)

8. The Secretary reported that the application site (the Site) of the appeal was located in Wan Chai. Miss Winnie W.M. Ng had declared an interest on the item for her company owning an office in Wan Chai.

9. As the item was to report the receipt of an appeal case and no discussion was required, Members agreed that Miss Winnie W.M. Ng could stay in the meeting.

10. The Secretary reported that a Notice of Appeal had been received by the Appeal Board Panel (Town Planning) on 29.3.2022 against the decision of the Town Planning Board (the Board) on 21.1.2022 to reject on review an application No. A/H5/414 for proposed minor relaxation of building height restriction for permitted flat use at 33-35 Kennedy Road, Wan Chai on the ground that the applicant failed to demonstrate strong planning and design merits to justify the proposed minor relaxation of building height restriction.

11. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iv) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2020

Proposed House (New Territories Exempted House – Small House) in “Agriculture” (“AGR”) Zone, Lot 310 S.C in D.D.9, Kau Lung Hang, Tai Po
(Application No. A/NE-KLH/573)

12. The Secretary reported that the subject appeal was against the Board’s decision to reject on review an application (No. A/NE-KLH/573) for a proposed house (NTEH - Small House) at a site zoned “Agriculture” (“AGR”) on the Kau Lung Hang OZP.

13. The appeal was heard by the Town Planning Appeal Board (TPAB) on 3.6.2021. On 28.3.2022, the appeal was allowed by the TPAB on the following considerations:

Considered as an infill site

- (a) The TPAB considered that sympathetic consideration could be afforded to the application on the basis that the application site should be considered as an infill site. The TPAB noted that the Planning Department (PlanD) had expressed the view that it had no objection to the application on sympathetic consideration as the application site was considered as an infill site when the case was considered by the RNTPC on 6.9.2019. While some Members of RNTPC agreed with PlanD’s view, such view was not shared by some Members of the RNTPC. The TPAB viewed

that the application site should be considered as an infill site as it would fit entirely and snugly into the area between the site of application No. A/NE-KLH/572 to the north and the sites of applications No. A/NE-KLH/563 and A/NE-KLH/564 to the south;

Planning Intention

- (b) Given the size, specific location and surroundings of the application site, it would not be realistic to expect the application site to be used for agricultural purposes and therefore the proposed development would not frustrate the planning intention of the “AGR” zone and was in accordance with assessment criterion (f) of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria); and

Compatibility

- (c) Given that the application site was sandwiched between three other proposed developments of Small Houses, the proposed development would be compatible in terms of land use, scale, design and layout with the surrounding area, in accordance with assessment criterion (g) of the Interim Criteria.

14. TPAB disagreed with the first reason given by the Board in rejecting the review application as follows:

Not in line with planning intention of “AGR” zone

The TPAB viewed that the reason was overly simplistic and wrong. As the building of an NTEH was one of the uses provided for under Column 2 of the Schedule of Uses of the “AGR” zone, it was not correct for the Board to have simply rejected the application as being not in line with the planning intention of the “AGR” zone.

15. However, the TPAB agreed with the second reason (i.e. land was still available for development of Small Houses within the “V” zone of Yuen Leng and Kau Lung Hang and it was more appropriate to concentrate the proposed Small House development within the “V” zone) as a sound and correct reason which the Board could have taken into account in rejecting the application.

16. The Secretary reported that the Department of Justice (DoJ) was of the view that the TPAB's decision was based on factual findings and exercise of discretion, and it was not advisable, from legal point of view, to pursue judicial review against the TPAB's decision.

17. Members noted the decision of the TPAB and agreed with the advice of the DoJ.

(v) Appeal Statistics

18. The Secretary reported that as at 25.4.2022, a total of 13 cases were yet to be heard by the Town Planning Appeal Board and one appeal decision was outstanding. Details of the appeal statistics were as follows:

Allowed	39
Dismissed	168
Abandoned/Withdrawn/invalid	210
Yet to be heard	13
Decision Outstanding	1
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Total	431

(vi) Court of Appeal's Judgment on Town Planning Board's Appeal
in Respect of a Section 16 Application for Residential Development with Wetland
Nature Reserve in Fung Lok Wai, Lau Fau Shan

19. The Secretary reported that a judgment was handed down by the Court of Appeal on a judicial review (JR) application lodged by Tam Hoi Pong who was associated with Green Sense in respect of s.16 application No. A/YL-LFS/224 (the Application) submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH), Sun Hung Kai & Co. Ltd. (SHK) and Far East Consortium International Ltd. (Far East). The following Members had declared interests in the item:

- Miss Winnie W.M. Ng - being a Director of Kowloon Motor Bus Co. (1933) Ltd. (KMB) and Long Win Bus Company Ltd. (Long Win), and SHK being one of the shareholders of KMB and Long Win
- Mr Franklin Yu - his office having current business dealings with Far East and his spouse being a Deputy Manager of Sun Hung Kai Architects & Engineers Limited
- Dr Conrad T.C. Wong - his firm having current business dealings with CKH and SHK
- Ms Lilian S.K. Law - being an ex-Executive Director and committee member of an organisation which had received sponsorship from SHK before

20. As the item was only a factual report on the Court's decision, the above Members should be allowed to stay in the meeting.

Background

21. The Secretary reported that the application site (the Site) was in Fung Lok Wai, Lau Fau Shan. It generally fell within an area zoned "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area" ("OU(CDWEA)") on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/7 when the Rural and New Town Planning Committee (RNTPC) considered the Application on 22.11.2013.

22. The proposed development involved about 4 ha of land for residential development and about 76 ha for Wetland Nature Reserve. The applicant proposed an independent foundation to maintain the proposed Wetland Nature Reserve and would manage the Reserve until designation of a successor acceptable to the Government, which was included in the EIA report for the proposed development approved in 2009. The application was approved in 2013 with a set of conditions including, inter alia, condition (o):

“the submission and implementation of a funding arrangement proposal for ensuring the long-term maintenance and management of the proposed Wetland Nature Reserve to the satisfaction of the Director of Environmental Protection (DEP) and the Director of Agriculture, Fisheries and Conservation (DAFC), or of the Board”.

23. Before approving the application, the Government had drawn up a funding and land management framework on the arrangements under the New Nature Conservation Proposal (NNCP) in 2011 which specified that the developer of a public-private partnership (NNCP-PPP) project should donate an upfront lump sum to the Environment and Conservation Fund (ECF) and identify a management agent for the proposed conservation. On 15.7.2011, the Board was briefed on the NNCP Arrangements and expressed its support.

24. After approving the application, Tam Hoi Pong lodged the JR application on 21.2.2014 against the RNTPC’s decision, in particular, on approval condition (o).

25. According to the relevant TPB Guidelines and Explanatory Statement (ES) of the OZP, the Site fell within the Wetland Conservation Area (WCA) in Deep Bay. Limited development at the landward fringe of the WCA in form of a private-public partnership (TPB-PPP) project might be allowed in exchange for committed conservation. The proposal should include a mechanism to ensure the long-term management of the wetland. In particular, limited development within the “OU(CDWEA)” zone in exchange for committed conservation might be allowed on application to the Board. In doing so, the applicant should submit, among others, a wetland conservation and enhancement scheme, including a maintenance and management plan with implementation details and arrangements of funding and monitoring programme.

26. In considering the application, DEP expressed reservation as the applicant’s funding arrangement did not comply with the NNCP Arrangements. Nevertheless, DEP viewed that his concerns could be addressed by imposing an approval condition on the arrangement to the satisfaction of DEP and DAFC, i.e. the condition (o).

CFI’s Judgment

27. On 4.9.2020, CFI allowed the JR and granted an order quashing RNTPC’s decision

and remitting the matter to the Board for reconsideration mainly on the following grounds:

- (a) taking into account the TPB Guidelines and ES, it must be part of the requirements under the Board's policy and the planning intention that an application for the relevant development should be coupled with sufficient and necessary details of the funding arrangements. As such, when the Board expressed its support of the NNCP Arrangements on 15.7.2011, it must have adopted these arrangements as part of the requirements under the TPB-PPP approach; and
- (b) by imposing condition (o), the Board had acted *ultra vires* as it had deferred to the DEP and the DAFC its own duty to satisfy itself that the Application met the TPB-PPP Approach (with the NNCP Arrangements), and had breached the legitimate expectation in not requiring the NNCP Arrangements to be met.

The Board's Appeal

28. The Secretariat reported the CFI's judgment to the Board on 25.9.2020. Taking into account the legal advice, the Board agreed to appeal against the judgment.

29. The Secretariat filed the appeal on 5.10.2020. The CA subsequently directed that the appeal be disposed of on paper.

Court of Appeal's Judgment

30. The Court of Appeal handed down its judgment on 30.3.2022 allowing the Board's appeal on the following grounds:

- (a) the CFI was wrong to hold that the Board had adopted the NNCP Arrangement as the Board's own policy. The Board only required a mechanism to ensure that the long-term management of the wetland could be practically implemented and monitored. There was no requirement that a particular form, e.g. the NNCP Arrangement, must be adopted. In making its presentation to the Board on 15.7.2011, the Environment Bureau (ENB)/EPD was not seeking the Board

to endorse or adopt the NNCP Arrangements as part of the Board's own policy, but was merely providing information on how ENB/EPD would implement the NNCP Arrangements. Besides, after that meeting, the Board did not make any amendment to the relevant TPB Guidelines and ES to incorporate the Arrangements, even though the relevant TPB Guidelines was revised in 2014;

- (b) the Board had not unlawfully deferred its statutory duty to DEP and DAFC by imposing condition (o). When the Board approved the Application subject to conditions including condition (o), it was on the basis that DEP had made it abundantly clear that DEP would have no objection if the applicant followed the NNCP Arrangement. In effect, condition (o) would result in either the funding arrangement proposal preferred by DEP to be implemented, or, in default, such proposal would be subject to the Board's own approval; and
- (c) as the Board did not adopt the NNCP Arrangement, there is no legitimate expectation that the Board would take into account the Arrangement in applying the TPB-PPP approach.

31. Based on its findings, the Court of Appeal set aside the CFI's order and dismissed Mr Tam's original JR application. Mr Tam did not make any further application by the deadline (27.4.2022) for leave for appeal to the Court of Final Appeal. All legal proceedings should have been completed.

32. Members noted the decision of the Court of Appeal and that all legal proceedings should have been completed.

(vii) Request for Deferral of Hearing of Representations and Comments to the Draft Sha Lo Wan and San Tau OZP No. S/I-SLW/1

33. The Secretary reported that on 4.4.2022, 11.4.2022, 13.4.2022 and 20.4.2022, the Secretariat received requests from 12 representers to defer the hearing of the Draft Sha Lo Wan and San Tau OZP, i.e. from the originally scheduled meeting date of 29.4.2022 to 6.5.2022. The representers included the Indigenous Inhabitant Representative (IIR) of Sha Lo Wan

Village (R13) (representing also three other representers (R14, R15 and R16) making the same request) and eight individuals (R12, R17, R19, R20, R22 to R25). On the reasons for the deferral requests, the IIR indicated that he had to attend a court proceeding and could not attend the hearing scheduled for 29.4.2022, and the other representers did not provide reason for their deferral requests.

