

**Minutes of 1293<sup>rd</sup> Meeting of the  
Town Planning Board held on 12.5.2023**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Doris P.L. Ho

Chairperson

Mr Lincoln L.H. Huang

Vice-Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Miss Winnie W.M. Ng

Mr Franklin Yu

Mr Stanley Choi

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

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

Chief Engineer/New Territories East  
Transport Department  
Mr K.L. Wong

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

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**

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Ben S.S. Lui

Mr K.L. Wong

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms Johanna W.Y. Cheng

Senior Town Planner/Town Planning Board  
Ms M.L. Leung (a.m.)  
Ms Katherine H.Y. Wong (p.m.)

## **Opening Remarks**

### **Agenda Item 1**

[Open Meeting]

#### Confirmation of Minutes of the 1292<sup>nd</sup> Meeting held on 28.4.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1292<sup>nd</sup> meeting held on 28.4.2023 were confirmed without amendment.

### **Agenda Item 2**

[Open Meeting]

#### Matters Arising

[The item was conducted in Cantonese.]

- (i) Approval of Draft Outline Zoning Plans

2. The Secretary reported that:

- (a) on 25.4.2023, the Chief Executive in Council (CE in C) approved the draft Ngau Chi Wan Outline Zoning Plan (OZP) (re-numbered as No. S/K12/18), the draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP (re-numbered as No. S/K11/31), the draft Wang Tau Hom and Tung Tau OZP (re-numbered as No. S/K8/25) and the draft Tseng Lan Shue OZP (re-numbered as No. S/SK-TLS/10) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the draft OZPs was notified in the Gazette on 5.5.2023; and
- (b) on 2.5.2023, the CE in C approved the draft Wan Chai OZP (re-numbered as No. S/H5/31) and the draft Tuen Mun OZP (re-numbered as No. S/TM/37) under section 9(1)(a) of the Ordinance. The approval of the draft OZPs was notified in the Gazette on 12.5.2023.

(ii) Reference Back of Approved Outline Zoning Plan

3. The Secretary reported that on 2.5.2023, the CE in C referred the Approved Tong Yan San Tsuen OZP No. S/YL-TYST/14 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the said OZP was notified in the Gazette on 12.5.2023.

(iii) Hearing Arrangement for Consideration of Representations and Comments on the Draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1

4. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations and comments in respect of the draft Fanling/ Sheung Shui Extension Area Outline Zoning Plan (OZP) No. S/FSSE/1.

5. The Secretary reported that the draft OZP was to take forward the recommendations of the Task Force of Land Supply regarding the Fanling Golf Course (FGC), and the findings of the Technical Study on Partial Development of FGC Site – Feasibility Study (the Technical Study), which was commissioned by the Civil Engineering and Development Department (CEDD). The draft OZP covered mainly part of the FGC and a site for proposed public housing development by the Hong Kong Housing Authority (HKHA) whose executive arm was the Housing Department (HD). Representations and comment had been submitted by Mr Li Man Kiu Adrian David (being the organising committee chairman of The Community Chest Bank of East Asia (BEA) Charity Golf Day) (R498), Hong Kong Countryside Foundation (HKCFL) (R499), Hong Kong Football Club (HKFC) (R6696) and the Conservancy Association (CA) (R6783/C45). The following Members had declared interests on the item:

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  
(as Chief Engineer (Works), Affairs who was a member of the Strategic Planning  
Home Affairs Department) Committee and Subsidised Housing Committee of  
HKHA;

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| Dr C.H. Hau  | - conducting contract research projects with CEDD, being a life member of the CA, and his spouse being the Vice Chairman of the Board of Directors of the CA; |
| Dr Conrad T.C. Wong                                  | - having current business dealings with HKHA, BEA and HKFC;   |
| Mr Franklin Yu                                       | - being a member of the Building Committee and Tender Committee of HKHA;  |
| Mr Daniel K.S. Lau<br>Ms Lilian S.K. Law             | ] being a member of Hong Kong Housing Society (HKHS) which currently had discussion with HD on housing development issues;                                    |
| Mr K.L. Wong   | - being a member and ex-employee of HKHS which currently had discussion with HD on housing development issues;  |
| Mr Timothy K.W. Ma                                   | - being a member of the Supervisory Board of HKHS which currently had discussion with HD on housing development issues;                                       |
| Professor John C.Y. Ng                               | - being a director of HKCFL;  |
| Mr Lincoln L.H. Huang<br>( <i>Vice-Chairperson</i> ) | - having past business dealings with HKCFL; and   |
| Professor Roger C.K. Chan                            | - being a member of HKFC.   |

6. As the item for agreement on hearing arrangement was procedural in nature, all Members who had declared interests should be allowed to stay in the meeting. The Board noted that some of those Members had not yet arrived or had tendered apologies for being unable to attend the meeting.

7. The Secretary introduced that on 30.6.2022, the new draft OZP was exhibited for public inspection under section 5 of the Ordinance. The draft OZP, covering the eastern part of FGC with an area of 32 ha east of Fan Kam Road, was prepared with support of CEDD's Technical Study. The planning intention was to develop part of the area for public housing

with supporting community and social welfare facilities, and to conserve the existing natural landscape and ecological features of the remaining portion and to provide space for recreational uses. During the two-month exhibition period, a total of 6,788 valid representations were received. The valid representations were subsequently published for three weeks and a total of 51 valid comments were received.

8. The Secretary said that in view of the similar nature of the representations and comments, the hearing of the 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 presenter/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for June/July 2023.

(iv) Town Planning Appeal Decision Received

Town Planning Appeals No. 3 of 2021 and 4 of 2021  
Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” (“AGR”) Zone,  
Lot 858 S.A ss.1 (TPA No. 3 of 2021) and Lot 858 S.B ss.2 (TPA No. 4 of 2021)  
D.D. 9, Yuen Leng Village, Kau Lung Hang, Tai Po  
(Applications No. A/NE-KLH/593 and 594)

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9. The Secretary reported that the subject appeals were against the Board’s decisions to reject on review two applications (No. A/NE-KLH/593 and 594) each for a proposed house (NTEH – Small House) on the application sites (the Sites) zoned “Agriculture” (“AGR”) on the Kau Lung Hang Outline Zoning Plan.

10. The review applications were rejected by the Board on 7.5.2021 for the following reasons:

- (a) first and foremost, land was still available within the “Village Type Development “ (“V”) zone of Yuen Leng, Kau Lung Hang and Tai Wo which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the

“V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and

- (b) the proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.

