

**Minutes of 1276th Meeting of the
Town Planning Board held on 22.7.2022**

Present

Permanent Secretary for Development
(Planning and Lands) (Acting)
Mr Vic C.H. Yau

Chairperson

Mr Lincoln L.H. Huang

Mr Wilson Y.W. Fung

Dr C.H. Hau

Miss Winnie W.M. Ng

Mr Franklin Yu

Mr Stanley Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Timothy K.W. Ma

Principal Assistant Secretary for Transport & Logistics 3
Transport and Logistics Bureau
Miss Fiona W.S. Li (a.m.)

Chief Engineer/Traffic Survey & Support
Transport Department
Mr Clyde C.Y. Tung (p.m.)

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

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

Secretary

Absent with Apologies

Mr Stephen L.H. Liu

Ms Sandy H.Y. Wong

Dr Jeanne C.Y. Ng

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Mr K.L. Wong

In Attendance

Assistant Director of Planning/Board

Ms Johanna W.Y. Cheng

Chief Town Planner/Town Planning Board

Ms Josephine Y.M. Lo (p.m.)

Senior Town Planner/Town Planning Board

Ms M.L. Leung (a.m.)

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

Opening Remarks

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1275th Meeting held on 8.7.2022

[The item was conducted in Cantonese.]

1. The draft minutes of the 1275th meeting held on 8.7.2022 were sent to Members on 22.7.2022. Subject to any proposed amendments by Members on or before 25.7.2022, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 25.7.2022 without amendment.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/35

(TPB Paper No. 10851)

[The item was conducted in English and Cantonese.]

3. The Secretary reported that the amendments mainly involved a proposed public housing site in Fo Tan, Sha Tin (Item A) to be developed by the Hong Kong Housing Authority (HKHA) and Housing Department (HD) was the executive arm of HKHA, two sites for columbarium developments in Fo Tan and Tai Wai (Items B and C) to take forward two approved s.12A applications No. Y/ST/47 and Y/ST/42 respectively and an existing private residential development in Tai Wai (Item D). The following Members had declared interests on the items:

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

Mr Paul Y.K. Au - being a representative of the Director of Home Affairs
(as Chief Engineer who was a member of the Strategic Planning
(Works), Home Affairs Committee and 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 organisation currently renting premises in
various estates of HKHA at concessionary rent for welfare services, and formerly operating a social
service team which was supported by HKHA and
openly bidding 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 discussion with HD on housing
development issues;
- Mr K.L. Wong - being a member and an ex-employee of HKHS which
had discussion with HD on housing development
issues;
- Mr Timothy K.W. Ma - being a member of the Supervisory Board of HKHS
which had discussion with HD on housing
development issues; and a member of the Private
Columbaria Appeal Board;
- Mr Lincoln L.H. Huang - being a member of the Private Columbaria Appeal
Board;
- Dr Sunny C.W. Cheung - his spouse owning a property in Tai Wai covered by
Amendment Item D;
- 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.

4. Members noted that Mr Vincent K.Y. Ho had tendered an apology for being unable to attend the meeting, and Dr Conrad T.C. Wong and Messrs Lincoln L.H. Huang, Franklin Yu and Stanley T.S. Choi had not yet arrived to join the meeting. Members agreed that as the interest of Mr L.T. Kwok was indirect, Messrs Daniel K.S. Lau, K.L. Wong and Timothy K.W. Ma and Ms Lilian S.K. Law had no involvement in the proposed public housing development, and the property owned by Professor John C.Y. Ng did not have direct view of the sites covered by the amendment items, they could stay in the meeting. Members also agreed that as the interest of Dr Sunny C.W. Cheung was direct in respect of Amendment Item D (which was not subject to any representation) and the property his spouse owned did not have direct view of the sites under Amendment Items A, B and C, he could stay in the meeting but should refrain from discussion on Amendment Item D. Messrs Andrew C.W. Lai and Paul Y.K. Au left the meeting temporarily at this point.

Presentation and Question Sessions

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

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

Government Representatives

Planning Department (PlanD)

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|-----------------------|---|
| Ms Margaret H.Y. Chan | - District Planning Officer/Shia Tin,
Tai Po & North (DPO/STN) |
| Ms Hannah H.N. Yick | - Senior Town Planner/Shia Tin |
| Mr Derek C.K. Wong | - Town Planner/Shia Tin |

Housing Department (HD)

- | | |
|-----------------------|---------------------------------|
| Ms Canetti P.S. Yu | - Senior Planning Officer (SPO) |
| Ms Flora S.M. Fung | - Senior Architect (SA) |
| Mr Frankie H.K. Leung | - Senior Civil Engineer (SE) |
| Mr Alvin W.H. Chu | - Planning Officer (PO) |
| Mr Anthony W.K. Lee | - Architect |

Transport Department (TD)

- | | |
|-----------------------|--|
| Mr Thomas C.K. Man | - Engineer/Shia Tin (E/ST) |
| Ms Natalie H.K. Tsang | - Senior Transport Officer/Shia Tin
(STrO/ST) |

Representers, Commenter and their Representatives

R166 – Wong Ka Yee Stephanie

Ms Wong Ka Yee Stephanie - Representer

R178 – Green Sense

Mr Lau Ka Yeung - Representer's Representative

R179 – 周曉嵐

Mr Chow Hiu Laam Felix - Representer

R180 – 陳珮明

R181 – 容溟舟

Mr Chan Pui Ming - Representer and Representer's Representative

R182 – Wong Siu Yee

Mr Wong Siu Yee - Representer

R289 – Wong Man Lai

Ms Wong Man Lai - Representer

R290 – Chan Tak Ki

Mr Chan Tak Ki - Representer

R294 – 羅慧敏

Mr Lo Wai Man - Representer

R298 – 黎水根

Mr Lai Shui Gan - Representer

R313 – Chan Siu Loon

Mr Chan Siu Loon - Representer

R322 – Wong Cheuk Ying

Ms Wong Cheuk Ying - Representer

R335/C1 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

7. The Chairperson extended a welcome. He then briefly explained the procedures of the hearing. He said that PlanD's representatives would be invited to brief Members on the representations and comment. The representers, commenter 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, commenter 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, commenter and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenter and their representatives. After the Q&A session, the government representatives, the representers, commenter and their representatives would be invited to leave the meeting. The Board would then deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decision in due course.

8. The Chairperson invited PlanD's representatives to brief Members on the representations and comment.

9. With the aid of a PowerPoint presentation, Ms Margaret H.Y. Chan, DPO/STN, briefed Members on the representations and comment, including the background of the draft OZP, the grounds/views/proposals of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in TPB Paper No. 10851 (the Paper).

10. The Chairperson then invited the representers, commenter and their representatives to elaborate on their representations/comment.

R178 – Green Sense

11. With the aid of a PowerPoint presentation, Mr Lau Ka Yeung made the following main points:

- (a) Green Sense objected to the proposed public housing development at the Sui Fai Factory Estate (SFFE) site under Item A for the following reasons:
 - (i) Item A site was situated at the Fo Tan Valley basin and did not enjoy much wind due to the nearby hilly terrain, particularly in summer when the southerlies prevailed. According to the Computational Fluid Dynamics (CFD) model of the Air Ventilation Assessment (AVA) for the proposed public housing development of Chun Yeung Estate (Report No. AVR/G/115), the wind velocity at the Item A site was extremely weak. Wind velocity data was not available from HD's AVA by Expert Evaluation (AVA(EE)). Green Sense had collected wind velocity data by on-site measurements which suggested that the wind velocity at the Item A site would be rather weak (i.e. zero wind for nine test points and less than 1 metre per second (m/s) for 13 test points). A comfortable pedestrian environment should have a minimum wind speed of 1 m/s as recommended in many AVA reports. As such, the pollutants emitted from the nearby industrial activities and road traffic would accumulate at Item A site and render it not suitable for residential use;
 - (ii) there were many industrial buildings nearby, and some of them were with dangerous goods storage with potential fire hazard. The proposed development at Item A site would be subject to industrial/residential (I/R) interface issue. For example, the Chelsea Court at the fringe of Tsuen Wan East Industrial Area was subject to severe noise and air quality impacts and the residents had to close the windows all the times. Knowing that a planning application (No. Y/ST/52) to rezone the Fo Tan Industrial Area (FTIA) for a large-scale comprehensive residential development had been submitted, the decision on Item A should be

deferred until the Board made a decision on the comprehensive rezoning application and a comprehensive AVA could be conducted for the FTIA;

(iii) small-scale and traditional industries provided back-up support for re-industrialisation of Hong Kong and served the basic needs of the economy. Some of these operations required factory units of cheaper rent and good ventilation. It was suggested that SFFE might be retained to accommodate the tenants affected by the demolition of the other three HKHA's factory estates. The possible residential use of the SFFE site might be reviewed later in conjunction with the overall regeneration of Fo Tan area. Alternatively, new factory estate(s) might be built in locations such as the existing 5-a-side soccer pitch on Wing Kei Road opposite of Chun Shing Factory Estate in Kwai Chung that was not well-used, an open lorry park site on Wing Kei Road near the Tsuen Wan Chinese Permanent Cemetery, etc; and

(b) traditional industries had contributed a lot to Hong Kong's economic development over the years. The Government was more sensitive to the needs of the affected operators when dealing with the clearance and relocation of brownfield operations in Yuen Long South and Hung Shui Kiu New Development Areas, and the Government was expected to treat the affected tenants of SFFE in the same manner.