34. As stated in the Town Planning Board Guidelines No. 33A on Deferment of Decision on Representations, Comments, Further Representations and Applications made Under the Town Planning Ordinance, deferment of consideration of representations and comments may affect the submission of the draft OZP to the Chief Executive in Council (CE in C) for approval and other parties involved in the hearing. Hence, such request should not be entertained unless with the consent of all other concerned parties and there were very strong reasons to do so. The OZP had to be submitted to the CE in C for approval by 27.7.2022.

35. Taking into account that R13 could authorise a representative to attend the meeting and that no reason was provided by the other representers, Members agreed by circulation not to accede to the deferral requests submitted by the concerned representers.

36. On the other hand, the current meeting originally covered hearings of four OZPs (including the subject OZP). In view of the considerable number of representers/commenters who registered for attendance, the hearing of the subject OZP had been tentatively rescheduled to 6.6.2022.

37. On 22.4.2022, the concerned representers were informed of the Board's decision of not acceding to their requests and that all representers and commenters of the said OZP would be later informed of the details of the hearing rescheduled to 6.6.2022.

38. Members noted the above hearing arrangement for the subject OZP.

Sai Kung & Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Mui Wo North Outline Zoning Plan No. S/I-MWN/1
(TPB Paper No. 10821)

[The item was conducted in English and Cantonese.]

39. The Secretary reported that the draft Mui Wo North Outline Zoning Plan (OZP) was to replace the draft Development Permission Area (DPA) Plan covering the Mui Wo North area. Representations and comments had been submitted by the Hong Kong Bird Watching Society (HKBWS) (R1), the Conservancy Association (CA) (R2/C2) and Trendy Property Investment Limited (R68) which was a subsidiary of Hong Kong Ferry (Holdings) Company Limited (HKF) and Henderson Land Development Company Limited (HLD) had shareholding interests in HKF. Llewelyn-Davies Hong Kong Limited (LD) was the representative of R68 and R69. The following Members had declared interests on the items:

- | | |
|---------------|---|
| 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 C.H. Hau | - being a member of HKBWS and a life member of CA and his spouse being the Vice-Chairman of the Board of Directors of CA; being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before; having past business dealings with HLD; and having dealings with Paul Melsom (R10) when working in Kadoorie Farm and Botanic Garden in 1999; |

Mr Stephen L.H. Liu - being a member of the Council of PolyU which had obtained sponsorship from HLD before; and

Mr Ricky W.Y. Yu - his firm having past business dealings with LD.

40. Mr Ricky W.Y. Yu had tendered an apology for being unable to attend the meeting. As the interest of Mr Stephen L.H. Liu was indirect; and Dr C.H. Hau and Mr K.W. Leung had no involvement in the submission of the relevant representations and comment, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

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

42. The following representatives of the Government, and representers, commenters and their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

- Ms Caroline T.Y. Tang - District Planning Officer/Sai Kung & Islands (DPO/SKIs)
- Mr Richard Y.L. Siu - Senior Town Planner/Islands (STP/Is)

Agriculture, Fisheries and Conservation Department (AFCD)

- Ms C.Y. Ho - Senior Nature Conservation Officer/South (SNC/S)
- Ms Connie Ng - Nature Conservation Officer/Lantau (NC/L)

Representers, Commenters and their Representatives

R1 - Hong Kong Bird Watching Society

Ms Wong Suet Mei - Representer's Representative

R2/C2 - The Conservancy Association

Mr Ng Hei Man - Representer's and Commenter's Representative

R3/C1 - Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representer's and Commenter's Representative

R4 - Green Power

Mr Lo Wing Fung - Representer's Representative

R5 - Save Lantau Alliance

Mr Tse Sai Kit - Representer's Representative

R6 - Kadoorie Farm and Botanic Garden

Mr Nip Hin Ming - Representer's Representative

R8/C6 - Living Islands Movement

Mr John Schofield - Representer's Representative

R9/C3 - Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R10/C5 - Paul Melsom

Mr Paul Melsom - Representer and Commenter

R11 - Jennifer Quinton

Ms Jennifer Quinton - Representer

R12/C4 - Fung Kam Lam

Mr Fung Kam Lam - Representer and Commenter

R14 - Mui Wo Rural Committee

R60 - Chow Kwong Fai

R61 - Chau Chun Wai

Mr Wong Man Hon] Representers' Representatives

Mr Li Kwok Keung]

R15 - Man Kok Tsui Residents' Association

Mr Kong Kwan Tung] Representer's Representatives

Mr Cheng Wo Wing]

Mr Chan Ming Yeung Alexis]

Mr Chui Shek Yuen]

Ms Chan Kwan Yee]

R18 - Chung Kwok Keung Peter

R64 - Kwan Wing Shing

R67 - Top Winner Properties Limited

Mr Kwan Wing Shing - Representer and Representers'
Representative

R20 - Chang Fung Yan Peggy

R66/C7 - Chung Hau Tak Tong Brothers Limited

Ms Chang Fung Yan Peggy - Representer, Representer's and
Commenter's Representative

R22 - Ma Ho Sun Jeffrey

R65 - Wellmark Investment Limited

Mr Ma Ho Sun Jeffrey - Representer and Representer's
Representative

R68 - Trendy Property Investment Limited

R69 - Authian Estates Limited

Llewelyn-Davies Hong Kong Limited –

Mr Ng Chi Wan] Representers' Representatives
Mr Hui Chak Hung Dickson]
Mr Kong Ka Chun]

R63 - Chow Ho Yan

R70 - Keymax Holdings Limited

Prudential Surveyors International Limited -

Mr Wong Chung Lai Frank] Representers' Representatives
Mr Yuen Sing Hank]
Mr Tam Chi Ho Raymond]

43. 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 efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making presentation. 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 the 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, the government representatives, the representers, commenters and their representatives would be invited to leave the meeting. The Board would then deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

44. The Chairperson invited PlanD's representatives to brief Members on the representations and comments.

45. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, DPO/SKIs, briefed Members on the representations and comments, including the background of the draft

OZP, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10821 (the Paper).

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

R2/C2 - The Conservancy Association

47. With the aid of a PowerPoint presentation, Mr Ng Hei Man made the following main points:

- (a) the background for preparing the Mui Wo North Development Permission Area Plan (MWN DPA Plan) was of paramount importance in considering the Mui Wo North Outline Zoning Plan (the OZP). Human disturbance such as severe land excavation and tree felling was previously found in Butterfly Hill and Tung Wan Tau, culminating in the need for a DPA Plan to cover the Mui Wo North Area (the Area) to provide interim planning control and to enable enforcement actions to be taken against any unauthorised developments and undesirable change of use. The Board should not encourage any 'Destroy First, Build Later' activity;
- (b) the designation of "Coastal Protection Area" ("CPA") zone for the coastline from Tung Wan Tau to Man Kok was welcome;
- (c) the Tung Wan Tau coastline currently zoned "Open Space" ("O") was still in a natural condition without human disturbance, and was in no way different from the neighbouring Man Kok Tsui coastline under the "CPA" zone. With the same reasoning, the Tung Wan Tau coastline should be rezoned from "O" to "CPA"; and
- (d) "CPA" zone allowed enforcement action to be instigated once land filling/excavation of land activities took place, whilst "O" zone which permitted construction of recreational facilities had no such provision. Hence, "CPA"

zone could serve as an enforcement tool. The illegal excavation/ filling of land in the “CPA” zone of Sheung Sze Wan, Clear Water Bay would be a case of relevance.

R4 - Green Power

48. With the aid of a PowerPoint presentation, Mr Lo Wing Fung made the following main points:

- (a) As stated in the Sustainable Lantau Blueprint, the principle of “Development in the North; Conservation for the South” should be embraced for the development of Lantau. The area located in the southern part of Lantau could play a part in conserving the south;
- (b) according to a dragonfly survey conducted from 2015 to 2021, about 54 species were recorded accounting for more than 40% of the local species. *Onychothemis tonkinensis* and *Lamelligomphus hainanensis* were found in the Tung Wan Tau and Wang Tong respectively. Most dragonflies spent their entire life in streams and hence the streams and marshes in the area warranted protection;
- (c) according to a butterfly survey conducted from 2014 to 2021, about 148 species were recorded with 35 species classified as rare and very rare, accounting for more than 55% of the local species,. Among the 48 species, the larva of *Jamides Alecto*, *Udaspes folus* and *Aeromachus jhora* were wetland-dependent species and *Troidesaeacus*, *Pithecopus corvus* and *Burara oedipodea* were forest- and forest-edge-dependent species; and
- (d) in December 2021 when the OZP was already in force, a vandalism case involving extensive site formation works and tree felling occurred within the “GB” zone in Wang Tong, but the Planning Authority found no unauthorised development (UD) thereat. This case illustrated the inadequacy of “GB” zone as a means to protect the natural environment.

R1 - Hong Kong Bird Watching Society

49. With the aid of a PowerPoint presentation, Ms Wong Suet Mei made the following main points:

- (a) during a site visit in February 2021, more than 75 ardeids, including Little Egrets, Great Egrets and Cattle Egrets, were found at the estuary of Wang Tong River within the “GB” zone. According to Plan 14c of the Town Planning Board Paper No. 10751 for the Board meeting held on 6.8.2021, there were marshes in the west of Mang Tong and Tai Wan Yuen where egrets frequented;
- (b) whilst the planning intention of “GB” zone had a general presumption against development, the multiple uses under Column 1 and Column 2 would undermine the effectiveness of “GB” zone in protecting natural habitats. In the “GB” zone, the approval rate of planning applications for various uses (e.g. recreation use, community facilities, brownfield use, etc.) from 2017 to 2019 was 45%, suggesting that the “GB” zone might not be as effective as some government departments had claimed. To strengthen the control, “Conservation Area” (“CA”) zone should be designated for areas of marshland, mangroves and streams with a 30m-wide buffer on both sides of the streambank;
- (c) in the “AGR” zone, the approval rate of Small House (SH) applications from 2012 to 2019 was 57.7% and that for other uses was about 55%, most of which were irrelevant or harmful to agricultural developments (e.g. recreation-oriented hobby farms). SH development in “AGR” zone usually started flourishing soon after the first planning approval for SH development had been granted, as evident in Ho Chung, Kai Leng, Man Uk Pin and Lam Tsuen;
- (d) the proliferation of the above incompatible uses in “AGR” and “GB” zones would create problems such as water pollution from septic tanks of SH development, destruction of ecologically sensitive wetlands/streams by land filling of less than 1.2m, and environmental degradation by hobby farm, barbecue and recreational developments; and

- (e) in view of the above, the Notes of both the “AGR” and “GB” zones should be revised to prohibit house development.

R3/C1 - Designing Hong Kong Limited

50. With the aid of a PowerPoint presentation, Mr Wong Wan Kei Samuel made the following main points:

- (a) Man Kok and Pak Lap shared similarities in which both were zoned “AGR” adjacent to country park, with much of the land under single ownership and proposed to be developed for eco-education facilities. The Pak Lap area was experiencing great loss of natural habitat with removal of vegetation, pollution caused by human activities and laying of soil not exceeding 1.2m in thickness for the so-called cultivation purpose. This demonstrated that “AGR” zone could not offer sufficient protection to the rural environment; and
- (b) it was proposed that the Man Kok area be rezoned from “AGR” to the more restrictive “CA” or “GB” zone and/or that the Notes of the “AGR” zone be reviewed to make it more restrictive.