11. The appeals were heard by the Town Planning Appeal Board (TPAB) on 25.7.2022 and 26.7.2022. On 24.4.2023, the appeals were allowed by the TPAB for the following considerations:

(a) Land Available within “Village Type Development” (“V”) Zone

- (i) the Sites, located at the fringe of the Yuen Leng “V” zone, fell within areas covered by both the ‘Village Environs’ (‘VE’) of Tai Wo and the VE of Yuen Leng, Kau Lung Hang and Lo Wai. It was Planning Department (PlanD)’s normal practice to estimate land available for Small House developments by taking into account land available in all of the “V” zones covered by the same/overlapping VE(s) (in the subject case being the five “V” zones in Tai Wo, Yuen Leng and Kau Lung Hang); and
- (ii) the TPAB, whilst noting that the above approach was a recognised practice, was of the view that assessment of land available should not be based on aggregate areas within the “V” zones. However, in the absence of information on land available within each of the “V” zones, it was unable to ascertain whether land was available within the “V” zone of Yuen Leng and hence, whether the appeal met criterion (B)(a) under the Interim Criteria (IC) could not be ascertained.



(b) Planning Intention of “AGR” Zone

- (i) the Agriculture, Fisheries and Conservation Department (AFCD) did not support the applications as the Sites possessed potential for agricultural rehabilitation, that there were active agricultural activities in the vicinity, and agricultural infrastructure such as road access and water source was available;
- (ii) in considering the previous application on the site for the subject TPAB appeal No. 3/21 and three other applications for a site to the southwest of the Sites between 2001 to 2019 (the two sites), AFCD commented that potential for agricultural rehabilitation on the two sites were low. However, in 2021, when considering the applications on the two sites, AFCD changed its position and advised that the two sites possessed potential for agricultural rehabilitation;
- (iii) the TPAB was of the view that the comments of AFCD to support their change of position in 2021 were not convincing. The two sites already had road access between 2001 and 2019. Based on aerial photos taken in 2002, 2012 and 2022, the TPAB was of the view that over the years, there was no (or very limited) active nor fallow agricultural land or tree clusters in the area to the north of the local road (covering the Sites) and the area was predominantly of domestic structures. Active or fallow agricultural land was located to the south of the local road; and
- (iv) the TPAB considered that the proposed Small Houses would not affect the “AGR” planning intention of the Sites which no longer possessed potential for agricultural rehabilitation.

12. 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.

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

(v) Appeal Statistics

14. The Secretary reported that as at 12.5.2023, a total of seven cases were yet to be heard by the Appeal Board Panel (Town Planning) and three appeal decisions were outstanding. Details of the appeal statistics were as follows :

Allowed	43
Dismissed	170
Abandoned/Withdrawn/invalid	213
Yet to be heard	7
Decision Outstanding	3
<hr/> Total	<hr/> 436

**Fanling, Sheung Shui and Yuen Long East District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/3

(TPB Paper No. 10894)

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[The item was conducted in English and Cantonese.]

15. The Secretary reported that the amendment items of the draft Kwu Tung North Outline Zoning Plan (OZP) were mainly related to the recommendations of the Northern Metropolis Development Strategy, which were supported by various technical assessments conducted by Civil Engineering and Development Department (CEDD) with AECOM Asia Company Limited (AECOM) as one of the consultants; as well as to take forward a partially agreed s.12A application (No. Y/KTN/2) for rezoning a site near Yin Kong Village to facilitate a proposed private housing development. Representation had been submitted by Asset Capital Limited (R1) which was a subsidiary of Sun Hung Kai Properties Limited (SHK). The following Members had declared interests on the items:

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Bus Company Limited (Long Win), and SHK having shareholding interests in KMB and Long Win;

Dr Conrad T.C. Wong - having current business dealings with AECOM and SHK;

Mr Vincent K.Y. Ho - having current business dealings with AECOM and SHK;

Mr Franklin Yu - his spouse was an employee of SHK;

Dr C.H. Hau - conducting contract research projects with CEDD; having past business dealings with AECOM; and owning a property in Kwu Tung North; and

Ms Lilian S.K. Law - being an ex-executive director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK.

16. Members noted that Dr Conrad T.C. Wong and Miss Winnie W.M. Ng had tendered apologies for being unable to attend the meeting, and Messrs Vincent K.Y. Ho and Franklin Yu would join the meeting after this agenda item. Members agreed that as the interest of Ms Lilian S.K. Law was indirect, and as Dr C.H. Hau had no involvement in the amendment items of the OZP and his property had no direct view of the amendment sites, they could stay in the meeting.

#### Presentation and Question Sessions

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

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

#### **Government Representatives**

##### *Planning Department (PlanD)*

Mr Anthony K.O. Luk - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)

Mr Louis H.W. Cheung - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE)

##### *CEDD*

Mr Ricky W.K. Lam - Senior Engineer/North (SE/N)

*AECOM (Consultant)*

Mr Raymond Pau

Mr Hin Ma

Mr Tommy Lau

Ms Angela Tong

Dr Karl K. An

Mr Gordon Li

**Representers, Commenter and their Representatives**

R2/C1 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R4 – 業滿有限公司

R5 – 鴻福食品貿易有限公司

R6 – 鴻福食品批發有限公司

R7 – 鴻圖食品集團有限公司

R8 – 德保食品公司

R9 – 德保食品有限公司

R10 – 玉滿發展有限公司

R11 – 鴻氣國際有限公司

R12 – 威鴻國際有限公司

R13 – 鴻星企業有限公司

R14 – 耀鴻有限公司

R16 – Landmark Asia Property Limited

R17 – 羅日祥

R24 – 江天豪

R25 – 江振英

Mr Cheng Yu Wo ] Representers' Representatives

Mr Lai Ho Cheung Issac ]

R15 – Hing Yip Rattan Company Limited

Mr Chan Kwong Shing - Representer's Representative

R26 – High Dynamic Holdings Limited

Ms Cheung Hoi Ying - Representer's Representative

*KTA Planning Limited*

Ms Pauline B.Y. Lam - Representer's Representative

19. 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, 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 comments in their absence and inform the representers and commenters of the Board's decision in due course.