R179 – 周曉嵐

12. Mr Chow Hiu Laam Felix, a Sha Tin District Council (STDC) Member, made the following main points:

- (a) he objected to Item A;
- (b) there were Small and Medium Enterprises (SMEs) in SFFE involved in industries providing components and maintenance services to large-scale enterprises, government departments and other public enterprises. The lower rental and steady tenancy offered by SFFE were conducive to the survival of the

traditional industries and artisans. Some of those operations could not be accommodated in private industrial units. Whilst the re-industrialisation was advocated by the Government as the future direction of industrial development in Hong Kong, the SMEs which had been providing robust backup to various industrial activities were being neglected;

- (c) the affected tenants were not officially informed of the need for moving out until May 2021 when HD announced the demolition of HKHA's SFFE, Yip O Factory Estate in Kowloon Bay, Wang Cheong Factory Estate in Cheung Sha Wan and Kwai On Factory Estate in Kwai Chung ("the four estates"). The 40 sets of units in HKHA's Chun Shing and Hoi Tai Factory Estates made available for tender by the affected tenants were too limited and only nine tenants were from SFFE. The cash compensation was also too meagre to assist the affected tenant to relocate and continue operation. Since the announcement of the demolition of SFFE, the market rental for flatted factory units in Fo Tan had been rising. Most of the affected tenants chose to close down their businesses or relocate elsewhere. The Government should relocate the affected tenants before proceeding with the development;
- (d) the proposed development would encourage further redevelopment of industrial buildings in Fo Tan for residential use, e.g. the s.12A planning application (No. Y/ST/52) that proposed to redevelop a large number of industrial buildings for mixed residential and commercial uses. The cumulative effect would dwindle the overall supply of industrial units in Fo Tan which were found particularly fit for SMEs' purpose;
- (e) Fo Tan Road was the only major road connecting Fo Tan with other districts. In the morning peak hours, the junctions of Fo Tan Road with Tai Po Road (Sha Tin Section) and Yuen Wo Road were very congested. Traffic accidents on these trunk roads would paralyse the traffic in Fo Tan. The expected population intake of The Arles nearby next year would further aggravate the traffic congestion. The traffic mitigation measures recommended by HD's TIA were minor and could not significantly improve the traffic condition of Fo Tan; and

- (f) regarding railway services, the existing four exits, especially Exit D, of Fo Tan Station were approaching their capacities and would be expected to worsen with more population intake in future. Enhancement of the station facilities was required, e.g. provision of one more station exit.

R180 – 陳珮明

R181 – 容溟舟

13. With the aid of a PowerPoint presentation, Mr Chan Pui Ming, a former STDC Member, made the following main points:

- (a) the current “Industrial” (“I”) zone and the SFFE at Item A site should be retained;
- (b) against a declining population as revealed in the Census 2021, the future public housing supply was considered abundant (including the Northern Metropolis, the Artificial Islands in the Central Waters, Hung Shui Kiu/Ha Tsuen New Development Area, Kwu Tung North/Fanling North New Development Area, etc.). For the next 10 years, there were several public housing sites in Shek Mun and Ma On Shan with flat production years similar with the proposed development. Also, there were two public housing sites in Tai Wai, namely Mei Tin Estate Phase 4 (about 450 flats) and Public Housing cum Joint-user Complex at Tsuen Nam Road (about 400 flats), for completion in 2029 and 2030 respectively. Compared with these two sites, the Item A site was a difficult site subject to various disadvantages, including demolition of the existing building and land decontamination, the need to decant existing tenants, setback from nearby industrial buildings and lack of sufficient GIC facilities in the neighbourhood to support the planned population of the proposed development. The addition of about 1,360 flats at the Item A site in the long term would be insignificant. It only accounted for about 0.41% of the public housing production in the next ten years (2022/23 – 2031/32);

- (c) Fo Tan Road was the only external linkage between Fo Tan and other parts of Sha Tin, and it carried the majority of in-bound/out-bound traffic of goods vehicles and private cars. The junctions at Fo Tan Road/Tai Po Road (Sha Tin Section), Yuen Wo Road and Tai Chung Kiu Road were already saturated. The current traffic saturation situation had already been envisaged ten years ago because the then widened Fo Tan Road was projected to meet the traffic demand only up to 2021 (according to the minutes of the STDC meeting held on 11.9.2011). The supply of parking facilities in the area had long been insufficient which led to serious illegal on-street parking. This situation might worsen because the more recent housing developments (e.g. Chun Yeung Estate, Yuk Wo Court, Choi Wo Court and The Arles) were developed/planned with the old parking standards before the parking standards in the Hong Kong Planning Standards and Guidelines (HKPSG) were revised upwards in 2021. It was doubtful if the existing road network and parking facilities could cope with the traffic and parking demand from the proposed development;
- (d) the planning of FTIA had contravened the principles laid down in the HKPSG Chapter 5 in the following aspects:
- (i) according to paragraph 10.3(a) of HKPSG Chapter 5, industrial and industrial/office uses should be “conveniently accessible by public transport but not immediately adjoining residential and other sensitive uses unless a buffer land use element such as a commercial building or an Industrial/Office building is in between.” This principle was manifested in Tai Po, Shek Mun, Kwun Tung and Kwai Chung where the industrial and residential areas were separated by open spaces, major roads or river, but not in FTIA where industrial and residential developments were intermixed;
 - (ii) according to paragraph 10.3(b) of HKPSG Chapter 5, industrial and industrial/office uses should be “preferably in the western quadrant in relation to residential areas, in order to be down wind for most of the year.” The topography of Fo Tan was valley-like which would confine air movement within the valley basin. A quantitative environmental impact

assessment (EIA) would be needed to demonstrate compliance with the above principle, but HD's environmental appraisal study (EAS) was only a qualitative review; and

- (iii) according to paragraph 7.5 of HKPSG Chapter 5, "while the "Business" zone will replace some of the "I" zones, it is important to retain the "I" zone in suitable areas to maintain an adequate supply of industrial floor space to meet demand from production-oriented industries." The supply of industrial floor space in the private sector for traditional industries was not optimistic in that (i) the market rental had soared after announcement of the demolition of the four HKHA's factory estates; (ii) the industrial units capable of meeting specific industrial operational requirements (e.g. accommodation for large machinery) were limited; and (iii) there would be a substantial loss of industrial floor space if the s.12A planning application (No. Y/ST/52) was approved; and
- (e) HD would normally provide detailed technical assessment reports for reference. However, for the case of SFFE redevelopment, the HD had failed to provide the relevant technical assessments, e.g. studies on fire safety of the SFFE, AVA, etc., despite repeated requests.

R182 – Wong Siu Yee

14. Mr Wong Siu Yee, a resident of Scenery Garden on Sui Wo Road, made the following main points:

- (a) he did not object to the redevelopment of SFFE but the imposition of a building height (BH) of 140mPD at Item A site. The maximum BH of 92mPD should be retained;
- (b) the building mass of FTIA of about 90mD allowed residents of the uphill Scenery Garden (on Sui Wo Road) to enjoy unobstructed, long-distance view as far as Sai Kung sea. Increasing the maximum BH at Item A site to 140mPD might lead to similar increase in BH for other redevelopments in the FTIA.