R5 - Save Lantau Alliance

51. With the aid of a PowerPoint presentation, Mr Tse Sai Kit made the following main points:

- (a) he agreed with the overall planning intention of the OZP for conservation purpose;
- (b) the “GB” zone on the OZP was considered inadequate to protect the natural features against development;
- (c) the rocky beach in Tung Wan Tau under the “O” zone was an immediate extension of the natural coastline under the “CPA” zone of Man Kok. It would be worthy of conservation through rezoning from “O” to “CPA”;

- (d) the wetlands in Wang Tong, Tai Wai Yuen and Tung Hang Mei were of high ecological value but were privately owned subject to great development pressure. The research findings by green groups suggested that Tung Hang Mei, the lower reach of Wang Tong River, was home to many indigenous tree species. Hence, the wetlands, woodlands and streams in Wang Tong, Tai Wai Yuen and Tung Hang Mei should be rezoned from “GB” to “CA” to strengthen the protection;
- (e) the large-scale destruction of vegetation in Butterfly Hill was a ‘destroy first, build later’ activity;
- (f) the inclusion of ‘Field Study/Education/Visitor Centre’ under Column 2 in the “Village Type Development” (“V”) zone under the OZP was agreed by the Board during the discussion of another OZP, i.e. Sha Lo Wan and San Tau OZP, without going through a proper decision-making process by putting up the proposal first for studies and consultations with government departments and the local community before submitting to the Board. This decision which the Board had hastily made should not be supported; and
- (g) public works coordinated and implemented by Government involving excavation of land in conservation-related zones should not be exempted from planning application. The planning permission mechanism was an open and transparent system, providing channels for public scrutiny, which should not be bypassed.

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

R8 - Living Islands Movement

52. Mr John Schofield made the following main points:

- (a) he objected to the planning intention of the “V” zone that ‘land within this zone is primarily intended for development of SHs by indigenous villagers’. Much

of the land in the “V” zone was owned by non-indigenous villagers and was unlikely to be used for SH development. Although PlanD allowed New Territories Exempted House (NTEH) development including SH and non-SH in the “V” zone, the Lands Department (LandsD) in practice did not allow NTEH development by non-indigenous villagers even if they were willing to pay the premium. To free up land in the “V” zone for development to help ease the shortage of village housing, the planning intention of the “V” zone should be amended to read ‘land within this zone is primarily intended for the provision of village housing in the form of NTEH, including but not limited to SHs under the SH Policy’; and

- (b) when there were clearly extensive site clearance and formation works going on, government departments often reported that they could find no evidence of unauthorised developments (UD). To tighten up the control, there would be a need to expand the definition of UD in the Notes of the OZP by including filling of wetland, clearance of woodland and arbitrary fencing of land for no obvious reason.

R9/C3 - Mary Mulvihill

53. Ms Mary Mulvihill made the following main points:

- (a) all coastline should be designated as “CPA” zone to preserve the natural coastline;
- (b) “GB” zone was no longer appropriate for protecting the environment. The Board had approved rezoning of “GB” for other purposes (e.g. tent camping sites, solar panel farms, etc.) on quite a regular basis;
- (c) delineation of “V” zone should be confined to existing settlement according to the genuine demand, with adequate buffer from water courses. SH development should not be included in Column 2 for any zoning other than “V” zone;

- (d) the “AGR” zone in the Area permitting multiple uses was not compatible with the sensitive areas of high ecological value therein. Abandoned agricultural land adjacent to “GB” should be rezoned to “GB” as well. In particular, the “AGR” zone in Man Kok could not prevent applications for extensive development and should be rezoned to conservation-related zoning, and house development should be excluded from both Column 1 and Column 2 of the “AGR” zone. Also, the Area was not served by vehicular access and hence residential development should be kept to a minimum;
- (e) the covering Notes of the OZP should state clearly that the existing uses could not include any unauthorised works; and
- (f) she objected to the ‘Exemption Clause’ for public works co-ordinated by Government involving excavation of land in conservation-related zones from planning permission as there would be no accountability system in place and, once works commenced, the damage done would be irreversible.

R10/C5 - Paul Melsom

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

- (a) Hong Kong was a biodiversity hot spot with over 400 species of native trees, as compared with the United Kingdom which only had 33 native tree species; and
- (b) he had been running a tree-planting project in Wo Tin for about 20 years, growing both native and rare species. AFCD also granted permission to allow him to extend his tree-planting area from Wo Tin to the neighbouring Lantau North (Extension) Country Park. Another project of comparable duration would be the one being managed by Kadoorie Farm and Botanic Garden. He proposed to rezone the tree-planting area in Wo Tin from “GB” to “CA” to safeguard the wildlife corridor from Lin Fa Shan, Pak Ngan Heung fung shui woodland, Wo Tin forest to Lantau North (Extension) Country Park.

R6 - Kadoorie Farm and Botanic Garden

55. Mr Nip Hin Ming made the following main points:

- (a) Mr Paul Melsom, R10/C5, had obtained AFCD's permission to undertake re-forestation. Since 2012, Kadoorie Farm and Botanic Garden had been providing him with tree seedlings, including those of rare tree species. His high successful rate of growing rare trees was commendable; and
- (b) according to the Government's latest proposal for reviewing the Town Planning Ordinance, the scope of parties eligible to make a s.12A rezoning application would be restricted to the current land owner of the application site. As the planting area in Wo Tin was on Government land, there would be no chance for the green groups to submit an application to rezone the site from "GB" to "CA". The current representation hearing could possibly be the last chance for the Board to consider the proposed "CA" zoning.

R11 - Jennifer Quinton

56. With the aid of a PowerPoint presentation, Ms Jennifer Quinton made the following main points:

- (a) it was understood that ecological consideration for the zonings would base on the internal assessment conducted by AFCD. However, AFCD's report was not made available for public inspection. She usually relied on research findings from non-government organisations and private individuals, but there was still a need for AFCD to prepare a comprehensive source of ecological data to better assess the impacts of proposed developments in the area. The Board was invited to conduct a proper comprehensive ecological study on Mui Wo North before any zoning decisions were made. Currently, the Government was conducting an ecological study on Pui O, Shui Hau and Tai O; she asked that the same be commissioned for Mui Wo North; and

- (b) Tung Hang Mei Valley was abundant in shrublands, wetlands, ecologically important streams and important tree species. This bio-diverse valley should be protected by a “CA” zone.

R12/C4 - Fung Kam Lam

57. Mr Fung Kam Lam made the following main points:

The ‘Exemption Clause’

- (a) he objected to the incorporation of the ‘Exemption Clause’ in the Remarks of the Notes of the “CPA” zone in which any diversion of streams, filling of land/pond and excavation of land pertaining to public works co-ordinated or implemented by Government (which were always permitted) would be exempted from the requirement of planning application;
- (b) he suggested removing such exemption in view of the unknown nature and scale of the public works to be involved. For instance, the ‘Nature Trail’ use under Column 1 of “CPA” zone could involve extensive construction works which however would be exempted from planning application if implemented by the Government;
- (c) according to PlanD’s response in the Paper, public works co-ordinated or implemented by Government were still under an established monitoring mechanism where proposed works had to be agreed by relevant government departments concerned and in compliance with the relevant government requirements. In this regard, it should be noted that under the Environmental Impact Assessment Ordinance, there was no protection offered to “CPA” zones. Also, other legislations (e.g. Roads (Works, Use and Compensation) Ordinance) did not provide adequate channels for monitoring by the public, contrary to the Town Planning Ordinance which had provisions for making available technical reports of the works project for public viewing, statutory provisions to invite public views and publication of the views collected, and the conduct of representation hearings, etc;

- (d) without the ‘Exemption Clause’ which was imposed for streamlining the development-related statutory process, the increase in the number of planning applications and hence the workload resulted might not be as high as PlanD had anticipated. The small number of planning applications for public works in respect of the South Lantau Coast OZP (without the ‘Exemption Clause’) would be relevant; whereas with the ‘Exemption Clause’ retained, coupled with the proposed expansion of the scope of “minor works”, more public works would fall within the expanded definition of “minor works” and could go ahead unscrutinised; and

Inclusion of ‘Field Study/Education/Visitor Centre’ use under Column 2 in “V” zone

- (e) he had no objection to the inclusion of ‘Field Study/Education/Visitor Centre’ use under Column 2 for “V” zone, but the decision-making process involved. Initially, the said use was not incorporated for the “V” zone, but for the Sha Lo Wan and San Tau OZP based on a proposal put forward by the Sustainable Lantau Office, Civil Engineering and Development Department (SLO, CEDD). During the Board’s further consideration of the new Sha Lo Wan and San Tau OZP after considering the new Mui Wo North OZP on the same day of 6.8.2021, the Board decided to add the said use under the “V” zone of Mui Wo North OZP as well with reference to Sha Lo Wan and San Tau OZP. The decision-making process was made without prior studies by relevant departments and consultation with the local community.

R14 - Mui Wo Rural Committee

R60 - Chow Kwong Fai

R61 - Chau Chun Wai

58. Mr Li Kwok Keung made the following main points:

- (a) the coverage of the “GB” zone was excessive and many private lots were included. Some land currently zoned “GB” on the OZP should be rezoned to “V” and “AGR” for village expansion and agriculture rehabilitation respectively. Land should be reserved for the provision of more community and recreational

facilities. The “GB” zone near Mui Wo Town Centre should be rezoned to “Government, Institution or Community” (“G/IC”) for development of a community hall, welfare facilities or an international school, etc. The “GB” and “CPA” zones in Chok Tsai Wan should be rezoned to “Recreation” (“REC”) and “O” respectively to facilitate a proposed water sports centre;

- (b) the land which had been reserved for residential development under the “Residential Zone - 4” designated on the Mui Wo North Layout Plan (LP) for almost 40 years was now rezoned to “GB”. This would greatly affect the development potential of the area. More weight should be attached to the LP when formulating the OZP;
- (c) the increasing number of buffaloes wandering in the villages had caused destruction to farmland. To encourage agricultural rehabilitation, more land should be reserved for agricultural use instead of “GB”;
- (d) the two SH applications submitted by R60 and R61 had been awaiting approval for 11 years and seven years respectively due to the long-drawn negotiations with relevant government departments on sewerage issues. However, it was noted that sufficient sewerage connections had been laid by the Drainage Services Department in recent years. To expedite the SH approval, the “V” zone should be expanded to cover these SH sites to obviate the need for planning permission.

R15 - Man Kok Tsui Residents’ Association

59. With the aid of a PowerPoint presentation, Messrs Kong Kwan Tung and Cheng Wo Wing put forward a proposal to rezone the whole D.D. 358L from “GB”, “AGR” and “CPA” to “G/IC” to facilitate the development of a marine conservation centre which could help promote renewable energy and preserve the agricultural, fisheries and cultural heritage of Man Kok Tsui. The conservation centre would comprise marine science laboratory facilities, aquaculture station, etc. to facilitate research and education purposes. A family trail and a nature trail would also be provided for public enjoyment and appreciation of natural resources and cultural heritage such as Yuen Ancestral Hall.

R18 - Chung Kwok Keung Peter

R64 - Kwan Wing Shing

R67 - Top Winner Properties Limited

60. Mr Kwan Wing Shing objected to the “GB” zone in Wang Tong for the following reasons:

- (a) private property rights and private landowners’ views should be respected when formulating the OZP. The “GB” zone would infringe on private property rights and devalue the land significantly; and
- (b) in face of the prevailing shortage of land for all sorts of land use, it might not be appropriate for the Board to tip the balance in favour of the green groups. If Mui Wo would be deployed for infrastructural development to complement with the Lantau Tomorrow Vision (LTV), the current planning intention of the OZP might be contradictory to the LTV and should be reconsidered.