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

21. With the aid of a PowerPoint presentation, Mr Louis H.W. Cheung, STP/FSYLE, briefed Members on the representations and comments, including the background of the amendments to the 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. 10894 (the Paper). The amendments were:

(a) Items A1, A2, B1 and B2

rezoning of two sites from “Other Specified Uses” annotated “(Business and Technology Park)” (“OU(BTP)”) and “OU(BTP)1” to “Residential (Group B)1” (“R(B)1”) for private residential developments, both at a plot ratio (PR) of 4.2 with building height restriction (BHR) of 75mPD and 70mPD (Items A1 and B1 respectively). The residual strips of land were rezoned to ‘Road’ area and “Open Space” (“O”) to reflect the latest gazetted road alignment and existing condition (Items A2 and B2 respectively);

(b) Items C, D and E

to support the expanded Kwu Tung North New Development Area (KTN NDA), the BHRs of three “Government, Institution or Community” (“G/IC”) sites (with two slightly enlarged) were relaxed to 130mPD, to accommodate the newly planned major government office building to support the development of the Northern Metropolis and a community complex for the originally planned sports and community facilities (Item C); to facilitate expanded capacity of the site reserved for healthcare facilities (Item D); and to facilitate the provision of more staff quarters in the planned police headquarters with staff quarters development (Item E);

(c) Items F1 and F2

rezoning of a small piece of land from “G/IC” to “OU(Sewage Pumping Station)” (“OU(SPS)”) to facilitate future expansion of an existing SPS (Item F1), and two small pieces of land from predominant “G/IC” to “OU(Railway Associated Facilities)”, to reflect the existing vesting boundary of the facilities of East Rail Spur Line (Item F2);

(d) Items G1 and G2

rezoning of a “Comprehensive Development Area” (“CDA”) zone to “R(B)2” subject to a maximum PR of 3 and BHR of 55mPD (southern portion) and “Residential (Group C)1” (“R(C)1”) subject to a maximum PR of 1.1 and BHR of 3 storeys (northern portion), which was to take forward the decision of the Rural and New Town Planning Committee of the Board on partially agreeing to the s.12A application No. Y/KTN/2 on 1.6.2022;

(e) Items J1, J2 and J3

rezoning of a few pieces of land from various zonings to ‘Road’ area and “OU(Amenity)” to reflect the updated road alignment at the Interchange of Castle Peak Road - Kwu Tung and the planned Road P2 under CEDD’s detailed study (Item J1) and shifted locations of the sites reserved for a proposed petrol filling station (PFS) (zoned “OU(PFS)”) (Item J2) and a “G/IC” site reserved for vegetable marketing co-operative societies (“vegetable co-op”) (Item J3);

(f) Items K1 and K2

rezoning of strips of land from predominant “R(B)” and “O” to predominant ‘Road’ area to reflect the extension of planned Road L4; and

(g) Items H1, H2, L1, L2 and M1 to M3

minor amendments arising from the revised designs for Yin Kong Road (Items H1 and H2), Ho Sheung Heung Road (Items L1 and L2) and a proposed vehicular access to a “G/IC” site in Area 27 (Items M1 to M3).

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

R4 – 業滿有限公司

R5 – 鴻福食品貿易有限公司

R6 – 鴻福食品批發有限公司

R7 – 鴻圖食品集團有限公司

R8 – 德保食品公司

R9 – 德保食品有限公司

R10 – 玉滿發展有限公司

R11 – 鴻氣國際有限公司

R12 – 威鴻國際有限公司

R13 – 鴻星企業有限公司

R14 – 耀鴻有限公司



R16 – Landmark Asia Property Limited

R17 – 羅日祥

R24 – 江天豪

R25 – 江振英

23. Mr Cheng Yu Wo made the following main points:

- (a) the overall planning in the OZP was good and supported but there were some specific comments on the detailed zonings;

Items G1 and G2

- (b) there was a 70-year-old temple (namely Yu Wan Kwok (如雲閣)) near the Items G1 and G2 sites. The representers would later submit an application to request the Antiquities Advisory Board (AAB) to grade the temple as a historic building. Following the approach of Item G1 involving rezoning a site for residential use with in-situ preservation of a built heritage, they might later seek the Board's approval for a similar residential development near the Items G1 and G2 sites with preservation of the said temple;
- (c) noting that the sites along Castle Peak Road – Kwu Tung had largely been reserved for "OU(BTP)" and "O" purposes, there was no information why the Item G1 site was rezoned to "R(B)2";

Area 37

- (d) the "O" zone in Area 37 had been so zoned since 1994 but without any implementation programme for land resumption nor any planning enforcement to clear the temporary structures to realise the planning intention. Retaining the "O" zoning was not meaningful;
- (e) it was stated in the Paper (paragraph 5.2.5(e)) that the compensation and rehousing (C&R) arrangements for brownfield operators were outside the purview of the Board but there was no information about the legal basis of such saying under the Town Planning Ordinance;

- (f) Area 37 was in close proximity to the Long Valley Nature Park (LVNP) and could be developed in the following ways to complement the nature park to achieve urban-rural integration:
- (i) the “G/IC” zone at Item J3 site could be a strong focal point comprising a mix of uses for local recreation and nature education promotion on green and sustainable development, that could be reinforced by nearby open space use in the “O” zone;
  - (ii) the planned vegetable co-op at Item J3 site should be of a larger scale and actively managed to ensure its sustainable operation in the long term. The said “G/IC” zone should be enlarged. To enhance its utilisation, considerations could be given to allowing local fishermen to sell their fishery products in the co-op. Efforts should be made to enliven the wider area around Area 37 to make the place more vibrant;
  - (iii) in Area 34, a “G/IC” site abutting Sheung Yue River had been reserved for a proposed visitor centre with bridge connection over the river to the LVNP. However, construction of both the visitor centre and the bridge might impact on the ecologically-sensitive LVNP and the river. Instead, the visitor centre could be accommodated in Area 37 by enlarging the “G/IC” zone in Item J3 site and with improved connectivity by bicycle and pedestrian tracks to LVNP. If so, the “G/IC” zone could be removed and the “R(B)1” zone in Area 34 could be enlarged to enhance its land value; and
  - (iv) according to the government’s plan, access to the KTN NDA would be via the planned Road P2 between Areas 33 and 37, and a landmark was planned in Area 33 to signify the entry to the KTN NDA. To create a sense of symmetry, a landmark of similar scale could be built in Area 37.

[Dr. C.H. Hau joined the meeting during the above presentation of Mr Cheng Yu Wo.]