That would fundamentally alter the building profile of Fo Tan causing wall effect and substantially deteriorate the visual amenity for residents along the uphill of Sui Wo Road; and

- (c) given that a proposal for a large-scale residential development in FTIA was being actively pursued under a s.12A planning application (No. Y/ST/52), approving the proposed BH of 140mPD at Item A site would set a precedent for the s.12A application proposal and other proposals in the future. In the Paper, there was no photomontage assessing the visual impact as viewed from residential developments along Sui Wo Road.

R289 – Wong Man Lai

15. Ms Wong Man Lai, a tenant of SFFE, made the following main points:

- (a) the SFFE, which accommodated some 2,000 tenants and a few ten thousand employees, should be retained;
- (b) factories in SFFE involved in a variety of industrial operations, including 40% of the tenants on equipment, machinery, production and maintenance of electrical appliances, and another 20% on value-adding manufacturing and forging of metal. About 30% of the registered electricians in Hong Kong stationed in SFFE. Some special operations in SFFE included a school uniform factory, wheelchair repair and servicing, equipment supplies for the blind, provision of repair parts and maintenance to a large food processing company, etc. The SMEs in SFFE had been providing goods and services to large-scale enterprises, government departments and other public enterprises, and could not be replaced by re-industrialisation nor rivalled by the Mainland counterparts in terms of quality and timeliness. Traditional industries not only could help facilitate the economic development (including youth employment) but also synergise with Hong Kong's re-industrialisation;
- (c) the SFFE had provided a place for several generations of Hong Kong people to make their living. Some unique handicraft industries could not have survived

without the economical rental of SFFE. These unique industries were of cultural value and worth preservation, e.g. a place for repair of Chinese musical instruments, her unit for jewellery repair, etc.;

- (d) options for retaining the SFFE while maintaining public housing production were:
 - (i) the SFFE, albeit built in 1982, was still in good condition with sufficient fire services installations and barrier-free access. Since SFFE was the largest (about 1,596 units) amongst the four factory estates, an option could be explored to retain the SFFE and to accommodate the affected tenants from the other three factory estates into SFFE; and
 - (ii) the existing Shan Mei Street Bus Terminus and the adjacent cooked food market could be redeveloped for public housing. The existing facilities on that site would be vacated in 2024, making it available for housing development much earlier than the SFFE site.

R290 – Chan Tak Ki

16. Mr Chan Tak Ki, a tenant of SFFE, made the following main points:

- (a) the Paper said that a considerable amount of industrial floor space was available in FTIA to accommodate the affected tenants of SFFE. However, if the s.12A planning application (No. Y/ST/52) for redeveloping a large part of the FTIA to residential use was approved, the long-term supply of industrial floor area in FTIA would be substantially reduced which limited the choice of the affected tenants. The FTIA should be re-planned later, taking into account the s.12A application (No. Y/ST/52) and the SFFE site in one go;
- (b) the roads in Fo Tan were heavily trafficked and could not accommodate more population. The Paper stated that the additional demand for green mini-bus (GMB) service route 481 could be met by extending the service frequency of

the existing bus route 48P which served similar destinations of GMB 481. However, the bus termini in Chun Yeung Estate and Sui Wo Road were very constrained and already operating over capacity and might not be able to cope with such extension; and

- (c) the photomontage as viewed from Sui Wo Court Recreation Ground (Drawing H-4e of the Paper) was not representative as it was at a low site level and the view towards SFFE was screened by vegetation. The Paper also stated that the BH of 140mPD at Item A site was comparable with the residential developments on Sui Wo Road (BH varying from 151mPD to 242mPD). However, the Item A site now formed part of the industrial building cluster with lower BH and at a lower site level on the foot of the hill, whereas the residential sites of Sui Wo Road were at a higher level. Since they had different site contexts, it was not meaningful to compare them.

R294 – 羅慧敏

17. Mr Lo Wai Man, a tenant of SFFE, made the following main points:

- (a) SFFE should be retained for traditional industrial operations that had specific space requirements;
- (b) SFFE could accommodate his industrial operational requirements for packaging industry, e.g. relatively long tenancy; more open design conducive to dispersion of plastic smell; provision of adequate fire services installations and water supply; taller ceiling height and heavy floor loading. On the contrary, industrial units in the private sector offered short tenancy which led to frequent relocations, enclosed design units which were detrimental to dispersion of plastic smell, and limited choice of unit size. The market rental of private industrial units in Fo Tan had almost doubled once the demolition of the four factory estates was announced;
- (c) innovation and technology development required the support from the traditional industries; and

- (d) HD had not communicated with the affected tenants since the announcement of demolition of SFFE until after he wrote to the Chief Executive. HD should closely communicate with the affected tenants to better understand their needs.

R313 – Chan Siu Loon

18. Mr Chan Siu Loon, a tenant of SFFE, made the following main points:

- (a) the HKHA's factory estate could accommodate industrial operations of diversified requirements and hence should be retained;
- (b) no prior consultation was conducted with the affected tenants on the demolition of SFFE;
- (c) the cash compensation package for the affected SFFE tenants was not as generous as in the demolition of HKHA's San Po Kong Factory Estate in 2006. The early bird payment offered to the affected SFFE tenants (i.e. an additional cash sum of \$100,000 for vacating the premises earlier) was not fair as some of the affected tenants could not move out earlier due to inability to identify a relocation premises or they had to complete production for committed contracts; and
- (d) the rents of industrial units in FTIA soared once the demolition of SFFE was confirmed. This demonstrated that the supply of industrial floor space in SFFE had played a vital role in stabilising the industrial market.

R322 – Wong Cheuk Ying

19. Ms Wong Cheuk Ying, a resident of Fo Tan, made the following main points:

- (a) she objected to Item A;

- (b) the existing road and transport system in Fo Tan could not accommodate the proposed development. The traffic congestion in FTIA and Fo Tan Road had blocked access from Sui Wo Road to areas outside Fo Tan. Regarding railway services, the platform space of Fo Tan Station was too limited to handle the increasing passengers. Regarding the TIA, since it was conducted in June 2020 during the outbreak of Covid-19, it might not reflect the normal traffic characteristics (as clearly stated in the TIA report) and its findings were not reliable; and
- (c) the BH of 140mPD for the proposed development would block the views of the residences along Sui Wo Road, and result in a decline in the quality of their living environment and property value.

R335/C1 – Mary Mulvihill

20. Ms Mary Mulvihill made the following main points:

Item A

- (a) small businesses would be kicked out of affordable premises which were unavailable elsewhere. The redevelopment of SFFE would impact employment opportunities and smother the development of alternative industries that could only afford to have small quantities or prototypes produced;
- (b) the Government put pressure on private sector landlords to reduce rents for their tenants to lessen their burden, but ignored the requests of tenants in its own premises to retain the SFFE;
- (c) the Board must consider the needs of other equally essential land uses and not just the single target of resolving the housing problem;
- (d) paragraph 5.2.6(b) of the Paper stated that visual impact assessment should primarily assess the impact on sensitive public viewers from the most affected viewing points. The view from Shing Mun River Promenade fell squarely within that criteria. The proposed BH of 140mPD would breach the ridgeline

and adversely affect the public view along Shing Mun River which was for public enjoyment and played an essential role in supporting the mental wellbeing of the community. Views of landmark ridgelines in the New Territories should be given the same protection as those of Hong Kong Island and Kowloon;

- (e) no details were provided about the proposed community facilities in the proposed development. If the redevelopment did not proceed, the community facilities originally planned therein could be accommodated at other locations;
- (f) preserving the SFPE would allow the public to understand the history of industrial development in Hong Kong;
- (g) HD should have waited for the Board's approval for the OZP before decanting the tenants. However, the tenants were given eviction notices in 2021 before the Board considered the proposed amendments to the OZP;

Item B

- (h) the columbarium use was not compatible with the village development, and it was not permissible under the lease;
- (i) according to the minutes of the 679th Rural and New Town Planning Committee (RNTPC/the Committee) meeting held on 10.9.2021 on consideration of the relevant s.12A application (No. Y/ST/47) for the columbarium, the "visit-by-appointment" arrangement would be implemented for three weeks before and after the Ching Ming and Chung Yeung Festivals with a visiting quota of 150 persons/hour, and this arrangement had started since October 2019. The Government should have requested the monitoring records to ascertain if the "visit-by-appointment" was effectively implemented; and

Item C

- (j) the columbarium was not compatible with the village environment. According to the RNTPC Paper No. Y/ST/42B considered by the Committee on 4.12.2020, 'Columbarium' use had never been a permitted use under the "Village Type

Development” (“V”) zone, and a warning letter against temple use at that site had been issued by LandsD and registered in the Land Registry; and

- (k) although the applicant indicated that there was no intention to expand the columbarium use at the RNTPC meeting held on 4.12.2020, it was noted that there was vegetation clearance at the hillside behind that site and necessary enforcement action might need to be taken.