R20 - Chang Fung Yan Peggy

R66/C7 - Chung Hau Tak Tong Brothers Limited

61. Ms Chang Fung Yan Peggy objected to the “GB” zone covering Lots No. 570, 571, 622 and 623 in DD 2 MW in Wang Tong. Chung Hau Tak Tong Brothers Limited, in collaboration with Hong Kong Federation of Youth Groups and Hong Kong Baptist University, had been setting up an agricultural rehabilitation programme to promote environmental education which would use their land for agricultural practices and stargazing for a duration of three years. The “GB” zone would jeopardise their proposal.

R22 - Ma Ho Sun Jeffrey

R65 - Wellmark Investment Limited

62. Mr Ma Ho Sun Jeffrey objected to the “GB” zone in Wang Tong for the following reasons:

- (a) the Government should consult private landowners before imposing zoning control on their land otherwise private development rights would be infringed upon by the “GB” zone; and
- (b) since excavation/filling of land for agricultural use was not allowed within “GB” zone, they had already stopped farming on their land, which had incurred great loss in time and money and created uncertainty, while waiting for the Board’s decision on the zoning.

R68 - Trendy Property Investment Limited

R69 - Authian Estates Limited

63. With the aid of a PowerPoint presentation, Mr Hui Chak Hung Dickson made the following main points:

- (a) with the Hong Kong-Zhuhai-Macao Bridge in operation and the upcoming major infrastructures associated with the LTV, the enhanced connections with Lantau provided opportunities for residential/commercial and tourism development with balance of conservation of natural landscape. South Lantau was also positioned as suitable for sustainable leisure and recreational uses;
- (b) Mui Wo was endowed with various natural and recreation resources. The area around the pier was undergoing a facelift project driven by a series of improvement works. Being located next to the Silver Mine Bay Beach and in close proximity to the pier, their site in Tai Wai Yuen was considered suitable for a mixed-use development comprising medium-density residential/commercial development and tourism uses with ecological enhancement under a proposed “Other Specified Uses (Mixed Uses with Ecological Enhancement)” (“OU(MUEE)”), with a requirement for planning permission for all development uses;
- (c) the proposed mixed-use development at a maximum plot ratio (PR) of 1.5 and a maximum building height of 8 storeys would be comparable to those in other rural townships, e.g. Sai Kung (PR 1.5) and Cheung Chau (PR 1.4). Against

the overall building height profile descending from the medium-rise building cluster (10 to 15 storeys) in Mui Wo Town Centre to the Silver Mine Bay Beach, the proposed 8-storey development situated in the midway between the town centre and the beach would be in harmony with the overall building height profile; and

- (d) the concerns raised in the Paper (e.g. no concrete proposal, falling within a site of archaeological interest, etc.) would be addressed at the stage of s.16 application.

R63 - Chow Ho Yan

R70 - Keymax Holdings Limited

64. With the aid of a PowerPoint presentation, Mr Wong Chung Lai Frank made the following main points:

- (a) the concerned representers objected to rezoning part of Lot No. 565 in DD2 MW to “GB” and proposed to rezone the site to “R(C)4” with a maximum permissible gross floor area (GFA) of 730m² (equivalent to a PR of 0.4) and a maximum building height of 2 storeys, to reflect the entitlement under the Building Licence No. 92 (BL 92) covering the site. The maximum permissible GFA of 365m² as stated in the written representation should be clarified as 730m²;
- (b) PlanD argued in the Paper (paragraphs 5.3.1(e), 5.3.1(f) and 5.3.5(c)) that:
 - (i) site inspection revealed that the site was covered with woodland, and it was inaccessible;
 - (ii) “GB” zone was broad-brush in nature and sporadic dwellings, footpaths and other structures surrounded by natural habitats might also be covered;
 - (iii) DAFC considered that the designation of “GB” was appropriate;
 - (iv) due to the unascertained building entitlement, the “GB” zoning was appropriate; and
 - (v) the site could be put to Column 1 use or Column 2 use in accordance with the Notes of the OZP and each application would be considered by the

Board based on its own individual merits. Hence, development rights of the site would not be deprived;

- (c) in response to the points made by PlanD as stated in (b) above, he said that:
- (i) the site was accessible by a private footpath which was not open to public. Without gaining access to the site, PlanD would not be able to conduct a site inspection;
 - (ii) the “GB” zone did not reflect the existing site condition as the site was occupied by an established domestic structure with a proper layout on a footprint of about 1,050m², not a sporadic dwelling. Noting that three other house developments with comparable site area in the midst of “GB” zone were designated as “R(C)1”, “R(C)2” and “R(C)3” under the same OZP, it was not uncommon to zone small pockets of land to “R(C)” within the “GB” zone and hence the proposed “R(C)4” zone for the site would be more appropriate to reflect the existing site condition;
 - (iii) without inspection of the site, DAFC might have wrongly interpreted the site condition which was in fact not covered by woodland;
 - (iv) although the building entitlement issue was still in the course of discussion between LandsD and the land owner, the imposition of “GB” zone on the site would deprive the landowner’s right of redeveloping the site to the permissible GFA under the BL 92 if the building entitlement issue was settled in favour of the land owner. Also, redeveloping the site from the existing GFA of about 298m² to the maximum GFA of about 730m² permissible under the BL 92 could possibly constitute material change and would require planning application, which would sound unreasonable for the landowner to submit an application to realise what he had already been entitled to;
 - (v) given the presumption against development in “GB” zone and the scale of a replacement NTEH being no more than 195m² in GFA, the chance of obtaining a planning approval for a proposed house development of GFA of about 730m² at the site would be unlikely; and
- (d) for the remaining part of Lot No. 565, and the part of Lots No. 94, 95, 609 and 610 in D.D. 2 MW, the representers proposed to rezone the site to “Other

Specified Uses” annotated “Animal Re-home Centre” (“OU(ARC)”) to facilitate development of an animal re-home centre with overnight quarters and resting area for buffalos. Instead of pursuing the proposal later by way of s.12A application with support of technical assessments, the representer was seeking an in-principle approval for the proposed “OU(ARC)” zoning at the plan-making stage first in order to facilitate subsequent submission of proposal details and technical assessments by way of s.16 application. The mode of operation would be similar to the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zoning (“OU(CDWEA)”).

[Mr Stephen L.H. Liu, Miss Winnie W.M. Ng, Prof Jonathan W.C. Wong and Prof Roger C.K. Chan left the meeting during the Presentation session.]

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

Rationale of Designating Zonings

66. Some Members raised the following questions:

- (a) whether there was any standard proportion of land area for conservation, recreation and agricultural purposes on an OZP and how the OZP was compared with other OZPs on this aspect;
- (b) whether rezoning proposals submitted by representers would be accepted at the plan-making stage if sufficient information was provided;
- (c) how conservation-related zonings were devised if there were no detailed ecological studies; and

- (d) whether the additional information presented by the green groups could help devise more effective measures to protect the ecology of the area.

67. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, and, Ms C.Y. Ho, SNC/S of AFCD, made the following main points:

- (a) the designation of land use zonings on an OZP depended on the planning intention and unique planning circumstances of the OZP area, not on the basis of any prescribed land use mix. As such, comparison among OZPs on this aspect could not be made due to the different planning context. In the OZP, it was worth noting that a majority of land area (about 90% of total land area) was zoned for “GB” and “CPA” for conservation purposes, and agricultural use was always permitted in quite a number of zones including “AGR”, “V”, “REC”, “GB” and “CPA” (other than plant nursery);
- (b) compared with s.16 and s.12A planning applications supported with detailed information and technical assessments, the proposals put forward by representers at the plan-making stage were relatively preliminary and premature for specific zoning designation on the OZP. Nevertheless, one of the important guiding principles for plan-making was to make sufficient provision to facilitate a compatible development to take place at an appropriate location;
- (c) although AFCD would not carry out a comprehensive ecological study for the purpose of providing input to OZP formulation, they would draw PlanD’s attention to ecologically important habitats (e.g. Ecologically Important Stream (EIS), Site of Special Scientific Interest (SSSI), biodiversity hotspots, etc.) during PlanD’s preparation of the OZP. Upon receipt of PlanD’s draft zoning proposals, site inspection would be conducted to examine if the proposed zonings were appropriate in providing adequate protection to the important habitats; and
- (d) AFCD was fully aware of the ecological information provided by the green groups and considered that the “GB” zone was sufficient for general

conservation purpose. The zoning of areas as “CA” would require stronger justifications, and AFCD in general would not advise to assign pockets of “CA” zones based on individual sighting records of particular species.

Proposed “CA” zone in Wo Tin by R10/C5

68. Some Members raised the following questions:

- (a) the land status of the area where the representer carried out tree planting;
- (b) whether AFCD had conducted any ecological study for the Mui Wo North area (including Wo Tin);
- (c) whether AFCD was aware of the rare tree species grown and identified by the representer when dismissing the need for a “CA” zone; and
- (d) whether AFCD had conducted site inspection upon receipt of the representer’s detailed information.

69. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, and Ms C.Y. Ho, SNC/S of AFCD, made the following main points:

- (a) the area on which the representer carried out tree planting was Government land;
- (b) AFCD had not conducted any comprehensive ecological study for Mui Wo North area. Upon receipt of the draft OZP from PlanD, AFCD had offered advice on the appropriateness of the various zones based on site inspection, in-house past ecological survey data and consultation with relevant sections of AFCD. In view of the similar nature of the woodland habitats in the planning area including Wo Tin, AFCD considered that the “GB” zone was appropriate;
- (c) AFCD explained that, in principle, specific zoning (e.g. “CA”) would be considered for areas that served as important habitats or breeding sites for particular species, otherwise the “GB” zoning would suffice. AFCD

supplemented that there was no such ecological record in the area concerned; and

- (d) AFCD had no record on the tree planting site by R10/C5. Upon receipt of R10/C5's information referred from PlanD, AFCD had carried out site inspection of the area in general and was of the view that the vegetation in the area including Wo Tin was similar in nature, hence zoning the area at large as "GB" was considered appropriate.

Planning Control of "AGR" and "GB" Zones

70. In response to a Member's question about the possibility of stipulating in the Notes of the OZP to prohibit house development on sites with high ecological value within "AGR" and "GB" zones, Ms Caroline T.Y. Tang, DPO/SKIs, said that in devising Column 1 uses and Column 2 uses for each zoning, including "AGR" and "GB" zones, reference had been made to the Master Schedule of Notes promulgated by the Board. The designation of both "AGR" and "GB" zones was to reflect the existing overall site conditions. So far, no sites of high ecological value had been found in areas within the two zones, and hence a more stringent zoning control might not be justified.

71. On agricultural use in "AGR" and "GB" zones, the Chairperson asked if there was a substantial difference between the two in terms of planning control over agricultural use. Ms Caroline T.Y. Tang, DPO/SKIs, replied in the negative as agricultural use was always permitted in both zones.

72. In response to a Member's question about the progress of the agricultural rehabilitation project under "GB" zone in Wang Tong, Ms Chang Fung Yan Peggy, R20 and representative of R66/C7, said that Hong Kong Federation of Youth Groups had already submitted a proposal for their consideration and Hong Kong Baptist University had conducted a visit to the site. No contractual agreement had been entered into with either party.