R15 – Hing Yip Rattan Company Limited

24. Mr Chan Kwong Shing made the following main points:

Items J1 and J2

- (a) he objected to the proposed PFS under Item J1;
- (b) it was unfair that his workshop site have been rezoned several times but he had not been duly notified. In 2013, rezoning of his site from “Industrial (Group D)” to “OU(BTP)” had deprived him of opportunities to upgrade his business in-situ. Amendments involving his workshop site in the extant OZP (i.e. Items J1 and J2) were gazetted in October 2022 but he did not know of them until November 2022;
- (c) compared with the “OU(PFS)” zoning, the previous “OU(BTP)” zoning offered him more land use options;
- (d) the proposed PFS was hazardous and incompatible with the adjacent “O” and “OU(Amenity)” zonings and would pose potential risk of petrol leakage to the nearby Sheung Yue River;
- (e) it was not reasonable to resume his land for a PFS which would be a private operation;
- (f) to cater for emerging needs of electric vehicles, electricity charging station should be reserved instead of a PFS;
- (g) as advised by CEDD and Lands Department (LandsD) in February 2023, the land to be resumed for public works would cover a larger area, including his land under Items J1 and J2. He requested the relevant government departments to provide them with more assistance, e.g. to identify an alternative site for relocation of his business, faster processing of wavier application etc.; and

- (h) his rattan workshop was a family legacy and had been run by his family for three generations. He wished to carry on the family business.

R26 – High Dynamic Holdings Limited

25. With the aid of a PowerPoint presentation, Ms Pauline B.Y. Lam made the following main points:

Items K1 and K2

- (a) the representer objected to Items K1 and K2;
- (b) to address the acute housing demand, the Government had intensified the residential developments in KTN NDA over the years. The domestic PR was initially at a range of 2 to 5 in the Recommended Outline Development Plan (RODP) under the North East New Territories New Development Area (NENT NDA) Study in 2012 and was increased to a range of 3.5 to 6 in the finalised RODP in 2013. To further boost the housing land supply, the Board approved two planning Applications No. A/KTN/54 and A/KTN/93 submitted by CEDD in 2018 and 2022 respectively. In the approved s.16 scheme 2022, the PR for public housing was increased by 30% and that for private housing by 20%, and the PR for “R(B)” sites was increased from 3.5 to 4.2 (including the “R(B)2” site owned by R26 that was affected by Items K1 and K2 (“the R26 site”));
- (c) the R26 site, about 1.62 ha, was zoned “R(B)” subject to a PR of 3.5 under the previous OZP No. S/KTN/2 and designated as ‘R2’ subject to a PR of 3.5 with an estimated flat yield of about 810 units under the KTN Outline Development Plan No. D/KTN/1A. Under the prevailing government policy for increasing development intensity of private housing sites by 20%, the representer had a reasonable expectation that the R26 site could be intensified to produce a higher flat yield of about 972 units (at PR 4.2 as approved in CEDD’s planning application) with gross floor area (GFA) of about 67,960m<sup>2</sup>. However, Road L4 would be extended (involving Items K1 and K2) and would encroach onto the R26 site, reducing its area to about 1.28 ha, the domestic GFA to 53,900m<sup>2</sup> and the flat yield to about 770 units (at PR 4.2), that was even lower than the

810 units (at PR 3.5) before the intensification scheme under CEDD's planning applications. The areas affected by Items K1 and K2 included land which the representer had recently acquired. Amongst all the "R(B)" sites in the OZP, only flat yield was reduced on the R26 site; and

- (d) the representer acknowledged that there was a need to extend Road L4 to cope with the additional population arising from the intensified KTN NDA and that mitigation measures would be provided to address impacts of the extended Road L4. The representer proposed to amend the OZP by rezoning the remaining portion of the R26 site (not affected by the road extension) as "R(B)3" subject to a maximum domestic GFA of 67,960m<sup>2</sup>.

R2/C1 – Mary Mulvihill

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

- (a) she objected to all amendment items;

Items A1 and B1

- (b) the proposed technology node development would crowd out small businesses that were essential to our daily lives (e.g. vehicle repair, bottled liquefied petroleum gas suppliers etc.) and brownfield operations and would reduce local employment. Given an anticipated over supply of private flats, increasing interest rates and a declining population, there was no need for additional housing land and flats;
- (c) the proposed high-rise development in Item B1 site which was close to the LVNP would disturb the birds' flight paths;
- (d) there was no information on the development schemes, including the number of trees to be felled;

Item C

- (e) the elderly who had lived in Dills Corner Garden in Item C site for many years were originally being evicted for a school development. Now that the Education Bureau advised that the site would no longer be required for school use, it should be reverted to elderly home use. Furthermore, some of the elderly to be evicted would be rehoused in a multi-storey welfare complex with no garden nor community ambience which they were used to. No details were provided about the design of the welfare complex;

Items D1 and D2

- (f) the healthcare policy had shifted from the current treatment-oriented and hospital-based to a prevention-focused and community-based mode. The policy initiatives in the Primary Healthcare Blueprint included development of district health centres (DHCs) and promotion of the “family doctor for all”. With those smaller and more convenient DHCs serving the community, it was doubted that a large hospital site (covering Items D1 and D2) would still be required;

Items E1 and E2

- (g) since June 2000, a new housing allowance scheme had been offered to eligible civil servants so that the government staff quarters could be gradually vacated and the sites could be sold for redevelopments. Under a quota scheme, junior civil servants could also enjoy a better opportunity to be allocated a public housing unit. As such, the proposed development of police staff quarters at Items E1 and E2 sites was contrary to the policy to phase out the provision of accommodation for civil servants. The staff of disciplined services should live within and integrate with the community;

Item G1

- (h) with the previous “CDA” zoning, the heritage building of Enchi Lodge could be preserved and be enjoyed by the community. The proposed private residential development under the “R(B)2” zoning only allowed limited public access to the preserved heritage building. Also, the proposed development provided no community facilities;

- (i) the visual impact of the proposed development was not acceptable as the view of the mountains would be gradually eroded;

Others

- (j) for Item C, she concurred with R1 that the planned government office building should be subject to the same planning control as strict as in the nearby development sites, e.g. provision of non-building area, terraced podia, open space etc. The requirement for approval of master layout plan by the Board should be stipulated in the OZP;
- (k) for Item J1, she concurred with R15 that the facilities to be provided thereat should be for electric or hydrogen vehicles and not for petrol filling;
- (l) Items K1, L2, M1 and M3 involved the loss of “O” or “G/IC” zone for ‘Road’ area. The Government claimed that it promoted the use of public transport but, in reality, it encouraged further use of private vehicles by providing more roads, and no attempt had been made to put the roads underground or in multi-levels;
- (m) a number of proposed facilities in the amendments would involve extensive excavation, felling of trees and removal of vegetation but no details were provided. It was not right to say that there would be “no additional impact on the landscape” (as stated in paragraph 6.7 of the RNTPC Paper No. 6/22 dated 23.9.2022 on the Proposed Amendments to the Approved KTN OZP No. S/KTN/2);
- (n) the traffic impact assessment had not provided a correct assessment of the traffic impact arising from the increased population;
- (o) although the air ventilation assessment found that the taller buildings in the proposed development would have negative air ventilation impacts (e.g. larger wind wakes, weaken wind environment etc.), it still came to a contradictory conclusion that the proposed development could maintain the air ventilation performance at the pedestrian level; and

- (p) the proposed development would bring about increases in building heights and building bulk, that would overshadow many buildings for most of the day. The visual impact assessment were from distant viewpoints and the assessments had not reflected the impact on penetration of natural lighting, in particular the lower floors of buildings nearby.