21. As the presentations of PlanD’s representative and the representers, commenter and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions to the representers, commenter 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.

Item A

Industrial Development in Fo Tan

22. Some Members raised the following questions:

- (a) the future development of FTIA and the possibility of rezoning the industrial buildings to residential use;
- (b) the future industrial accommodations for various SMEs;
- (c) the future role of the HKHA’s factory estates;
- (d) the composition of the affected tenants by trade in SFPE; and
- (e) the current rent for SFPE.

23. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Ms Canetti P.S. Yu, SPO, HD made the following main points:

- (a) the planning intention for the Fo Tan area was mainly for industrial development. According to the 2020 Area Assessment of Industrial Land in the Territory (2020 AA), FTIA was the second largest “I” area in the territory providing about 1.5 million m² of industrial gross floor area (GFA) and was recommended for retention to help meet the demand for industrial floor spaces. Any redevelopment of the existing private industrial buildings for residential use in the FTIA would be at the owner’s discretion and subject to the Board’s approval. The proposed rezoning of the eastern part of FTIA to residential development under the s.12A application (No. Y/ST/52) was under processing and subject to the RNTPC’s consideration, and hence should not be treated as the future planned use of FTIA;
- (b) as recommended by the 2020 AA, FTIA was recommended to be retained to help meet the demand for industrial floor space. For the future territorial supply of industrial floor space, the Government had also introduced two rounds of Revitalisation Scheme to encourage the supply of industrial floor space in the short-to-medium term through wholesale conversion and redevelopment of industrial buildings. In the medium-to-long term, there was new industrial land in Hung Shui Kiu/Ha Tsuen New Development Area, as well as the Northern Metropolis. In terms of financial support, as advised by the Trade and Industry Department (TID), local SMEs could apply to TID for financial assistance under the SME Export Marketing Fund and Dedicated Fund on Branding, Upgrading and Domestic Sales;
- (c) HKHA’s primary role was to provide public housing to assist low-income families with housing needs and would continue to concentrate its effort and resources on achieving public housing targets. According to the Long Term Housing Strategy (LTHS) Annual Progress Report 2021, redevelopment of the four factory estates could contribute about 4,800 public housing units in 2031 and beyond;
- (d) around 80% of the tenancies involved manufacturing and repairing of equipment, machinery, electrical appliances, lamps/lights, upholstered furniture, fabricated metal products and casting of metals, products of wood, rattan

bamboo, paper, cork, straw, lacquer-wares and plaiting materials. The remaining 20% of the tenancies were diversified, e.g. printing, manufacturing/repair of musical instruments, sports equipment, rubber products, apparel, electronic devices, advertising, watch, etc.; and

- (e) the rent of private industrial unit (as at December 2021) was about \$159/m² for the New Territories, about \$203/m² for Kowloon and about \$202/m² for Hong Kong Island, according to the Rating and Valuation Department. The monthly average rent for the four factory estates ranged from \$80/m² to \$140/m², depending on their locations and other factors.

24. Regarding the rent, Mr Lau Ka Yeung, representative of Green Sense (R178), supplemented that the rent for a 500-square-foot industrial unit in SFFE was about \$5,000 (or \$108/m²) but it could be doubled or even tripled in private industrial buildings.

Traffic and Transport

25. In response to some Members' question about the traffic impact of the proposed public housing development, Mr Frankie H.K. Leung, SE, HD and Mr Thomas C.K. Man, E/ST, TD, with the aid of some PowerPoint slides, said that the current traffic congestion on Fo Tan Road was due to flow saturation on Tai Po Road (Sha Tin Section). The traffic situation would be improved upon completion of widening of that section of Tai Po Road in 2023. According to the TIA, there would be a net generation of about 65pcu/hour (i.e. about 1 private car per minute) from the proposed public housing development, and road and signalling improvements were proposed at the junctions of Fo Tan Road with Min Fong Street and Shan Mei Street.

Environmental Aspect

26. In response to some Members' questions on the assessment on the impacts arising from the I/R interface, Ms Margaret H.Y. Chan, DPO/STN, PlanD, with the aid of some PowerPoint slides, said that HD had conducted an EAS on the proposed public housing development and recommended some mitigation measures on noise and air quality aspects, and DEP had no adverse comment on the EAS. HD had also conducted an AVA(EE) which recommended the following mitigation measures to enhance the air flow:

- (i) a 15m-wide building separation between the two proposed residential blocks;
and
- (ii) a 10m-wide building separation between Residential Block 1 and the adjacent Supreme Industrial Building.

Visual and Air Ventilation Aspects

27. Some Members raised the following questions:

- (a) the air ventilation impact arising from the proposed development;
- (b) the criteria for selecting viewpoints for visual appraisal;
- (c) whether the maximum BH of 140mPD was compatible in the area; and
- (d) the methodology of AVA carried out by Green Sense (R178).

28. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Ms Flora S.M. Fung, SA, HD made the following main points:

- (a) according to the AVA(EE) conducted by HD, the wind performance at pedestrian level would be improved as the existing long, wall-like factory building was replaced by two separate towers with building gaps in-between. The new blocking would facilitate the penetration of the prevailing wind in the summer and would slightly improve the wind environment of the downwind region (i.e. San Mei Street Basketball Court, San Mei Street Children's Playground and Bus Terminus) to the north. At the detailed design stage, further AVA by way of CFD and a Micro-Climate Study would be conducted;
- (b) according to Town Planning Board Planning Guidelines (TPB PG-No. 41), in the highly developed context of Hong Kong, it would not be practical to protect private views without stifling development opportunity and balancing other relevant considerations. In the interest of the public, it was more important to

protect public views, particularly those easily accessible and popular to the public or tourists. Visual impact assessment should primarily assess the impact on sensitive public viewers from the most affected viewing points; and

- (c) the maximum BH of 140mPD was generally compatible with the new developments in the area such as the private development in the “Comprehensive Development Area” near Fo Tan Station and Chun Yeung Estate.

29. Mr Lau Ka Yeung, representative of Green Sense (R178), explained that having referenced to the AVA on Chun Yeung Estate (i.e. Report No. AVR/G/115), the test points they selected for assessing the wind environment of the proposed development were mainly along Shan Mei Street at locations where people frequented, e.g. minibus and bus stops, road junctions, etc. as well as the Fo Tan Station and Yuk Wo Court. The wind performance at downwind region would be improved with the building separations incorporated in the proposed development. However, when that downwind region was developed as the Joint-User Complex (JUC), the resultant overall wind performance was unknown and the relevant assessment was not available from relevant government departments.

Provision of GIC and Other Supporting Facilities

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

- (a) the overall social gain brought about by the proposed development to the neighbourhood, e.g. the provision of additional community facilities, etc; and
- (b) the details and implementation programme of the proposed JUC to the northeast of the Item A site on the opposite side of Shan Mei Street.

31. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Canetti P.S. Yu, SPO, HD made the following main points:

- (a) the proposed development would better utilise land resources to provide public housing units and welfare facilities to help address the deficit in such facilities

in the Sha Tin area. GFA equivalent to about 5% of the total attainable domestic GFA would be reserved for provision of various welfare facilities. As compared to the single elongated block of SFFE, the two-tower design of the proposed development would facilitate wind penetration in summer and slightly improve the wind environment of the downwind region; and

- (b) the proposed JUC was one of the projects under the Government's "Single Site, Multiple Uses" initiative and was proposed to provide a variety of GIC facilities including a reprovisioned bus terminus, public car park, community hall, kindergarten, library, recreational and sports, cultural, medical, social welfare and educational facilities and government offices. The STDC had been consulted on the project on 28.10.2021 and the STDC members generally welcomed the proposal. The project was under active planning and there was no confirmed development programme at that juncture. The s.12A application (No. Y/ST/52) had included the JUC site that was on government land.

Public Consultation

32. Some Members raised the following questions:

- (a) whether there was any prior consultation with the affected tenants; and
- (b) what information was released for public consultation (including consultation with the STDC, in particular on the traffic and environmental aspects).

33. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Ms Canetti P.S. Yu, SPO, HD made the following main points:

- (a) in the 2019 Policy Address, HKHA was invited to explore the feasibility of redeveloping its factory estates for public housing use. In the 2020 Policy Address and LTHS Annual Progress Report 2020, the progress and preliminary findings of the feasibility study was reported. The intention to redevelop the factory estates for public housing use, subject to feasibility study, was made known to the public all along. On 24.5.2021, HKHA announced the technical

feasibility study results of the redevelopment of the factory estates (including SFFE) and the clearance arrangements for the affected tenants. On 25.5.2021 and 11.6.2021, HKHA informed the affected tenants in writing of the clearance package and related arrangements. HKHA also briefed the Panel on Housing of the Legislative Council on 7.6.2021 on the same matter, and HD and PlanD jointly consulted the STDC on 31.8.2021 on the proposed development and the associated proposed amendments to the draft OZP. HD had also met with the representatives of the affected tenants on various occasions to explain the relevant details, and would continue to maintain close liaison with the affected tenants and provide timely response to their enquiries and concerns. The proposed amendments to the OZP had been published for representations and comments according to the provisions of the Town Planning Ordinance (the Ordinance), and members of the public were given an opportunity to provide representations/comments on the amendments, and all representers and the commenter had been invited to attend the Board's meeting to present their views; and

- (b) necessary technical assessments (including TIA, EAS and AVA) had been conducted in support of the proposed public housing development. On 12.11.2021, a summary of the technical assessments was provided to the STDC for public inspection and was attached to the RNTPC Paper No. 8/21 on Proposed Amendments to the draft Sha Tin OZP No. S/ST/34 for consideration by the Committee.

Clearance and Decanting Arrangement

34. Some Members raised the following questions:

- (a) whether the option of retaining SFFE and demolishing the other three factory estates had been considered;
- (b) the compensation and decanting arrangement for the affected tenants;
- (c) the progress of decanting the affected tenants of SFFE;

- (d) whether the affected tenants with specific operational requirement could find alternative premises that met their needs; and
- (e) whether it was appropriate to start vacating the existing tenants before completing the plan-making process.

35. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Ms Canetti P.S. Yu, SPO, HD made the following main points:

- (a) HKHA had no plan to retain any one of the four factory estates which were previously announced for redevelopment, including SFFE, Yip On Factory Estate, Wang Cheong Factory Estate and Kwai On Factory Estate. The date for completing tenancy termination remained unchanged on 30.11.2022;
- (b) HKHA's factory estates were operated on commercial principles, and were let to tenants on three-year fixed term tenancies. Pursuant to the tenancy agreement, the HKHA had the right to terminate the tenancies by giving three months' notice. Tenants were not legally nor contractually entitled to relocation or any form of compensation. Taking account of HKHA's previous practice and the latest circumstances, HKHA had provided a series of arrangements for the affected tenants with an 18-month advance notice to vacate, an ex-gratia allowance at 15-months' rent/licence fee, restricted tender opportunities for priority bidding of the vacant factory units in HKHA's two remaining factory estates (i.e. Chun Shing and Hoi Tai Factory Estates) plus a three-month rent-free period for new tenancies of successful bidders in the two factory estates. For those who did not lease units in Chun Shing and Hoi Tai Factory Estates, they had been offered a cash sum as well as an additional cash sum of \$100,000 per tenancy if they vacated their premises by July 2022 (extended from February 2022);
- (c) as at 24.5.2021 when the clearance arrangement for redevelopment of the four factory estates was announced by HKHA, there were about 1,596 units covered by 635 tenancies in SFFE. HKHA had completed the restricted

tender exercise in end September 2021. A total of 40 sets of units in Chun Shing and Hoi Tai Factory Estates were let to the affected tenants of the four factory estates including nine tenants from SFFE. The overall occupancy rate of SFFE was more than 90% at 24.5.2021 and about 40% at 30.6.2022. Up to now, over 90% of the affected tenants had moved out or submitted notice for surrender of factory units;

- (d) the displaced industrial floor space of SFFE of about 53,000m² GFA was only about 3% to 4% of the total industrial GFA of the private industrial buildings in FTIA (about 1.5 million m²) and hence could be absorbed therein. In other industrial areas of Sha Tin (e.g. Shek Mun, Siu Lek Yuen and Tai Wai), their respective vacancy rates of industrial GFA were about 3% to 4%. Across the territory, the vacant private flatted factory GFA was about 1.23 million m². All the above vacant stock could allow for accommodating the affected tenants; and
- (e) HKHA had decided to proceed with the clearance of the affected tenants in parallel with the plan-making process and thereafter demolition of the building, in an effort to shorten the redevelopment programme and advance the flat completion to meet the keen demand for public housing. If the rezoning to residential use was not supported, HKHA would return the site to the Government for other suitable uses.

[Mrs Vivian K.F. Cheung left the meeting during the Q&A session.]

36. 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 comment in closed meeting and inform the representers and commenter of the Board's decision in due course. The Chairperson thanked the representers and commenter and their representatives and government's representatives for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for a ten-minute break.]

Deliberation Session

Item A

37. The Chairperson recapitulated that relevant government departments had provided responses to various issues related to the design and technical acceptability of the proposed development (e.g. environmental impact, air ventilation impact, traffic impact, etc.). The redevelopment of the HKHA's four factory estates for housing development would make important contribution to the future public housing supply. The SFFE redevelopment would provide about 1,360 flats and a number of social welfare facilities equivalent to about 5% of the total attainable domestic GFA. Whilst the clearance and decanting arrangement was beyond the ambit of the Board, the Board could convey the relevant concerns to HD for their consideration. Retaining FTIA as a supply of industrial floor space was recommended under PlanD's 2020 AA. The s.12A application (No. Y/ST/52) that proposed to rezone a considerable part of FTIA to residential use was a private sector proposal under processing and yet to be considered by RNTPC and hence should not be taken as the Government's planning intention for FTIA. He then invited views from Members.

38. A Member considered that the SFFE site was suitable for housing development but did not support the zoning amendment for the following reasons:

- (a) one of the planning principles should be to retain the existing use if it was in genuine and active use. The SFFE was in active use with high occupancy and providing premises for traditional industries to thrive. This should constitute a material consideration in the planning of the SFFE site; and
- (b) the benefit should be weighed against adverse impact brought about by the proposed development. The benefit of increasing about 1,360 residential flats did not significantly outweigh the uprooting impact on the existing 635 to 1,596 industrial firms (assuming one firm per tenancy or one firm per unit). The traditional industries which possessed cultural value and provided livelihood for the grassroots should be retained.

39. Other Members generally supported or had no objection to Item A and relevant Notes to the OZP but expressed the following views:

Clearance and Decanting Arrangement

- (a) HD should provide further support to and strengthen communication with the affected tenants, particularly those with special operational requirements, so as to reduce their hardship and grievance. Sympathetic consideration should be given where the affected tenants encountered practical difficulties. The relevant bureau should formulate policy to render support to the affected tenants. Similar experience could be drawn from the Urban Renewal Authority which had set up social service teams to help those affected in their urban renewal projects. HD could also consider outsourcing such service;

Industrial Development in Hong Kong

- (b) the Government had been promoting re-industrialisation and advanced manufacturing based on new technologies and smart production. However, the traditional industries that laid the foundation and provided support to re-industrialisation were being phased out. The Government should put in place measures to encourage the traditional industries and SMEs to gradually transform. For example, government premises could be provided for them to continue operation with a view to upgrading to higher value-added production;

Fo Tan Industrial Area

- (c) gradual restructuring of FTIA from industrial to residential use at suitable locations was reasonable, e.g. locations with good accessibility (e.g. near Fo Tan Station), at the fringe of FTIA, near newly-developed residential areas, etc. In view of the convenient location of the SFFE site, rezoning it for the proposed housing development was supported and further increasing the housing units could be explored where technically feasible;

- (d) HKHA's factory estates had been providing affordable premises to traditional industries, some of which were of cultural and historic value, worthy of preservation, and hence should be allowed to stay in-situ to continue to form part of the urban fabric. FTIA had provided economical rental to artists engaging in creative and arts industry, and the arts festivals they had staged had added vibrancy to the area. Continued government effort should be made to support this art community, e.g. by allocating some floor space in the proposed development for artists' workshops;

Integration with the Neighbourhood and Planning Gain

- (e) to provide more social gain and better integrate the proposed development with the neighbourhood, the concerns raised, including traffic congestion in Fo Tan area, the I/R interface with Supreme Industrial Building, and the air ventilation impact which had not been assessed in detail in HD's AVA(EЕ) should be properly addressed in the detailed design stage; and
- (f) the current provision of recreation facilities and medical services to the neighbourhood had long been insufficient and the early implementation of the JUC and the GIC facilities within the proposed development could address the needs of the local community. The facilities to be provided in the SFPE site and the JUC site should be planned holistically.