Proposed “G/IC” zone in Man Kok Tsui by R15

73. Some Members raised the following questions:

- (a) whether it would be possible to take forward the marine conservation centre project proposed by the representer by way of s.16 or s.12A application; and
- (b) how the cultural heritage namely Yuen Ancestral Hall in Man Kok Tsui could be preserved.

74. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) given the lack of detailed information about the proposal (e.g. development scale, layout, access arrangement, infrastructural provision, etc.), it would be premature to rezone the site to “G/IC” at the current stage. The site was largely situated in “AGR” zone, under which ‘Field Study/ Education/Visitor Centre’ was a Column 2 use. The proponent could pursue their proposed marine conservation centre by way of s.12A or s.16 planning application, depending on the nature and scale of the proposed development; and
- (b) the Yuen Ancestral Hall was not a listed historic building by the Antiquities and Monuments Office (AMO). The current zoning would not affect the building.

Proposed “CPA” zone for Tung Wan Tau Coastline

75. A Member asked PlanD to explain the planning considerations for designating the current “O” zone along the natural coastline of Tung Wan Tau, instead of the “CPA” zone as proposed.

76. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) the coastline along Tung Wan Tau Road was a beach covered by the “O” zone, part of which was Silver Mine Bay Beach, a gazetted public beach managed by the Leisure and Cultural Services Department (LCSD) for public enjoyment. The remainder was an immediate extension of Silver Mine Bay Beach, overlooked by two existing camping facilities, where active recreational activities, such as water sports, were carried out by the general public; and
- (b) based on a desktop study on 30 OZPs prepared in the past 20 years or so, gazetted beach was normally designated as “O” zone, with exceptional few mainly zoned as “CPA” on OZPs prepared in earlier years. Compared with the “O” zone, “CPA” zone would allow fewer Column 1 uses. Having considered the existing conditions and the above, the “O” zone was considered appropriate.

The ‘Exemption Clause’

77. A Member enquired on the scale of the public works that would be exempted from the requirement of planning permission under the ‘Exemption Clause’ and the approving authority and monitoring mechanism in lieu of the planning permission system. In response, Ms Caroline T.Y. Tang, DPO/SKIs, said that the public works to be exempted were meant to be minor in scale and yet, they still had to conform to any other relevant legislations, the conditions of the government lease concerned, other government requirements and agreement by relevant government departments. Relevant government bureaux and departments would be the approving authority of those public works.

Inclusion of ‘Field Study/Education/Visitor Centre’ Use under Column 2 in “V” zone

78. In response to a Member’s question about the decision-making process leading to the incorporation of ‘Field Study/Education/Visitor Centre’ under Column 2 in “V” zone, Ms Caroline T.Y. Tang, DPO/SKIs, explained that the decision was made by the Board during the further consideration of the four new draft OZPs (namely Mui Wo North, Pui O Au, Sha Lo Wan and San Tau, and Sham Wat and San Shek Wan) on the same day of 6.8.2021. The Board noted that ‘Field Study/Education/Visitor Centre’ use was included in Column 2 of “V” zone on only two draft OZPs (i.e. Sha Lo Wan and San Tau OZP and Sham Wat and San Shek

Wan OZP) which was to take forward a proposal advanced by the SLO, CEDD. Against that background, Members decided that given Mui Wo North was a popular recreation destination with landscape and ecological values, 'Field Study/Education/Visitor Centre' use could also be incorporated in the "V" zone of the OZP to provide flexibility to cater for such need, if any, in future and the development of which could be scrutinised under the planning application mechanism.

Proposed "R(C)4" zone in Butterfly Hill by R70

79. Some Members raised the following questions:

- (a) how PlanD conducted the site inspection given that the footpath leading to the site was normally closed by gate as claimed by the representer; and
- (b) how the development at the site would be affected by the latest planning control and whether the unascertained building entitlement was the reason for not agreeing to the proposed "R(C)4".

80. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) PlanD staff had visited the environs of the site and noted the structure from a distance, and discerned the structure amid woodlands from aerial photos and photos taken by unmanned aerial vehicles; and
- (b) the entitlement of building lots, as one of the planning considerations, had been taken into account in the designation of residential zonings on the OZP and hence the zonings of "R(C)1", "R(C)2" and "R(C)3". Since the R70's site was located amid a wider woodland and the lease entitlement of the lot had not yet been ascertained, the "GB" zoning broadly covering the woodland and the structure was considered appropriate having regard to the broad-brush nature of zoning. Should there be plans for redevelopment, replacement of the existing domestic building by an NTEH was permitted as of right, otherwise planning permission would be required.

Development Proposal in Tai Wai Yuen by R68 and R69

81. The Chairperson asked about the feasibility of rezoning the site at the plan-making stage as proposed by the representers and leaving the development details and technical assessments behind to be submitted later under s.16 application. In response, Ms Caroline T.Y. Tang, DPO/SKIs, advised that the representers' scheme should best be pursued under s.16/s.12A planning application with support of concrete proposal and technical assessments to demonstrate no adverse impact. The proposed rezoning at the current stage would be premature. Messrs Ng Hei Man and Nip Hin Ming, representatives of R2/C2 and R6 respectively, supplemented that the development at the site should be commensurate with the conservation planning intention of the site having regard to the existing on-site ecological habitat and conservation elements which would be incorporated in the development proposal.

Proposed SH Development in Mang Tong by R14

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

- (a) the projected SH demand against the sufficiency of available land in the "V" zone for SH development in Mang Tong;
- (b) the rationale of not including the two SH application sites in Wang Tong in the "V" zone, considering that the sites were reserved for residential development in a Layout Plan prepared by PlanD some 30 years ago; and
- (c) whether there were examples whereby an area was covered by Layout Plan before the OZP came into play; and the weight attached to Layout Plans when devising zonings on OZPs.

83. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) there were 14 outstanding SH applications and 20 SH from the 10-year SH demand in Mang Tong. Based on PlanD's preliminary estimate, land required

for meeting the SH demand would be about 0.85 ha while the available land within the “V” zones of the three recognised villages would be about 0.94 ha, capable of meeting the future SH development. With the incremental approach, further expansion of the “V” zone was considered not necessary;

- (b) the three SH sites in Lot No. 328 in D.D. 2 MW, Wang Tong (the representation site of R60 and R61) currently were marshes lying largely outside the ‘village environs’ (‘VE’) and formed part of an existing larger marshland. The representers were advised to pursue SH developments in the “V” zone which was intended for village type development. The concerned Layout Plan was prepared some 30 years ago and did not reflect the latest planning circumstances. In view of the above, the three sites together with the wider marshland were zoned as “GB” to reflect the existing site conditions. If the three sites were pursued for SH development, planning applications demonstrating no adverse ecological impact, among others, could be submitted for the Board’s consideration; and

- (c) there was a similar case in Mui Wo Fringe area whereby part of which was first covered by Layout Plan and later by OZP. As of established practice, an OZP was prepared having regard to the latest planning circumstances, including findings and observations from site inspections, and departmental consultation, etc. The Layout Plan covering Mui Wo North was prepared/adopted in 1984 to provide guidelines for rural improvement works to be implemented by relevant government departments at that time, but was considered as out-of-date now.

84. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A sessions had been completed. The Board would further deliberate on the representations and comments in closed meeting 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 PlanD’s representatives for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for lunch break at 3 p.m.]

85. The meeting was resumed at 3:35 p.m.

86. 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 Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Conrad T.C. Wong

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer (New Territories East),
Transport Department
Mr Ken K.K. Yip

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Dr Sunny C.W. Cheung

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Sai Kung & Islands District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

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

(TPB Paper No. 10824)

[The item was conducted in English and Cantonese.]

87. The Secretary reported that the draft Pui O Au Outline Zoning Plan (POA OZP) was to replace the draft Development Permission Area (DPA) Plan covering the POA area. Representations and comment had been submitted by the Hong Kong Bird Watching Society (HKBWS) (R1) and the Conservancy Association (CA) (R2/C2). The following Members had declared interests on the items:

Dr C.H. Hau - being a member of HKBWS and a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA; and

Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS.

88. Members agreed that as Dr C.H. Hau and Mr K.W. Leung had no involvement in the submissions of the representations and comment, they could stay in the meeting.

Presentation and Question Sessions

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

Government Representatives

Planning Department (PlanD)

Ms Caroline T.Y. Tang - District Planning Officer/Sai Kung & Islands
(DPO/SKIs)

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

Agriculture, Fisheries and Conservation Department (AFCD)

Ms C.Y. Ho - Senior Nature Conservation Officer (South)
(SNC/S)

Ms Connie Ng - Nature Conservation Officer (Lantau) (NC/L)

Representers, Commenters and their Representatives

R1 – Hong Kong Bird Watching Society

Ms Wong Suet Mei - Representer's
Representative

R2/C2 – The Conservancy Association

Mr Ng Hei Man - Representer's and
Commenter's
Representative

R3/C1 – Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representer's and
Commenter's
Representative

R4 – Green Power

Mr Lo Wing Fung - Representer's
Representative

R5 – Kadoorie Farm and Botanic Garden

Mr Nip Hin Ming	-	Representer's Representative
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R8/C3 – Mary Mulvihill

Ms Mary Mulvihill	-	Representer and Commenter
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R10 – Yu Hon Kwan (離島區議會主席余漢坤)

Mr Yu Hon Kwan	-	Representer
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C4 – Ho Nok Hang (何諾衡)

Mr Ho Nok Hang]	Commenter and
Mr Ho Chun Fai]	Commenter's Representatives

90. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The 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.

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

92. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, DPO/SKIs, 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 TPB Paper No. 10824 (the Paper).

[Mr Franklin Yu joined the meeting during PlanD's presentation.]

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

R5 – Kadoorie Farm and Botanic Garden

94. With the aid of a PowerPoint presentation, Mr Nip Hin Ming made the following main points:

- (a) Pui O Beach was a popular gazetted beach visited by many families. There was an ecological study commissioned by the Sustainable Lantau Office (SLO) of the Civil Engineering and Development Department for Pui O, Shui Hau and Tai O and its neighbouring areas to identify ecologically important areas for conservation purpose. The study revealed that Pui O was an area with ecological value. Since Pui O and POA were interconnected, the area should be better protected;
- (b) it was shown on topographical maps that watercourses in the area flowed from the Lantau South Country Park through POA to the Pui O Ecologically Important Stream (EIS), Pui O Stream estuary and then Pui O Beach and Pui O Wan. The water channels were highly interconnected. Both upper tributaries outside the POA OZP boundary and those watercourses within the OZP boundary flowed into the EIS;
- (c) there was a complaint made by a local resident in POA in late January 2015 about serious polluted water running from the EIS to the Pui O Stream

estuary. In the site visit conducted a week after receiving the complaint, they did not see the polluted water as described but there were many dead blotched snakeheads (species from Thailand) which were highly tolerant of poor water quality and a dead giant mottled eel (which was classified as Class II State Key Protected Wild Animal) in the stream. They found the situation abnormal because the number of fishes in the stream was largely reduced compared with their previous observations;

- (d) they discovered a concrete box culvert newly built at the upstream just outside the POA OZP boundary. It was suspected that dumping of cement into the stream for the construction of the box culvert had caused the polluted water and the dead fishes observed in the complaint;
- (e) with the aid of the SLO, the unauthorised works for the box culvert was demolished and the riparian zone was reinstated in February 2022. That incident showed that for the protection of the stream, it was important to protect the riparian zone from development to avoid pollution runoff into the stream; and
- (f) the downstream section of Pui O Stream was an EIS and its riparian zone fell within an area zoned “Coastal Protection Area” (“CPA”) on the South Lantau Coast OZP. The watercourse within the POA OZP was the upstream of Pui O Stream flowing into the EIS, that upper section of the stream and its riparian zone (20 to 30m-wide from both sides of the stream banks) should hence be protected by more stringent zonings, such as “Conservation Area” (“CA”) or “CPA”.