27. 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.

#### Question and Answer Session

##### Item C

28. In response to a Member's question on the reasons for not requiring terraced design in the Item C site, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides, explained that the area around Kwu Tung Station was planned as the Town Plaza to serve as a major activity node of KTN NDA. Radiating from the Town Plaza was an open space network running in the north-south and east-west directions, lined with pedestrianised streets with terraced design requiring setting back of the first floor of podium and shops on the ground and first levels fronting the open space. The terraced podium would allow public access for enjoyment of the plaza view. Item C site was planned for GIC facilities and it was not appropriate to provide retail frontage in lieu of community facilities. Terraced design would be provided in the site for mixed uses to the east. Besides, open space would be provided within the Item C site for public enjoyment.

##### Items D1 and D2

29. In response to a Member's question about the provision of hospital beds in the KTN NDA, Mr Anthony K.O. Luk, DPO/FSYLE, referred to the GIC table at Annex VI of the Paper and replied that based on the planned population of about 140,000 for KTN NDA and an



assumption of 5.5 beds per 1,000 persons as set out in the Hong Kong Planning Standards and Guidelines (HKPSG), a total of 768 hospital beds would be required. The Items D1 and D2 sites had been reserved for healthcare services and could accommodate healthcare facilities with about 1,600 beds based on initial estimation. Since the Hospital Authority assessed the demand and provision of healthcare services on a regional/cluster basis rather than based on the OZP boundary, the actual use and development scale of the proposed healthcare facilities was still subject to further consultation with the Hospital Authority.

Items E1 and E2

30. In response to a Member's question about the current policy of providing departmental quarters (DQ) to married disciplined services staff, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides, said that a police headquarters with staff quarters had all along been planned in the "G/IC(2)" zone. The Government's established policy was to provide DQ to married disciplined services staff to cater for their need to work on irregular hours, subject to the availability of resources. There was long waiting list for DQ units. Items E1 and E2 were intended to relax the BHR of and enlarge the "G/IC(2)" zone respectively to allow provision of more staff quarters on the site.

31. The Chairperson supplemented that the government policy was to phase out the provision of staff quarters to civil servants of non-disciplined services, whereas for disciplined services staff, DQ would be provided for married staff subject to the availability of resources.

Items J1 and J2

32. Some Members raised the following questions:

- (a) how the operation of R15's rattan workshop would be affected by Items J1 and J2; and
- (b) whether Item J1 would necessitate resumption of R15's land.

33. On the rattan workshop, Mr Chan Kwok Shing (representative of R15) elaborated that the workshop was originally used for making rattan products but was later used as a

workshop for assembly of electronic parts. About 40 years ago, the electronic workshop in its heyday provided about 200 to 300 employment opportunities to the locals. With the relocation of the manufacturing process to the Mainland, part of the site had been turned into a transfer centre for manufactured goods, whereas the remainder of the site had been sub-let to other companies. It had always been his intention to continue to run the family business on a piece of family-owned land. However, the land parcels which were available were piecemeal, inaccessible and only available on short term tenancy.

34. The Chairperson supplemented that to assist the operators affected by NDA development, the Development Bureau had set up a dedicated team to assist the affected operators in relocating their businesses, submission of planning applications (if required) and seeking relevant approvals (e.g. short term waiver) from other departments. The Chairperson asked DPO/FSYLE to provide relevant information to the representer and also advised the representer to seek assistance from relevant professionals on this matter.

35. On the need for resumption of R15's land, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides and visualiser, explained that according to the previous OZP, R15's land would already need to be resumed. In the extant OZP, Item J1 was to reflect the latest road alignment at the Interchange of Castle Peak Road – Kwu Tung (being changed from an elevated roundabout to various sliproad connections) and the planned Road P2 based on CEDD's technical study and Item J2 was to reflect the consequential relocation of the "OU(PFS)" zone, and the resumption of R15's land was still necessary. He also explained that according to the Definition of Terms used in Statutory Plans adopted by the Board, the 'Petrol Filling Station' use included charging facilities for electric vehicles; hence, the proposed petrol filling station at Item J2 site could incorporate electricity charging facilities if necessary.

### Item J3

36. Some Members requested the following information:

- (a) more details about the fishery activities in KTN and Mr Cheng Yu Wo (representative of R4 to R14, R16, R17, R24 and R25)'s concern on the planned vegetable co-op under Item J3; and

- (b) the need to reserve a site for a vegetable co-op and its actual operation.

37. On the fishery activities in KTN, Mr Cheng Yu Wo made the following main points:

- (a) the farmers in KTN, Lok Ma Chau, Mai Po Lung, Man Kam To and Ma Tso Lung had been practising fishing and aquaponics. If the future vegetable co-op at Item J3 site was for the exclusive use by the local agriculture industry, its utilisation would be rather low. Efforts could be made to enhance its utilisation by accommodating activities and selling of local produce related to local fishery industry. This could raise public awareness of local agriculture and fisheries industries, enhance the industries' sustainability, reduce transportation cost for local produce and achieve urban-rural integration. To that end, it was considered that the "G/IC" zone at Item J3 site was not large enough. It was suggested to rezone the entire Area 37 as "G/IC" for mixed uses so as to create a spin-off effect to a wider area, e.g. setting up an eco-education/visitor centre to complement the LVNP, providing a community centre and public facilities uses to benefit the local community etc.; and
- (b) despite the "O" zoning for Area 37 having been designated since 1994, there had never been any concrete programme to implement the planned open space, and the area was being occupied by brownfield operations. That was not a desirable arrangement.

38. On the need for designating a site for vegetable co-op in Item J3 site, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides, replied that the original "G/IC" site reserved for the vegetable co-op would be affected by the new road alignment. There were currently three vegetable co-ops in KTN. The Agriculture, Fisheries and Conservation Department (AFCD) advised that there was a need to re-provision a larger "G/IC" site for the co-op to serve farmers in both KTN and a wider catchment.