40. Regarding the AVA, the Secretary explained that HD usually conducted AVA in two stages, i.e. an AVA(EЕ) for the purpose of the rezoning and a quantitative AVA (i.e. CFD) at the detailed design stage. In the current case, the AVA(EЕ) had preliminarily assessed the wind environment and recommended that with incorporation of two mitigation measures (i.e. a 15m-wide building separation between the two proposed residential towers and a 10m-wide building separation from the adjacent Supreme Industrial Building), the wind performance in the downwind location would be slightly improved. The quantitative AVA to be carried out at the detailed design stage would seek to optimise the building design and necessary air ventilation mitigation measures.

41. Regarding the JUC project, the Chairperson stated that relevant government departments were working on the user mix and making preparations for rezoning which would proceed in due course.

Items B, C and D

42. Members generally had no comment on Items B, C and D, noting that the former two were to take forward two columbarium developments under two approved s.12A applications (No. Y/ST/47 and Y/ST/42 respectively) and the latter reflected the as-built condition of the site.

Conclusion

43. The Chairperson concluded that majority of the Members was supportive of the zoning amendments Items A to D but had general concerns on the following issues related to Item A. They fell outside the ambit of the Board but could be conveyed to relevant bureaux/departments for information and follow up action as appropriate:

- (a) HD to consider providing further assistance to the affected tenants on the clearance and decanting arrangement, in particular keeping close communication to better understand their needs and helping those with specific operational requirements;
- (b) ITIB to consider strengthening support to the sustainable development of traditional industries and SMEs; and
- (c) HD to consider addressing the Members' concerns at the detailed design of the proposed development, e.g. air ventilation impact, the I/R interface, early implementation of GIC facilities etc.

[Miss Winnie W.M. Ng left the meeting during the deliberation session.]

44. After deliberation, the Town Planning Board (the Board) noted the supportive views of Representation No. **R1 to R177** and decided not to uphold the **R178 to R335**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

“Item A

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply and to meet the acute housing demand. In order to build up land reserve to meet housing and other development needs, various land use reviews are conducted on an on-going basis, including reviews on Hong Kong Housing Authority (HKHA)’s factory estates. The representation site under Item A located at the southern fringe of Fo Tan Industrial Area (FTIA) close to existing residential and commercial developments, public roads and supporting infrastructure, is compatible with the surrounding land uses. HKHA has conducted technical feasibility study to confirm that no insurmountable technical problem is envisaged for the proposed public housing on the site. It is considered that the “Residential (Group A)8” (“R(A)8”) zone is suitable to facilitate the public housing development with a view to meeting public housing demand (**R180, R201, R205, R206, R212, R224, R229, R232 and R299**);
- (b) the displaced industrial floor spaces in Sui Fai Factory Estate (SFFE) can be addressed by the existing supply in other areas, including the FTIA located in close proximity to SFFE, the additional floor spaces from the “Revitalisation Scheme 2.0” in the short-to-medium term, as well as the new industrial lands earmarked in new development areas and the Northern Metropolis in the medium-to-long term (**R179 to R181, R183 to R186, R189 to R199, R201 to R214, R216, R218 to R220, R222 to R234, R236 to R244, R246, R247, R255, R256, R259 to R261, R263, R264, R273, R274, R278, R279, R281 to R299, R301 to R304, R314, R316, R327, R333 and R335**);
- (c) there is no insurmountable traffic, environmental and air ventilation impacts arising from the proposed public housing development with the implementation of suitable mitigation/improvement measures at the detailed design stage (**R178**

to R182, R290, R304, R315, R316, R318, R319, R321, R324, R322, R331 and R333);

- (d) the proposed building height of 140mPD is not incompatible with the surrounding medium-to-high rise developments. The Visual Appraisal conducted by HKHA has confirmed that the visual impact from major public viewpoints are considered as 'negligible' or 'not visually incompatible'. Mitigation measures will be explored at the detailed design stage to minimise the potential visual impact **(R181, R182, R320 to R322 and R335);**
- (e) a preliminary Land Contamination Assessment is underway by HKHA to identify actions required for assessing the extent of contamination. HKHA will also conduct a detailed Natural Terrain Hazard Study to assess the nature and scale of hazards at the site and study the geotechnical features affecting or to be affected by the proposed development. Subject to the findings of the assessment/study, suitable mitigation measures would be adopted to minimise any potential impact **(R179, R181, R182, R277 and R316);**
- (f) the existing and planned provisions of open space and government, institution and community facilities are generally sufficient to meet the demand of the planned population in Sha Tin in accordance with the Hong Kong Planning Standards and Guidelines and assessments of relevant departments, except for residential care homes for the elderly, community care services facilities for the elderly and child care centres. There is also a shortfall of one sports ground/sports complex. In consultation with Social Welfare Department, appropriate social welfare and community facilities will be provided in the proposed public housing development to serve the local residents. A site at To Shek has been reserved for provision of sports centre, and the original planned sports centre in Fo Tan will be incorporated into the Joint-user Complex along Shan Mei Street **(R180, R205, R289, R334 and R335);**
- (g) SFFE completed in 1982 is not a monument or graded historic building required to be preserved. Preservation of SFFE is not recommended in order to better utilise valuable scarce land resources **(R300 to R302);**

- (h) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The views received are duly considered and responded to by the concerned government bureaux/departments in the process. The exhibition of the Outline Zoning Plan for public inspection and the provisions for submission of representations and comment form part of the statutory consultation process under the Town Planning Ordinance. Relevant information on the technical feasibility of the representation sites has been made available to the public (**R189, R215, R259, R280, R289, R293, R294, R301, R305, R306, R312 to R317**);
- (i) clearance, decanting and related land matters are outside the scope of the statutory plan-making procedures and hence the ambit of the Town Planning Board (**R179, R185 to R190, R195, R199, R200, R206 to R208, R215, R219, R222, R228, R235, R236, R240, R245, R248 to R255, R258, R260 to R262, R265 to R272, R274 to R277, R280, R281, R283, R284, R287 to R289, R291 to R294, R296 to R298, R304, R306 to R316**); and

Items B and C

- (j) the proposed amendments are to take forward the two s.12A planning applications which were agreed by the Rural and New Town Planning Committee on 10.9.2021 and 4.12.2020 respectively taking into account land use compatibility and the potential impacts of the developments. Relevant technical assessments including traffic and environmental aspects have been conducted by the applicants at the planning application stage to demonstrate no adverse impact on these aspects (**R333 to R335**).”

45. The Board also agreed that the draft Sha Tin OZP, together with the Notes and updated Explanatory Statement, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[The meeting was adjourned for lunch break at 1:25pm.]

[Messrs L.T. Kwok, Daniel K.S. Lau and Ricky W.Y. Yu, and Miss Winnie W.M. Ng left the meeting at this point.]

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

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

Permanent Secretary for Development
(Planning and Lands) (Acting)
Mr Vic C.H. Yau

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Franklin Yu

Mr Stanley T.S. Choi

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mr Timothy K.W. Ma

Chief Engineer/Traffic Survey & Support
Transport Department
Mr Clyde C.Y. Tung

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

[Closed Meeting (Deliberation only)]

Consideration of Representations and Comments in respect of the Draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1
(TPB Paper No. 10822)

[The item was conducted in Cantonese.]

Deliberation Session

48. The Secretary reported that the draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1 (the draft OZP) replaced the draft Sha Lo Wan and San Tau Development Permission Area Plan No. DPA/I-SLW/1 (the DPA Plan) covering the Sha Lo Wan and San Tau area (the Area), and 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 item:

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

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.

49. As Mr K.W. Leung and Dr C.H. Hau had no involvement in the submission of the relevant representations and comment, Members agreed that they could stay in the meeting.