R8/C3 – Mary Mulvihill

95. Ms Mary Mulvihill made the following main points:

- (a) the OZPs on South Lantau should be considered within the context of the overall development of Hong Kong. The ambitious plans to develop a number of new towns in the New Territories and to integrate with the Greater

Bay Area would incur the elimination of large tracts of green belt and natural habitat. It was therefore vital to have stronger protection for the remaining ecologically sensitive areas in Hong Kong in order to achieve a balance between development and conservation, tackle biodiversity and climate crises, and provide appropriate measures to protect species to be displaced by the development of the Northern Metropolis;

- (b) as South Lantau had been designated for conservation, it should be subject to development controls;
- (c) the general focus of the OZP was in the right direction to conserve the natural and cultural resources in the predominant part of South Lantau, preserve and enhance the unique rural settlements, and develop low-impact leisure and recreational uses for public enjoyment. However, there should be further impediments to developments;
- (d) as there was no recognised village nor right to build Small House development in the POA area, residential developments should be restricted to the existing village cluster. Discharge of domestic sewage would affect the water quality of stream channels in the area and thus, there should be adequate buffer zone between developments and stream courses. The current protection of the natural stream under the control of the OZP was insufficient;
- (e) woodlands and streams should be protected by “CA” zone. Designation of “Agriculture” (“AGR”), “Green Belt” (“GB”) and “Government, Institution or Community” (“G/IC”) zones was inadequate to protect areas of sensitive ecological nature from development since the majority of applications for developments in these zones were approved and enforcement of unauthorised uses was inadequate;
- (f) according to the Paper, the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the “GB” zoning with a presumption against development covering the majority part of the OZP was appropriate in view of the overall site conditions of the area and more stringent conservation-

related zonings were considered not necessary. Such view was ludicrous as the Board had frequently approved the rezoning of “GB” sites for development, and very often the DAFC raised no views on such rezonings. There were many amendments to OZPs involving the rezoning of “GB” sites in the past few years and there would be more of such in future. It would result in the cumulative loss of significant tracts of “GB” zone with ecological value. It had happened in the fringe of the country park area in Sai Kung and could happen on Lantau Island;

- (g) it was stated in the Paper that the Board would have opportunities under the planning application mechanism to scrutinise development proposals within “GB” zones on their individual merits and in accordance with relevant guidelines of the Board, and only those proposals with strong planning justifications and no insurmountable problems would be approved by the Board. However, in reality, the Board was obliged to approve development proposals that would meet the housing need and which might cause damage to the natural environment and long-term interest of Hong Kong;
- (h) regarding the inclusion of ‘Field Study/Education/Visitor Centre’ in Column 2 of the Notes of the “V” zone, it was responded in the Paper that the provision for application was to allow flexibility to cater for any such need that was in support of environmental education and related studies. Nevertheless, the primary intention of those proposals, such as that being proposed in Pak Lap or the marine centre proposal for Mui Wo North (MWN) presented by a representer in the morning session, was just for development without genuine educational purpose;
- (i) there were many approved applications for holiday camps, solar panels, hobby farms, etc. in “GB” or “AGR” zone which exploited the environment extensively. In some cases, developers might even partner with non-government organisations to dress up their residential development proposals. The requests from green groups for more stringent zonings for protection of the environment should be supported;

- (j) the “G/IC” zonings were objected. There had been applications for car parking and brownfield operations at “G/IC” sites approved by the Board for the reason that there were currently no concrete plans to provide the Government, institution and community (GIC) facilities. Hence, the designation of “G/IC” zone on the OZP (with no designated GIC use) as reserved for future development could not provide any protection of the environment in the rural setting;
- (k) enforcement action on unauthorised developments such as illegal structures/caravan sites in Pui O was ineffective; and
- (l) in order to ensure the implementation of the policy for conservation of South Lantau, there should be more stringent control such as the imposition of “CA” zoning under the OZP to better protect the ecology and ecosystems of South Lantau.

R10 – Yu Hon Kwan

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

- (a) the areas covered by the four concerned draft OZPs for Lantau including Mui Wo North, POA, Sha Lo Wan and San Tau, and Sham Wat and San Shek Wan fell within his constituency of Islands District Council. He would express the views collected from local residents in the area;
- (b) the views of green groups were acknowledged given the importance of environmental protection. The overarching principle of “Development in the North; Conservation for the South” for Lantau was supported by the locals. About 90% of Lantau had already been designated as country park, conservation area, Sites of Special Scientific Interest and green belt while rural settlements and recognised villages (some with long history) were scattered in the remaining areas on Lantau. Despite the importance of nature conservation, the human needs of the local residents should also be recognised. The implications of imposing more stringent planning control on the

livelihood of the locals should be considered;

- (c) he was also aware of the incident of polluted water in Pui O Stream mentioned by the representative of Kadoorie Farm and Botanic Garden (R5) and had contacted the Drainage Services Department and the Environmental Protection Department for site inspection on the following day of the incident. The cause of the pollution could not be found unfortunately. As suspected by R5, the pollution might have resulted from construction of the unauthorised concrete box culvert. Notwithstanding that, it was not practical to designate more stringent zonings to protect the areas of 30m-wide from both sides of the stream banks, where locals resided and effluent of soakaway system was being discharged therein. To address such issue, the local residents should instead be educated about the adverse impacts from malpractices, and proper infrastructure such as sewerage system should be built by the Government to service the area;
- (d) the Rural Committees should be consulted and the right of indigenous villagers should be respected. For instance, it was not reasonable to exclude the sites with on-going Small House applications in MWN from “V” zone. While areas with steep terrain and potential natural terrain hazards were excluded in the demarcation of “V” zone, areas adjacent to steep terrain should also not be included due to the geotechnical works required and high construction and maintenance costs which could not be afforded by villagers;
- (e) for the sustainability of village development, the housing need of indigenous villagers should be met. More land for Small House development should be provided to cater for the long-term demand;
- (f) although undesignated “G/IC” sites were reserved on the OZP in response to the South Lantao Rural Committee (SLRC)’s request for the provision of community and leisure facilities, one of the sites had actually been used as a place for family members to hold memorial and pre-burial assembly and ceremonies for the deceased before heading to the burial ground nearby. Building a memorial pavilion there was thus considered appropriate;

- (g) there were no changing rooms and toilets at the soccer pitch in Pui O. More “G/IC” sites should therefore be reserved in suitable locations or the designated “G/IC” sites should be enlarged for additional recreational and other community facilities to serve both residents and visitors; and
- (h) to achieve the nature conservation objective effectively, a balance between the environmental concerns and human needs of the local community should be struck.

C4 – Ho Nok Hang

97. Mr Ho Chun Fai made the following main points:

- (a) he supported R11 submitted by the SLRC and he also represented local residents. While “G/IC” sites were reserved in response to the SLRC’s request made during the consultation, their view regarding provision of recreational and community facilities might not be fully understood and hence the reserved sites could not serve their need;
- (b) the introduction of planning control to Lantau through statutory plans had imposed constraints on the habits and living of the local residents over the years. The designation of stringent “CPA” zone at the South Lantau Coast and also “Country Park” zone in other areas were examples that would hinder agricultural activities and drainage works. Furthermore, the designation of “V” zone and village ‘environs’ had confined the extent of village development. These measures often resulted in conflicts between villagers and environmentalists; and
- (c) Pui O Stream was a ‘manmade’ watercourse built by villagers over the years, and the marshland thereat was not natural. The designation of “GB” zone on the OZP for the stream would impose further restrictions on the villagers who would be prohibited from carrying out dredging of the sediments in the stream bed or carry out maintenance works for the watercourse in future, which was

essential for flood control. Whilst villagers generally supported protection of the environment, more flexibility should be allowed for the villagers to address their daily and essential needs.

98. Mr Ho Nok Hang made the following main points:

- (a) in relation to SLRC (R11)'s representation that social welfare and recreational facilities were inadequate in the POA Area and more land should be reserved for such facilities, the "G/IC" zone abutting South Lantau Road, which was currently used for funeral and burial related purposes, should be further expanded to accommodate other GIC facilities to serve the local community;
- (b) local residents supported nature conservation in South Lantau, but it should be balanced with local needs; and
- (c) to pursue the principle of "Development in the North; Conservation for the South" for Lantau and make good use of natural resources conserved for public enjoyment, additional areas should be zoned as "G/IC" for recreational facilities.

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

Provision of GIC Facilities

100. In response to a Member's question on the proposals that might be considered appropriate to strike a balance between meeting the local needs and nature conservation, Mr Ho Nok Hang (C4) reiterated that the principle of "Development in the North; Conservation for the South" for Lantau was supported since the pleasant and tranquil living environment in the south of Lantau could be preserved. He pointed out the importance of consultation with IsDC, Rural

Committees and local residents as it could facilitate the formulation of development controls that could achieve a win-win situation for meeting local needs and nature conservation, for instance, the adoption of SLRC's view to reserve more "G/IC" sites on the OZP. He further pointed out the need to allow locals to continue to use the "G/IC" site near the burial ground of Pui O Lo Wai Tsuen (i.e. the smaller "G/IC" site to the southeast of the burial ground abutting South Lantau Road) (the smaller "G/IC" site), at which sufficient space was available to carry out memorial and pre-burial ceremonies before going up to the hill for burial. If that site was developed for other GIC uses, they had to find an alternative site for the pre-burial ceremonies.

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

- (a) the scope to facilitate the use of the smaller "G/IC" site for memorial and pre-burial ceremonial purposes; and
- (b) in relation to R11 and C4's proposals for enlarging the smaller "G/IC" site and concern about the size of the smaller "G/IC" site, whether the larger "G/IC" site further south could be used for memorial and pre-burial ceremonies instead.

102. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, made the following main points:

- (a) the smaller "G/IC" site was currently used by villagers for memorial and pre-burial ceremonies. The request for formally designating the site for such purpose could be conveyed to the Home Affairs Department (HAD) for consideration; and
- (b) since the smaller "G/IC" site was located in close proximity to the south of the burial ground, it was a more convenient location to carry out memorial and pre-burial ceremonies by the villagers than the larger "G/IC" site further south. For the proposals to enlarge the smaller "G/IC" site, R11 and C4 had not provided sufficient justifications for their proposals. Furthermore, as the site was mainly surrounded by South Lantau Road, the riparian of Pui O Stream and some vegetated slopes, the scope for site expansion was rather

limited.

Conservation of Natural Environment and Habitats

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

- (a) the reasons why the downstream of Pui O Stream which was an EIS and its riparian zone was zoned “CPA” together, whereas the upstream within the POA OZP that flowed into the EIS was zoned “GB”;
- (b) the criteria to determine an EIS;
- (c) the ecological importance of the Pui O EIS;
- (d) whether the designation of “GB” zone would impose difficulty on developing houses along the riparian zone of the stream; and
- (e) whether Pui O Stream was a ‘manmade’ watercourse.

104. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, Ms C.Y. Ho, SNC/S, AFCD and Ms Connie Ng, NC/L, AFCD, made the following main points:

- (a) the South Lantau Coast OZP, prepared some time ago, designated the inland to the south of South Lantau Road as “CPA” zone, before the EIS was identified. However, more recently, the “CPA” zone on other OZPs would mainly cover the coastal area only. EISs would be zoned either “GB” or “CA”. The designation of the upstream, which was not an EIS, as “GB” on the POA OZP to reflect the natural landscape and provide adequate protection for the stream was considered appropriate;
- (b) EISs were natural streams or rivers with important ecological functions such as providing habitats for rare animal or plant communities, which were identified by AFCD based on the available ecological information. As an administrative framework to better protect the EISs from the impacts of

construction works, the project proponents were required to consult AFCD before project commencement;

- (c) wetland habitat and special species were found along the downstream of Pui O Stream and therefore that section of the stream was identified as EIS. However, there was no other wetland habitat at the upstream within the POA OZP;
- (d) the existing houses using septic tank and soakaway systems would not be affected by the “GB” zoning. For redevelopment of a house within the “GB” zone, the proposed septic tank and soakaway system was required to comply with relevant requirements and regulations. For developing a new house within the “GB” zone, planning permission from the Board was required and the development proposal including sewerage proposal should meet the relevant requirements and regulations; and
- (e) considering the condition of the watercourse and the connectivity of the surrounding natural environment, the section of the Pui O Stream within the POA OZP was a natural stream.

105. In response, Mr Ho Chun Fai (C4’s representative) clarified that the stream in POA was not a manmade watercourse and locals had helped to dredge the sediments in the stream bed and maintain the stream channels. Being located in the valley, the stream was a catchment of the watercourses from the mountains nearby, and the water with sand flowed through the stream to the estuary. The sediments might cause flooding and local villagers used to dredge the stream bed themselves.

106. Mr Nip Hin Ming (R5’s representative) pointed out that the identification of EISs by the Government commenced around 2004. Before that, where EISs had already been covered by OZPs, those streams were usually zoned “GB”. In the event that the identification of EISs was prior to the introduction of statutory plans, most of the EISs and riparian were later protected under “CA” zone in the statutory plans, such as the EIS in Sham Wat. In response to the Chairperson’s question on whether EISs could either be zoned “GB” or “CA”, Ms C.Y. Ho, SNC/S, AFCD said that EISs and their riparian zones could be zoned “GB” or “CA”,

subject to the assessment of individual site circumstances. The Chairperson further raised a question on whether there was a policy requiring all EISs and their riparian zones to be designated as “CA” under new statutory plans. In response, Ms Ho said that the designation of zoning for EIS should be assessed case by case. After EISs being identified by the Government from 2004, there were EISs in Sai Kung zoned “GB” instead of “CA”, depending on site circumstances.

107. In response to a Member’s question on whether there were specific proposals for amending the OZP to better meet the needs of the local residents, Mr Yu Hon Kwan (R10) said that septic tank and soakaway systems were currently used by the villagers as there was no public sewer serving POA. Regarding the green groups’ proposal to protect the areas of 30m-wide from both sides of the stream banks by more stringent zonings, he would have no objection in-principle provided that a sewerage system would be built by the Government so that houses developed on private land along the stream could be connected to public sewer properly without discharging into the riparian and the stream. For the housing need of the villagers, while ‘House’ use in “GB” zone might be permitted on application to the Board, the hurdle to develop a Small House in “GB” zone would be larger than in “V” zone. Hence, more “V” zones should be designated to meet villagers’ genuine housing need in the long term.

Rural Development and “V” Zone

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

- (a) the distribution of village settlements in POA;
- (b) whether ‘Agricultural Use’ was always permitted within the “GB” zone; and
- (c) why the house at the southern edge of the OZP was partially zoned “V”, and whether the remaining portion of the house could be rationalised to be zoned “V” as well.

109. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, made the following main points:

- (a) the village settlements, with around 10 houses, were agglomerated in the southern end of POA. There was no recognized village within the area, and the “V” zone on the OZP was to reflect the existing village cluster. Given that other village houses were scattered in areas with mainly vegetation and grassland zoned “GB”, the designation of “V” zone for each of the individual houses in this context was considered inappropriate. According to the covering Notes of the OZP, rebuilding of a New Territories Exempted House (NTEH) or replacement of an existing domestic building by a NTEH was always permitted on land falling within the OZP;
- (b) according to the Notes of the “GB” zone, ‘Agricultural Use’ was a Column 1 use which was always permitted. Taking into account DAFC’s advice that there was no land under active cultivation in the area, no “AGR” zone was designated; and
- (c) the concerned house fell partly within an area zoned “V” on the POA OZP and partly within an area zoned “GB” on the South Lantau Coast OZP in the nearer early 1980s. The portion of the house zoned “GB” was not the subject of the POA OZP under consideration. If necessary, the zoning boundary could be rationalised when an opportunity of amending the South Lantau Coast OZP arose. ‘House (NTEH only)’ was always permitted within the “V” zone on the POA OZP. Boundaries between zones might be subject to minor adjustments as detailed planning proceeded. In any case, the existing house would not be affected by the OZPs.

110. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A session 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.

[Mr Franklin Yu left the meeting at this point.]

Deliberation Session

111. The Chairperson remarked that both the draft MWN OZP and POA OZP had duly reflected the overarching principle of “Development in the North; Conservation for the South” embraced in the Sustainable Lantau Blueprint promulgated in 2017 to conserve the unique rural and natural characters of the MWN and POA areas. On conservation, there was a spectrum of conservation-related zonings with varying control over land use and development, which were “GB”, “CA”, “CPA” and “SSSI”. The designation of these conservation-related zonings on OZPs was subject to the landscape and ecological values of particular sites or areas. In pursuing the conservation objective, low-impact leisure and recreational uses compatible with the natural setting for public enjoyment were allowed as appropriate.

112. The Chairperson highlighted that while the representers and commenters held different views, with one side urging for more stringent restriction on developments and the other side for more relaxed development control, it was appreciated that they expressed their views in a rational manner and respected each other. For the MWN OZP, regarding the green groups’ suggestion to designate the coastline and the beach area in Tung Wan Tau as “CPA” zone, it should be noted that part of the beach area was a gazetted beach under the management of the Leisure and Cultural Services Department which should be able to deal with any possible vandalism (e.g. illegal land filling activity). Regarding the proposals for more conservation-related zonings, Members would need to balance the conservation objective for Lantau and the implications on private development rights if the control was further tightened.

113. As some grounds of the representations and comments in relation to the MWN OZP and POA OZP were of similar nature, Members agreed to deliberate on the two OZPs together. Members generally agreed to impose statutory planning control to better protect the MWN and POA areas and considered the land use zonings on the draft MWN OZP and POA OZP appropriate but expressed views/enquiries on various issues during deliberation as below.

Control of Agricultural Use

114. A Member enquired the control of ‘Agricultural Use’ under “GB” zone. At the Chairperson’s invitation, the Secretary said that according to the Definition of Terms used in statutory plans, ‘Agricultural Use’ meant any land used for the growing of crops and plants, and

rearing of animals and fish for the purpose of providing food and other products. 'Agricultural Use', as a Column 1 use, was always permitted in both "AGR" and "GB" zones. The nuance of the controls under the two zones was in the different control on filling of land. In "AGR" zone, planning permission from the Board for filling of land was not required where the laying of soil for cultivation did not exceed 1.2m in thickness or the filling of land was for construction of any agricultural structure with prior written approval issued by the Lands Department. However, for "GB" zone all circumstances involving filling and/or excavation of land would require planning permission.

Conservation-related Zonings and Enforcement Against Eco-Vandalism

115. Some Members were of view that the designation of "GB" zone already served the function of nature conservation and for ecologically less sensitive areas. As a balance, the planning regime had allowed submission of planning applications for development proposals in "GB" zone and the Board would scrutinise the development proposals on their individual merits. The crux of the concern of the green groups was to better safeguard the natural environment against eco-vandalism and unauthorised developments and if the Government could enhance its enforcement actions, it would provide green groups with more confidence that "GB" zoning could also provide sufficient protection.

116. In response, Mr Ivan M.K. Chung, the Director of Planning (D of Plan), said that areas that had been designated as Development Permission Areas were subject to enforcement and prosecution by the Planning Authority pursuant to the Town Planning Ordinance. Enforcement actions were taken regularly and upon receipt of complaints from the public or referrals from the government bureaux or departments.

117. In that connection, a Member enquired how technology was used in development control and enforcement actions. In response, Mr Andrew C.W. Lai, the Director of Lands, and, Mr Ivan M.K. Chung, D of Plan, said that unmanned aerial vehicles had been widely deployed in site inspection for undertaking enforcement actions in the contexts of land administration and land use planning. Furthermore, mobile devices with access to on-site spatial data were deployed to facilitate on-site operations and the reporting of real-time site conditions for further investigations.

“CA” Zone for Wo Tin and Tung Hang Mei (R10/C5) on the MWN OZP

118. Some Members appreciated R10/C5’s expertise as well as persistence and passionate effort in re-forestation in Wo Tin and Tung Hang Mei over the past 30 years. However, Members in general considered the information submitted and presented by R10/C5 inadequate to justify the rezoning of Wo Tin and Tung Hang Mei from “GB” to “CA” zone. Notwithstanding that, Members considered the rezoning proposal would be worth studying further by the relevant government departments and further amendment to the OZP might be submitted to the Board for consideration in future if considered appropriate. Meanwhile, relevant departments should monitor the area to ensure there was no eco-vandalism.

119. In addition to the regular surveys and data collection conducted by AFCD for the general assessment of ecological value of different areas in Hong Kong, a Member opined that upon receipt of site-specific proposals in future plan-making process, it would better assist the Board’s consideration if AFCD could provide more site-specific ecological information when commenting on those proposals, especially for sites containing a wide range of flora and fauna.

“CPA” Zoning at Coastline and Beach in Tung Wan Tau on the MWN OZP

120. Another Member enquired what the relevant planning considerations on the proposal of R1, R2, R3 and R5 of MWN OZP to rezone the coastline and beach in Tung Wan Tau on the MWN OZP from “Open Space” (“O”) to “CPA” were. At the Chairperson’s invitation, Mr Ivan M.K. Chung, D of Plan, said that “CPA” zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with minimal built development. The “O” zone covering the coastline along Tung Wan Tau Road was mainly the Silver Mine Bay Beach and its immediate extension and overlooked by two existing recreational facilities, namely the Methodist Retreat Centre and the Hong Kong Playground Association Jockey Club Silvermine Bay Camp, at which active recreational activities and water sports were carried out by the general public. The Paper recommended that retaining the area under an “O” zone was appropriate to reflect the existing features and conditions.

Development Proposal at Man Kok Tsui (R15) on the MWN OZP

121. A Member said that R15's proposed rezoning of the site at Man Kok Tsui to "G/IC" for a proposed marine conservation centre was premature as it was still a concept without concrete development proposal nor supported by technical assessments. Nonetheless, if the concept was materialised, it might have public benefits and the project proponent should be encouraged to develop the concept further.

Provision of GIC Facility for Memorial and Pre-burial Ceremonies on the POA OZP

122. A Member considered that the two undesignated "G/IC" sites reserved in the POA area were appropriate. The local residents' concerns on the inadequate provision of GIC facilities could be addressed through better dissemination of planning information about the reserved sites. Regarding the request to formalise and allow the "G/IC" site to continue to be used for memorial and pre-burial ceremonies, some Members suggested HAD to consider and facilitate the proposal.