Items K1 and K2

39. A Member raised the following questions:

- (a) the basis of the PR restriction of 3.5 for the “R(B)” zone abutting the Items K1 and K2 sites; and
- (b) the reason why R26 would have a reasonable expectation for a higher PR of 4.2 on its land.

40. On the PR restriction for the said “R(B)2” zone, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides, made the following main points:

- (a) the R26 site was zoned “R(B)” subject to a PR of 3.5. To take forward the Government’s policy of intensifying the PR of housing sites (i.e. increased by 30% for public housing and 20% for private housing), planning permission under application No. A/KTN/93 had been granted in 2022 to relax the PRs of a number of public and private housing sites in KTN, in which the PR of all the “R(B)” sites (including the R26 site) was intensified from 3.5 to 4.2; and
- (b) to cater for the traffic demand as a result of the intensification of KTN NDA, the Road L4 in the eastern boundary of the R26 site had to be converted to a through road, which in turn would encroach onto the R26 site and reduce its site area accountable for PR calculation. Thus, the resultant GFA would decrease despite an increase in PR from 3.5 to 4.2.

41. On the claim of reasonable expectation for R26, Ms Pauline B.Y. Lam (representative of R26), with the aid of some PowerPoint slides, made the following main points:

- (a) due to the extension of Road L4 under Items K1 and K2, the R26 site which was previously of about 1.62 ha in area had been reduced to 1.28 ha and the GFA was correspondingly reduced from 67,960m<sup>2</sup> to 53,900m<sup>2</sup> (both at PR 4.2). Of all the “R(B)” sites in KTN, only the R26 site had a lowered GFA and flat yield after the intensification exercise; and

- (b) the representer had been making best endeavours to acquire the private land according to the original larger site boundary so as to pursue a land exchange application for a development quantum of 67,960m<sup>2</sup> GFA (at PR 4.2). The Board was invited to favourably consider the representer's proposal of designating a "R(B)3" zone for the remaining R26 site with a maximum GFA of 67,960m<sup>2</sup>, so as to maintain the original GFA and flat yield.

### Sustainability

42. A Member raised the following questions:

- (a) how the planning of KTN NDA had manifested the urban-rural integration principle; and
- (b) how the planning of KTN NDA would help to achieve the zero-carbon target.

43. With the aid of some PowerPoint slides and visualiser, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) the core urban developments (accommodating about 70% to 80% of the total population) would be within the catchment of the Kwu Tung Station and the existing rural and natural environment on the fringe would be preserved, with the latter comprising the indigenous village of Ho Sheung Heung and the extensive LVNP and the land zoned "AGR" to its north and south. The comprehensive pedestrian and cycle track network in the NDA would link up the town centre and the rural areas; and
- (b) whilst the KTN NDA in itself would not achieve zero-carbon, the NDA would be served by sustainable facilities such as a district cooling system. In addition, the comprehensive cycle track network together with some 1,600 bicycle parking spaces to be provided around Kwu Tung Station would encourage more environmentally friendly cycling and walking in the NDA.

Provision of GIC and Other Supporting Facilities

44. Some Members raised the following questions:

- (a) the provision and distribution of GIC facilities in KTN NDA; and
- (b) the timing for completion of Kwu Tung Station and population in-take of KTN NDA.

45. With the aid of some PowerPoint slides and visualiser, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) in the town centre, the Item C site was planned as a hub of civic activities and social services, comprising a government office, various social welfare facilities, a library, a sports centre, a community hall etc. The Item D site had been reserved for development of healthcare services. A multi-welfare services complex in Area 29 that included the rehousing for the elderly residents of Dills Corner Garden (in Item C site) was under construction. On the northwestern fringe, Area 10 was reserved for a police district headquarters with staff quarters in the Item E site and a stadium. Schools would also be provided in Area 22; and
- (b) the first population in-take would be in the commercial/residential site in Area 25 to the immediate south of Kwu Tung Station in 2026, and the Kwu Tung Station that would provide access to the East Rail Line would commence operation in 2027 tentatively. Since a public transport interchange would be provided in the commercial/residential development in Area 25, appropriate road-based transport would be arranged in the interim period.

Heritage Preservation

46. The Vice-Chairperson asked the following questions:

- (a) the location of the 70-year-old temple mentioned by the representer; and

- (b) whether the 70-year-old temple had been assessed for grading by Antiquities and Monuments Office (AMO) and whether it would be affected by the KTN NDA.

47. On the temple location, Mr Cheng Yu Wo (representative of R4 to R14, R16, R17, R24 and R25) responded that the temple (about 400ft<sup>2</sup> to 600ft<sup>2</sup> in area) was of traditional Chinese temple architecture and located near the NBA in Area 33. It was used for commemorative and religious purposes and also housed ashes of cremated bodies of the indigenous villagers' ancestors. No government department had visited the place for heritage assessment.

48. On the representer's proposal for preservation of the said temple, Mr Anthony K.O. Luk, DPO/FSYLE, with the aid of some PowerPoint slides and the visualiser, replied that in preparing the OZP, AMO had been consulted and a site survey was conducted to identify all graded built heritages, which were then stated in relevant section of the Explanatory Statement (ES) of the OZP. There was no information about the said temple in the ES. Area 33, where the representer claimed the temple was located, was zoned "OU(BTP)".

#### Land Resumption

49. Noting R15's claim that he only knew that his workshop site would be resumed by the Government when he saw the notice posted by CEDD in November 2022, a Member asked about the mechanism for notifying land owners affected by land resumption. In response, Mr Andrew C.W. Lai, Director of Lands (D of Lands), explained that:

- (a) the Government would resume private land planned for public works projects upon authorisation of the works by CE in C, in accordance with the provisions of the respective ordinance which the public works were related to, e.g. Roads (Works, Use and Compensation) Ordinance (Cap. 370), Lands Resumption Ordinance (Cap. 124) etc. Affected parties should have already learnt about the need for land resumption in preceding procedures, e.g. related to road works or NDA developments. LandsD would post land resumption notices within the land to be resumed and notify the affected land owners and occupiers.

LandsD would conduct a pre-clearance survey to register the affected business operators and the affected households in order to capture the occupation and status of the occupiers within the project area. The information so obtained would serve as a basis for assessment of eligibility for Government's ex-gratia compensation and rehousing arrangements for those residing/operating in the locality and would be genuinely affected or to be cleared by the project. According to the current practice, LandsD and the client works department would provide briefings to the affected persons about the dates they were required to move out to tie in with the works programme and details of compensation and rehousing arrangement etc.;

- (b) LandsD had started to engage social worker teams a few years ago to provide professional counselling services to the affected households and residents. For the affected business operators, the Development Bureau had set up a dedicated team to assist the affected business operators who wished to relocate their business. They were advised on how to seek assistance from relevant government departments if they wished to continue with their businesses in other suitable locations; and
- (c) LandsD had been identifying suitable government land for letting specifically to affected operators by way of short-term tenancy through restricted tender. For applications for erection of structures on the relocation sites, LandsD would accord priority to process the concerned land documents.