50. The Chairperson said that on 6.6.2022, the Town Planning Board (the Board) heard the representations and comments on the draft OZP and gone through the Question and Answer session. As there was differing information provided by the representers and government representatives in respect of the number of Small House (SH) applications in San Tau, the Board

decided to defer the deliberation, pending Planning Department (PlanD) in consultation with Lands Department (LandsD) to provide the latest information on SH applications in the “Village Type Development” (“V”) zone to the west of San Tau School. In that regard, the supplementary information provided by PlanD and LandsD was incorporated as a post-meeting note in the minutes of the 1272nd meeting held on 6.6.2022 and the minutes were confirmed on 8.7.2022. The Chairperson then invited the Secretary to briefly recapitulate the major points made by the representers and commenters in their written and oral submissions and the responses of relevant government departments.

51. With the aid of a PowerPoint presentation, the Secretary briefly recapitulated the following major points covered in the hearing session:

- (a) on 27.8.2021, the draft OZP No. S/I-SLW/1, which replaced the DPA plan covering the Area, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 52 representations (9 supporting and/or providing views and 43 opposing) and four comments were received;

Designation of “V” zone

Representations/Comments

- (b) an incremental approach should be adopted for designation of “V” zone based on genuine SH demand. The “V” zone should be confined to the existing village clusters/ ‘village environs’ (‘VE’) and be kept at a distance from streams;
- (c) it was proposed to rezone an area to the west of San Tau School and three patches of woodland/vegetated land in Sha Lo Wan from “V” to “Green Belt” (“GB”);
- (d) the land zoned “V” was insufficient and the “V” zone should be expanded to meet villagers’ SH needs. Natural slopes and woodland should be excluded from the “V” zone;

- (e) it was proposed to rezone various lots in DD6TC (in San Tau) and in DD305L (in Sha Lo Wan) from “Agriculture” (“AGR”) and “GB” to “V”, and to exclude some other lots from the “V” zone in San Tau;

Responses from Government Departments

- (f) the “V” zones were drawn up having regard to the ‘VE’, local topography, existing settlement pattern, outstanding SH applications and the SH demand forecast. An incremental approach had been adopted in designation of “V” zone with an aim to consolidating SH development at suitable locations;
- (g) for Sha Lo Wan, the additional areas zoned “V” were to reflect the existing site conditions (with cultivated land and/or some structures close to the existing village clusters) and to address the SH demand. For San Tau, the additional area zoned “V” was a woodland with trees of common species on government land and a number of SH applications were under processing in that area;
- (h) land available in the “V” zones of Sha Lo Wan (1.9 ha) and San Tau (1.2 ha) could meet the land required for meeting the outstanding SH applications for the respective village (0.87 ha and 0.68 ha respectively). In general, the existing house lots had been suitably reflected in the “V” zones of the draft OZP. While land status was only one of the many considerations when determining the land use zonings, other factors such as proximity to the village clusters and streams, existing site conditions, etc. should also be considered. Depending on site conditions, rebuilding of New Territories Exempted House (NTEH) and replacement of an existing domestic building by a NTEH were always permitted under the covering Notes of the draft OZP in various zones including “AGR” and “GB” or could be pursued via the planning permission system;
- (i) the concerned sites proposed to be rezoned from “AGR” to “V” were mainly covered by either active or abandoned agricultural land which formed part of a larger agricultural land cluster, whereas the concerned sites proposed to be rezoned from “GB” to “V” were covered by vegetation including woodland and/or shrubland, or at riparian area of natural streams. It was considered that

the current zonings on the draft OZP were appropriate;

“V” Zone to the west of San Tau School

Representations/Comments

- (j) area to the west of San Tau School should not be zoned “V” as it was a secondary woodland with big and mature trees which was not suitable for SH developments. Some SH applications thereat had been rejected by LandsD due to the need for tree felling;

Responses from Government Departments and Latest Information on SH Applications

- (k) according to the Agriculture, Fisheries and Conservation Department (AFCD), the concerned area comprised mainly trees of common species;
- (l) according to the latest information provided by LandsD, as at 10.6.2022, four SH applications had been approved and ten SH applications were under processing in that “V” zone. In the past 10 years, there were four rejected SH applications in that area, amongst which, one was rejected on ground related to tree felling while the remaining three were rejected for various reasons, including that the applicant failed to submit the required documents, the applicant had passed away or the site was covered in another SH application;

Conservation-related Zonings

Representations/Comments

- (m) marshes, mangroves, woodlands, streams and 30m-buffer area of rivers should be protected by more stringent zonings such as “Conservation Area” (“CA”) and all coastal areas should be zoned “Coastal Protection Area” (“CPA”). The current “GB” zoning was inadequate to protect the natural features of high ecological values. It was also proposed to rezone one patch of woodland to the

southeast of Sha Lo Wan Tsuen from “GB” to “CA”;

- (n) it was proposed to rezone various lots in DD6TC, DD305L and DD308L from “GB” to “AGR” and the “AGR” zone should be enlarged to facilitate agricultural rehabilitation;
- (o) the “SSSI” zone at San Tau Beach should be expanded to cover the entire SSSI including the seaward portion;

Responses from Government Departments

- (p) “CA”, “CPA” and “GB” were all conservation-related zonings. The “CA” zoning was usually for covering area with considerable ecological significance whereas the “CPA” zoning was mainly for protecting natural coastline with high landscape, scenic or ecological value. The “GB” zoning was generally adopted for common natural habitats or vegetated area. The AFCD advised that “GB” zoning in the Area was appropriate to render protection for the common natural habitats in the Area and to reflect the existing site conditions with some human settlements and activities. Within “GB” zone, there was a presumption against development and most uses would require planning permission from the Board;
- (q) as the concerned sites proposed to be rezoned from “GB” to “AGR” were mainly covered by woodland and shrubland or at the riparian area of natural streams, the “GB” zoning was considered appropriate. Besides, the majority of the existing and abandoned agricultural land with potential for rehabilitation had already been zoned “AGR” on the draft OZP;
- (r) in designating the “SSSI” zone, consideration had been given to the boundary of the San Tau Beach SSSI, the Planning Scheme Area of the draft DPA Plan, high water mark, boundaries of Country Parks, land status etc. The sea portion of the SSSI was under Government’s control and any activities and/or developments not complying with existing provisions and regulations would be subject to enforcement and prosecution actions by relevant authorities;

Development Proposals

- (s) a representer proposed to rezone a site in Sha Lo Wan and a site in San Tau from “AGR”, “GB” and “V” to “Other Specified Uses” annotated “Eco-Lodge” (“OU(Eco-Lodge)”) for eco-tourism related supporting facilities;

Responses from Government Departments

- (t) no concrete development proposal nor technical assessments had been submitted by the representer in support of the proposed “OU(Eco-Lodge)” zoning. AFCD advised that the concerned sites were well-wooded and extensive vegetation clearance was expected for the proposed eco-lodge developments. Several natural streams were also found within or in the close vicinity of the concerned sites. The current “GB” zoning for these sites was considered appropriate. If required, the representer/proponent could pursue the proposal by submitting planning applications with supporting technical assessments for the Board’s consideration;

Others

Representations/Comments

- (u) public works co-ordinated and implemented by Government involving diversion of stream, filling of land/pond or excavation of land in “CA”, “CPA” and “SSSI” zones should not be exempted from the requirement of planning application;
- (v) the draft OZP infringed the development rights of land owners and villagers’ traditional rights to build SHs, thus contravening Articles 6, 40 and 105 of the Basic Law;

Responses from Government Departments

- (w) incorporation of the 'exemption clause', i.e. exempting works involving diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government from the requirement of planning application in conservation-related zones of the draft OZP was in line with the latest revision of the Master Schedule of Notes and to streamline the planning application process. The public works would still have to conform to other relevant legislations and government requirements;
- (x) the right to apply for/build a SH was personal right enjoyed by the indigenous inhabitant, but not attached to the land he owned. Planning controls on the use of land would not affect the indigenous inhabitant's right to build a SH. As long as the zoning restrictions pursued the legitimate aim of conserving and protecting the existing natural landscape, ecological or topographical features of the Area, and the land concerned could be put to always permitted uses or uses that may be permitted with or without conditions on application to the Board, it did not appear inconsistent with the Basic Law;

General Issues not related to Land Use Zonings

Representations/Comments

- (y) more land should be reserved for recreational and community facilities;
- (z) Tung O Ancient Trail should be re-routed or a new hiking trail away from existing villages should be provided;
- (aa) vehicular access connecting to Chek Lap Kok Island or Tung Chung should be constructed to resolve transport issue in the Area;
- (bb) proper infrastructures, such as public sewerage system, irrigation facilities and fire-fighting and emergency rescue facilities etc. should be provided in the Area;

- (cc) the existing ferry service for the Area could not meet the demand;

Responses from Government Departments

- (dd) suitable sites had been zoned “Government, Institution or Community” and “Open Space” for provision of required facilities to serve local residents; and
- (ee) while requests for improvement to transport facilities and road infrastructure were outside the Board’s ambit, they had been referred to relevant government departments for consideration. Relevant departments would keep in view the need for infrastructure subject to detailed assessments on population, provision standards, resource availability and other considerations.