Pui O Stream on the POA OZP

123. Members in general were of the view that the information submitted by the representers and commenters did not provide strong justifications for rezoning the upstream of Pui O Stream to "CA" and considered that the "GB" zoning should be retained. That said, a few Members opined that it might not be readily understood by the community as to why the upstream and downstream of one water course could be under different conservation-related zonings (in the case of Pui O Stream under "GB" and "CPA" respectively), especially when prima facie the quality of water in the upstream could have a more direct impact on the downstream instead of vice versa. In this regard, Members suggested that the Government should review the criteria of designating zonings for different sections of a water course part of which carried EIS status in future plan-making. Another Member added that for the case in question the condition of the upstream and its riparian zone should be closely monitored by the AFCD and whether a more stringent conservation zoning would be required in future should be subject to review.

Conclusion

124. The Chairperson concluded that based on the information submitted and presented

at the hearings, Members generally agreed that both the MWN OZP and POA OZP 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 TPB Papers No. 10821 and 10824 and the presentations and responses made by the government representatives at the meeting.

125. On behalf of the Board, the Chairperson expressed appreciation to the representers and commenters for their good efforts in providing information regarding biodiversity and re-forestation. While the information was not sufficient in justifying further amendments at this stage, it should be useful input based on which the Government could do further research. Specifically, on the MWN OZP, regarding the woodland in Wo Tin and Tung Hang Mei, the Board suggested AFCD and PlanD to further study if there was a need to subject the area to more stringent conservation zoning. On the POA OZP, concerning the upstream of Pui O Stream and whether it would impact on the downstream which was an EIS, the Board suggested AFCD to closely monitor the conditions of the stream course and review if more stringent protection for the upstream would be required in future. With regard to the proposals submitted for the MWN OZP for developments or facilities which might be beneficial to the communities, the Board suggested PlanD to offer guidance to the project proponents for any future planning application submissions. In addition, enforcement actions of the Government should be enhanced to fulfil the conservation objective as far as possible.

Decision on the MWN OZP

126. After deliberation, the Board noted the supportive views of **R1 (part) to R5 (part)**. The Board decided not to uphold **R1 (part) to R5 (part)** and **R6 to R70** and considered that the draft OZP should not be amended to meet the representations for the following reasons:

“Conservation of Natural Environment and Habitats

- (a) “Conservation Area”, “Costal Protection Area” (“CPA”) and “Green Belt” (“GB”) are all conservation-related zonings of different levels of control on land use and development. The designation of “GB” zone on the draft Outline Zoning Plan (OZP) is considered appropriate for protecting the natural habitats such as woodlands, marshes, mangroves and natural streams in the Mui Wo

North area (the Area) while at the same time reflecting the existing site conditions where human settlements and activities are taking place (**R1 to R11 and R13 to R15**);

- (b) the “CPA” zone covering the natural coastline between Tung Wan Tau and Man Kok is considered appropriate from nature conservation perspective. The coastline along Tung Wan Tau Road comprising Silver Mine Bay Beach and area with active water sports is considered appropriate to be designated as “Open Space” instead of “CPA” to reflect the existing site conditions where recreational activities are taking place (**R1 to R3 and R5**);
- (c) on-site Septic Tank and Soakaway systems for village houses are required to comply with relevant standards and regulations to ensure no adverse impact on the environment (**R1 to R4 and R7**);

Agricultural Land and Designation of “GB” and “Agriculture” (“AGR”) Zones

- (d) the designation of active and abandoned agricultural land clusters in the vicinity of existing villages as “AGR” while some scattered agricultural land surrounded by natural habitats as “GB” is considered appropriate. As ‘Agricultural Use’ is also always permitted within the “GB” zone, the designation of “GB” or “AGR” zone will not hinder agricultural development and rehabilitation (**R1, R3, R16 to R59 and R64 to R67**);
- (e) in general, existing agricultural land and house lots in the Area would not be affected by the statutory planning control imposed on the OZP. No action is required to make the existing use of any land or building conform to the OZP (**R16, R25 to R59 and R67**);

Designation of “Village Type Development” (“V”) Zone

- (f) the planning intention of the “V” zone is to designate both existing recognized villages and areas suitable for village expansion. The boundaries of the “V” zones are drawn up having regard to the village ‘environs’, local topography, existing settlement pattern, outstanding Small House (SH) applications and

demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological values are excluded. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating SH development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area (**R1 to R4, R8, R9, R13, R14, R60 and R61**);

Control Stipulated in the Notes of the OZP

- (g) the purpose of the draft OZP is to indicate the broad land use zonings for the Area and impose statutory planning control. The land concerned could be put to ‘always permitted uses’ (Column 1 uses) or uses that may be permitted with or without conditions on application to the Board (Column 2 uses) in accordance with the Notes of the OZP. The draft OZP would not deprive the development rights of the lot owner (**R13, R14, R63 and R70**);
- (h) the inclusion of ‘Field Study/Education/Visitor Centre’ use in Column 2 of the Notes for the “V” zone can allow flexibility to cater for any such need in future, and thus this provision should be retained (**R5 and R12**);
- (i) the incorporation of the exemption clause for diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government is to streamline the planning process. Incorporation of this exemption clause for conservation-related zones is in line with the latest revision of the Master Schedule of Notes to Statutory Plans (**R5**);

Unauthorized Development

- (j) upon the gazettal of the draft Development Permission Area Plan, the Planning Authority is empowered to instigate enforcement action against unauthorized developments in the Area. Any suspected unauthorized development including filling of land/pond and excavation of land will be closely monitored and enforcement action will be taken as appropriate. The current definition of

‘existing use’ is consistent with the rule against retroactivity in criminal law (**R2 and R3**);

Provision of Recreational and Community Facilities

- (k) the provision of recreational and community facilities in Mui Wo area is planned in accordance with the Hong Kong Planning Standards and Guidelines and in consultation with relevant bureaux or government departments (B/Ds). The provision of such facilities will be subject to review by relevant B/Ds as and when necessary (**R13, R14 and R16**); and

Development Proposals

- (l) the rezoning proposals to facilitate various proposed developments by the representer(s) are considered premature to be taken on board at this stage as no concrete proposal nor relevant technical assessments are submitted. The current zonings for the concerned sites have taken into account relevant planning considerations and are considered appropriate (**R15, R62, R63 and R68 to R70**).”

127. The Board also agreed that the draft Mui Wo North OZP, together with the Notes and ES, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

Decision on the POA OZP

128. After deliberation, the Town Planning Board (the Board) noted the supportive views of Representations No. **R1 (part) to R4 (part)** and decided not to uphold Representations No. **R1 (part) to R4 (part)** and **R5 to R12**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

“Conservation of Natural Environment and Habitats

- (a) the designation of “Green Belt” (“GB”) zone on the draft Outline Zoning Plan (OZP) for protecting the natural habitats such as streams and woodlands while at the same time reflecting the existing site conditions with human settlements and activities in the Pui O Au area (the Area) is considered appropriate. The designation of “GB” zone to cover the upstream of Pui O Ecologically Important Stream and its riparian area is considered adequate from nature conservation perspective (**R1 to R6, R8, R10 and R11**);
- (b) on-site Septic Tank and Soakaway systems for village houses are required to comply with relevant standards and regulations to ensure no adverse impact on the environment (**R1, R4 and R6**);

Agricultural Land and Designation of “GB” Zone

- (c) there is no active agricultural land found and no “Agriculture” zone designated in the Area. Notwithstanding this, ‘Agricultural Use’ is always permitted within “Village Type Development” (“V”) and “GB” zones, and genuine agricultural activities would not be hindered (**R10 to R12**);
- (d) in general, the existing house lots in the Area would not be affected by the statutory planning control imposed on the OZP. No action is required to make the existing use of any land or building conform to the OZP (**R10 to R12**);

Designation of “V” Zone

- (e) the planning intention of the “V” zone is to reflect the existing village cluster within the Area. The boundary of the “V” zone is drawn up having regard to planning considerations including the building entitlement, the local topography and the existing village settlement. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded from the “V” zone. No additional land is zoned “V” for village expansion (**R1 to R5, R7, R8, R10 and R11**);

- (f) the inclusion of ‘Field Study/Education/Visitor Centre’ use in Column 2 of the Notes for the “V” zone can allow flexibility to cater for any such need in future, and thus this provision should be retained (**R9**); and

Provision of Recreational and Community Facilities

- (g) suitable sites are zoned “Government, Institution or Community” for provision of Government, institution and community and/or recreational facilities serving the needs of the local residents in the Area. The provision of such facilities will be subject to review by relevant bureau or government departments as and when necessary (**R10 to R12**).”

129. The Board also agreed that the draft Pui O Au 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.

Procedural Matters

Agenda Item 5

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Sha Tin Outline Zoning Plan No. S/ST/35

(TPB Paper No. 10825)

[The meeting was conducted in Cantonese.]

130. The Secretary reported that the amendment items mainly involved a proposed public housing development in Fo Tan to be implemented by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA; and two sites for columbarium developments in Tai Wai and Fo Tan under two agreed s.12A applications No. Y/ST/42 and Y/ST/47 respectively. The following Members had declared interests on the items:

- Mr Andrew C.W. Lai - being a member of HKHA;
(*Director of Lands*)
- Mr Paul Y.K. Au - being a representative of the Director of Home
(*as Chief Engineer Affairs who was a member of the Strategic Planning*
(*Works*), *Home Affairs Committee and Subsidised Housing Committee of*
Department) HKHA;
- Dr Conrad T.C. Wong - having current business dealings with HKHA;
- Mr Franklin Yu - being a member of the Building Committee and
Tender Committee of HKHA;
- Mr L.T. Kwok - his serving organization operating a social service
team which was supported by HKHA and openly bid
funding from HKHA;
- Mr Daniel K.S. Lau] being a member of the Hong Kong Housing Society
Ms Lilian S.K. Law] (HKHS) which had discussed with HD on housing
development issues;
- Mr K.L. Wong - being a member and an ex-employee of HKHS which
had discussed with HD on housing development
issues;
- Mr Lincoln L.H. Huang - being a member of Private Columbaria Appeal Board;
- Mr Stanley T.S. Choi - owning a property in Tai Wai;
- Professor John C.Y. Ng - owning a property in Fo Tan; and
- Mr Vincent K.Y. Ho - co-owning with spouse a property in Fo Tan.

131. Members noted that Mr Lincoln L.H. Huang had tendered apology for not being able to attend the meeting, and Mr Franklin Yu 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.

132. The Secretary briefly introduced TPB Paper No. 10825. On 3.12.2021, the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involved the rezoning of Sui Fai Factory Estate, Fo Tan from “Industrial” to “Residential (Group A)8” for a proposed public housing development and two sites for columbarium development to take forward two agreed s.12A applications. During the exhibition periods, a total of 335 valid representations and one valid comment were received. Five other representations were made with identity information missing and should be treated as not having been made pursuant to sections 6(2)b and 6(3)(b) of the Ordinance.

133. Since the representations and comment received on the OZP were of similar nature, the hearing of all representations and comment was recommended to be considered by the full Town Planning Board (the Board) collectively in one group. 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 comment by the full Board was tentatively scheduled for July 2022.

134. After deliberation, the Board noted that five representations 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 6(2)b and 6(3)(b) of the Ordinance and agreed that:

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

Agenda Item 6

Any Other Business

[Open Meeting]

135. There being no other business, the meeting was closed at 6:20 p.m.