50. Mr Cheng Yu Wo (representative of R4 to R14, R16, R17, R24 and R25) responded that:

- (a) the affected operators had encountered difficulties in identifying suitable land to reprovision their businesses, particularly when many public works projects were being implemented in full swing. Even if sites were identified, they still had to go through tedious processes to secure approvals from multiple government departments for setting up the new operations; and



- (b) the social worker team engaged by LandsD was unable to provide satisfactory answers on compensation and rehousing matters.

51. 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 commenter and their representatives and the 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

52. The Chairperson highlighted that the overall land use planning for KTN NDA had been established back in 2015 in the first version of the OZP. The current round of amendments focused on a few rezonings, e.g. rezoning of economic land to private residential use (Items A and B), relaxing BHRs or reconfiguration of "G/IC" sites (Items C, D, E and F), rezoning some private land at the R26 site for public road purpose (Items K1 and K2), slight boundary adjustment of some zonings (Items J1, J2 and J3) etc. She then invited views from Members.

53. Members generally supported or had no objection to the amendment items, including the land uses and development parameters, and the relevant Notes to the OZP.

#### *Items J1 and J2*

54. A Member said that R15 had ceased the operation of the rattan workshop in Hong Kong and had sub-let part of his land to other companies. Since there was a genuine need to revise the road alignment, Items J1 and J2 to reflect the changes were justified and supported.

### *Item J3*

55. A few Members doubted the need for reserving a “G/IC” site for the vegetable co-op and the land use compatibility of such use adjacent to the proposed business and technology park. A Member said that with improvement in transport infrastructure, the traditional function of vegetable co-op as a venue for wholesalers to collect vegetables from individual farmers had become outdated and, nowadays, individual farms would even directly deliver their produce to customers. Also, the existing vegetable co-op premises were seldom utilised for the intended purpose and was often only used for social gatherings. There was no objection to designate a “G/IC” site under Item J3 but it was not justifiable to spend public money to construct a new two-storey building for the vegetable co-op without a genuine need.

### *Sustainability*

56. A Member opined that since the first OZP for KTN NDA in 2015, there were changing planning circumstances and the current round of amendments was justified. To provide a model for the Northern Metropolis on sustainable development, KTN NDA offered a perfect platform to try out various more advanced sustainability principles, e.g. urban-rural integration, zero-carbon target etc.

### *Public Consultation*

57. A Member expressed that in various hearings, many persons affected by land resumption had complained that they were only informed by the Government in short notice. In general, many ordinary citizens would not be familiar with the land resumption workflow and would be worried about the way forward.

58. The Chairperson remarked that no large-scale land resumption exercise had been mounted by Government for long until the clearance operation making way for KTN NDA started several years ago. During the course of land resumption for KTN NDA, the Government had re-gained experience in communicating with and attending to the needs of affected residents and operators and would continue to seek improvements. The Board’s plan-making process was an open and transparent process, and much information about the KTN NDA development was already available in the public domain. Also, submission of

objections to land resumption was provided for under relevant ordinances and the Government team would meet with the objectors to try to resolve disagreement. As such, there were many opportunities along the process for persons concerned to voice out their views. In carrying out the actual land resumption work on ground, the community liaison teams engaged by Government would help to disseminate information and resolve disputes.

59. In response to a Member's suggestion of enhancing the dissemination of information about the land resumption process, the Chairperson replied that according to the current practice, the affected persons would be informed of their dates to vacate and the rehousing arrangement (if eligible) well in advance. D of Lands supplemented that LandsD had been disseminating information about land resumption through different means, e.g. leaflets, public briefings, videos, information kit for specific affected parties etc.

60. D of Plan said that the KTN NDA development had a long history and widely covered in the media. In 2008, the study on North East New Territories NDA commenced and three stages of full-fledged public consultation exercises and numerous local briefings had been undertaken. In 2013 when the first OZP was gazetted, over 20,000 representations were received and many sessions of representation hearing had been held by the Board. Hence, the locals should be fully aware of the NDA development and the need for resumption of their land.

61. The Chairperson concluded that Members generally supported the OZP amendments and agreed that the OZP should not be amended to meet the adverse representations and that all grounds of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting. Regarding the need to re-provision the vegetable co-op in Item J3 site, PlanD should further consult AFCD to affirm the need to reserve the site for such use.

62. After deliberation, the Town Planning Board (the Board) decided not to uphold R1 to R26 and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

“Items A1 and B1

- (a) Items A1 and B1 sites are considered suitable for residential use. They are well connected to the planned residential and Government, institution and community cluster in the Kwu Tung North New Development Area (KTN NDA). The Sites are convenient and in proximity to the planned Kwu Tung Station. The high-tech jobs are shifted to San Tin Technopole which is only one station away from KTN NDA to be linked up by Northern Link. In order to provide more job opportunities within KTN NDA, the government has proposed to build a government office (GO)/community complex at Item C Site **(R2)**;
  
- (b) an Ecological Impact Assessment has been conducted for the rezoning of Items A1 and B1 from Business and Technology Park use to residential use and confirmed that the ecological impacts are anticipated to be minor and similar to those under the previous “Other Specified Uses” annotated “Business and Technology Park” zoning. With the implementation of mitigation measures at detailed design stage, potential ecological impacts would be minimised **(R2)**;

Items C, D1 and D2

- (c) Item C site is located in a strategic location with high accessibility. The building height restriction (BHR) of Item C site was relaxed to increase the provision of GO and community and social welfare facilities, such as community hall, sports centre, library and post office, to serve the NDA and wider areas **(R1 and R2)**;
  
- (d) to provide more job opportunities, the government has proposed to build a GO/community complex in Item C site, which is also the government’s initiative to take the lead to relocate more jobs to the Northern Metropolis including KTN NDA **(R2)**;
  
- (e) the relaxation of the BHR of Item C site is considered not incompatible with the surroundings. The holistic building height profile of the NDA stepping down from the Town Centre towards the periphery and Sheung Yue River is still largely respected. Technical assessments had been conducted to ascertain that

there would be no significant adverse impacts arising from the relaxation of BHR. Terraced podium with retail frontage is not appropriate for the GO development **(R1)**;