[Dr Conrad T.C. Wong joined the meeting at this point.]

52. The Chairperson suggested Members to make reference to the TPB Paper No. 10822 (the Paper) and the confirmed minutes of the meeting held on 6.6.2022 in deliberating the representations and comments.

53. Members generally considered that the zonings on the draft OZP were appropriate and there was no ground to accede to the proposals of the representers/commenters. A Member considered that the zonings on the draft OZP had struck a balance between development and conservation. Conservation of the environment did not necessarily mean that all development should be prohibited. Instead, development commensurate with the local environment with a genuine effort to promote ecological conservation and enhance the well-being of local community could be supported. While the proposal for an eco-lodge submitted by one of the representers lacked details and could not be supported at this juncture, if the representer/proponent would like to take forward the proposal, they could submit planning applications with more details of the eco-lodge proposal supported by the necessary technical assessments for the Board’s consideration. Another Member supplemented that if there was better communication between local villagers and conservation/green groups, they might be able to establish a common ground to promote joint effort on conservation and better utilisation of natural land resources.

54. The Vice-chairperson and a Member said that based on the latest information provided by PlanD and LandsD, there were some on-going SH applications at the “V” zone to the west of San Tau School. Taking into account the relevant figures on land available and demand for land for SH development, the designation of that area as “V” zone was considered appropriate. The Vice-chairperson further remarked that for the concerns on landscape impact associated with SH developments, LandsD could reject a SH application involving felling of trees and significant landscape impact even if the site was located within a “V” zone. The current mechanism was considered adequate in safeguarding the natural environment.

55. A few Members noted that some representers and commenters considered that the access for emergency vehicles in the Area were unsatisfactory and hence road connections to the surrounding areas should be improved. In this regard, the Vice-chairperson said that although the provision of emergency vehicular access/services was outside the purview of the Board, proposals of the representers/commenters for emergency motorcycle access could be referred to relevant government departments for consideration.

56. The Chairperson remarked that the views of Members on provision of emergency vehicular access could be conveyed to the relevant government departments for consideration. Regarding the eco-lodge proposal, it was up to the relevant project proponent to submit suitable proposals to the Board for consideration in the future.

57. Members agreed that the draft 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 the Paper, the presentations and responses made by the government representatives at the meeting, and the latest information on SH applications in the “V” zone west of San Tau School.

58. After deliberation, the Board noted the supportive views of R1 (part) to R5 (part), and decided not to uphold R1 (part) to R5 (part) and R6 to R52 and considered that the draft Sha Lo Wan and San Tau Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Conservation of Natural Environment and Habitats

- (a) “Coastal Protection Area” (“CPA”), “Conservation Area” (“CA”) and “Green Belt” (“GB”) are all conservation-related zonings of different levels of control on land use and development. The designation of the conservation zonings on the draft Outline Zoning Plan (OZP) is considered appropriate from a nature conservation perspective, with “CPA” zone for protecting the natural coastline with high landscape, scenic or ecological value, “CA” zone to preserve the woodlands of high ecological value, and “GB” zone to render protection of the common natural habitats and at the same time to reflect the existing site conditions in the Area **(R1 to R5 and R7 to R10)**;
- (b) “CPA” zone is designated along the majority of the coastline. Only coastal areas with existing man-made features are excluded from the “CPA” zone **(R1, R3, R4 and R8)**;
- (c) the “Site of Special Scientific Interest” (“SSSI”) zone has taken into account the boundary of the designated San Tau Beach SSSI, while a consistent approach has been adopted to delineate the Planning Scheme Area of the draft OZP with reference to the Planning Scheme Area of the draft Development Permission Area Plan (DPA Plan), high water mark, boundaries of Country Parks, land status, etc. The distribution of seagrasses at San Tau Beach SSSI will be closely monitored by the Agriculture, Fisheries and Conservation Department **(R1 to R8)**;
- (d) 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

- (e) majority of the existing and abandoned agricultural land with potential for rehabilitation is zoned “AGR”, while some common natural habitats such as

woodland and shrubland are zoned “GB”. ‘Agricultural Use’ is always permitted within “AGR” and “GB” zones. Genuine agricultural activities would not be hindered (**R9 to R12, R19, R36 to R46 and R48 to R52**);

- (f) in general, existing land uses including agricultural land, house lots and permitted burial ground 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 (**R11, R19 and R46**);

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

- (g) the boundaries of the “V” zones are drawn up having regard to the village ‘environs’, local topography, existing settlement pattern, outstanding Small House applications and demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating Small House development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area (**R1 to R5, R8 to R13, R15, R19 to R25, R27, R28, R30 to R32 and R35**);

Planning Control on Private Land

- (h) according to the current Small House Policy, the right to apply for or build a Small House is a personal right enjoyed by the indigenous inhabitant himself, but not attached to the land that he owns. Planning controls on the use of land would not affect the indigenous inhabitant’s right to apply for or build a Small House per se. On this basis, the imposition of planning controls of the OZP on one’s land would not engage Article 40 of the Basic Law (**R13, R18, R23, R33 and R34**);
- (i) the draft OZP would not affect any landowner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use as the land can be put to ‘always

permitted uses' and other uses as long as planning approval is obtained. It does not appear inconsistent with the protection of property rights under Article 6 or Article 105 of the Basic Law (**R47 to R52**);

Provision of Community Facilities and Infrastructures

- (j) suitable sites are zoned "Government, Institution or Community" for provision of Government, institution and community facilities serving the needs of the local residents in the Area. The provision of community facilities and infrastructures, including transport and irrigation facilities, will be subject to review by relevant Bureaux/Departments as and when necessary (**R13 to R30, R33 and R34**);

Unauthorised Development

- (k) upon the gazettal of the draft DPA Plan, the Planning Authority is empowered to instigate enforcement action against unauthorised developments in the Area. Any suspected unauthorised 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 (**R1, R3, R5 and R8**); and

Development Proposal

- (l) the rezoning proposal to facilitate proposed eco-lodge development by the representer is 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 (**R47**)."

59. The Board also agreed that the draft Sha Lo Wan and San Tau OZP, together with its Notes and updated Explanatory Statement, was 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 Comments in respect of the Draft Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/9 (TPB Paper No. 10852)

[The item was conducted in Cantonese.]

60. The Secretary reported that the amendment to the Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/9 (the draft OZP) was related to a potential low-density private residential site in Ta Ku Ling, Sai Kung to be disposed of through land sale. An engineering feasibility study was conducted by the Highways Department (HyD) with AECOM Asia Co. Limited (AECOM) as the consultant. Representations had been submitted by the Conservancy Association (CA) (R1) and the Hong Kong and China Gas Company Limited (R4) which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests on the item:

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

Dr C.H. Hau - having past business dealings with HLD and AECOM; being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before; being a life member of CA, and his spouse being the Vice Chairman of the Board of Directors of CA; and

Mr Stephen L.H. Liu - being a former member of the Council of Hong Kong Polytechnic University which had obtained sponsorship from HLD before.

61. Members noted that Mr Stephen L.H. Liu had tendered an apology for being unable to attend the meeting. Members also noted that as the item was procedural in nature, all other Members who had declared interests could stay in the meeting.

62. The Secretary briefly introduced the Town Planning Board (the Board) Paper No. 10852. On 25.2.2022, the draft OZP was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, four representations were received. The representations were subsequently published for three weeks and a total of two comments were received.

63. In view of the similar nature of the representations and comments, the hearing of all representations and comments was recommended to be considered by the full 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 comments by the full Board was tentatively scheduled for September/October 2022.

64. After deliberation, the Board agreed that:

- (a) the representations and comments 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

[Open Meeting] [The item was conducted in Cantonese.]

Any Other Business

65. The Board noted that Dr Jeanne C.Y. Ng, who had served as Member of the Board since 2018, would step down from 31 July 2022. On behalf of all Members, the Chairperson extended a vote of thanks for Dr Ng's valuable contributions to the Board during her appointment.

66. There being no other business, the meeting was closed at 2:35 p.m.