- (f) the planned roads abutting the sites are wide enough to serve as one of the major wind corridors in the area. The Air Ventilation Assessment-Initial Study shows that upon implementation of the established air ventilation measures, e.g. breezeways/air paths, non-building areas and terraced podium design as set out in the Outline Zoning Plan (OZP), the proposed development would not result in significant adverse air ventilation impact to the overall pedestrian wind environment in the surrounding areas **(R1)**;
- (g) the new contract elderly homes in the multi-welfare services complex for rehousing the elderly residents at Dills Corner Garden are separated from but close to the community facilities (e.g. healthcare facilities) which can be easily accessed **(R2)**;

#### Items E1 and E2

- (h) provision of dedicated staff quarters to disciplined services is in line with the government's established policy. The relaxation of BHR of Item E1 site and rezoning of Item E2 site would provide more quarter units to alleviate the acute shortfall and provide more design flexibility for the sites **(R2)**;

#### Items F1 and F2

- (i) the amendment item, with a small area of about 355m<sup>2</sup>, was to reflect the existing railway related facilities as covered by the vesting boundary of the Lok Ma Chau Spur Line. The minor areas involved would not affect the provision of GIC facilities in KTN NDA which are generally adequate to meet the demand **(R3)**;

#### Items G1 and G2

- (j) Items G1 and G2 are to take forward the decision of the Rural and New Town Planning Committee on the partially agreed s.12A application No. Y/KTN/2 to rezone the site from "Comprehensive Development Area" to "Residential

(Group B)2” and “Residential (Group C)1”. A Conservation Management Plan should be devised and implemented to properly manage changes of uses and conservation of the Enchi Lodge and the requirement has been stated in the Explanatory Statement of the OZP. The existing drug addict counselling and rehabilitation services provided at the Enchi Lodge would be relocated (**R2**);

- (k) the potential visual impact of the proposed development is considered not substantial in the wider context. Taking into account the surrounding context and building height (BH) profile descending from Town Centre towards Item G1 site, the proposed BH for the site is considered in line with the district planning context (**R2**);
- (l) the proposed development at Items G1 and G2 sites would only bring about 1,700 new population. The induced impact on railway capacity would be insignificant (**R3**);

#### Items J1 and J2

- (m) Items J1 and J2 sites and the surrounding warehouses are within the Remaining Phase of KTN NDA, which would be resumed by the government, as appropriate, from 2024 tentatively. As a result, there would be no interface between the proposed petrol filling station (PFS) and the warehouses (**R15**);
- (n) the design and construction of the proposed PFS should fulfill the requirements of relevant regulations and guidelines, including safety. In view of the distance between the proposed PFS and Sheung Yue River, adverse environmental impact to Sheung Yue River is unlikely and insignificant (**R15**);

#### Item J3

- (o) Item J3 site was rezoned from “Open Space” to “Government, Institution or Community” to be reserved for vegetable marketing co-operative societies. The public consultation on the proposed amendments to the OZP has been duly followed in accordance with the Town Planning Ordinance (**R16**);

Items K1 and K2

- (p) Items K1 and K2 sites are mainly to reflect the approved road layout and design authorised by Chief Executive in Council. The new alignment provides a through traffic to link up with Ho Sheung Heung Road which is essential to support the additional population in KTN NDA (**R26**);
- (q) according to the Environmental Review conducted by Civil Engineering and Development Department for the subject rezoning, adverse traffic noise and air quality impacts are not anticipated. Mitigation measures, including a 3m-high vertical noise barrier at Road L4, would be implemented for Items K1 and K2 sites (**R26**);

Items A2, B2, H1, H2, L1, L2, M1, M2 and M3

- (r) the amendments are technical in nature to mainly reflect the authorised road alignments/existing condition and corresponding adjustment to the land use zonings (**R2**); and

Other Aspects

- (s) land resumption, compensation and rehousing arrangements will be dealt with separately by the government in accordance with the prevailing policies and established mechanism (**R4 to R14 and R16 to R25**).”

63. The Board also agreed that the draft Kwu Tung North 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.

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

[Messrs Franklin Yu and Vincent K.Y. Ho joined the meeting at this point.]

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representation and Comment in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/25

(TPB Paper No. 10896)

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[The item was conducted in English and Cantonese.]

64. The Secretary reported that one of the amendments was to take forward the decision of the Rural and New Town Planning Committee of the Board (RNTPC) on an agreed s.12A application No. Y/MOS/6 submitted by Towerich Limited, which was a subsidiary of Cheung Kong Hutchison Holdings Limited (CKHH). The following Members had declared interests on the items:

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

Mr K.L. Wong - owning a property in Ma On Shan.  
*(as Chief Traffic Engineer,  
New Territories East,  
Transport Department)  
(CTE/NTE, TD)*

65. Members noted that Dr Conrad T.C. Wong had tendered an apology for being unable to attend the meeting. Members also agreed that as the property owned by Mr K.L. Wong (as CTE/NTE, TD) did not have direct view of the amendment sites, he could stay in the meeting.

**Presentation and Question Sessions**

66. The Chairperson said that notification had been given to invite the



representer/commenter to attend the hearing. The following government representatives and the representer/commenter were invited to the meeting at this point:

### **Government Representatives**

#### *Planning Department (PlanD)*

- |                       |  |
|-----------------------|--|
| Ms Margaret H.Y. Chan | - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN) |
| Ms Hannah H.N. Yick   | - Senior Town Planner/Shan Tin, Tai Po & North (STP/STN)       |

### **Representer/Commenter**

#### R1/C1 – Mary Mulvihill

- |                   |                             |
|-------------------|-----------------------------|
| Ms Mary Mulvihill | - Representer and Commenter |
|-------------------|-----------------------------|

67. 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 representation and comment. The representer/commenter would then be invited to make oral submission. To ensure efficient operation of the hearing, the representer/commenter would be given a total of 20 minutes for making presentation. There was a timer device to alert the representer/commenter 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 representer/commenter had completed the oral submission. Members could direct their questions to the government representatives or the representer/commenter. After the Q&A session, the government representatives and the representer/commenter would be invited to leave the meeting. The Board would then deliberate on the representation and comment in their absence and inform the representer/commenter of the Board's decision in due course.

68. The Chairperson invited PlanD's representatives to brief Members on the representation and comment.

69. With the aid of a PowerPoint presentation, Ms Hannah H.N. Yick, STP/STN, briefed Members on the representation and comment, including the background of the

amendments, the grounds/views/proposals of the representer/commenter, planning assessments and PlanD's views on the representation and comment as detailed in TPB Paper No. 10896 (the Paper). The amendments were:

- (a) Item A -  
rezoning of a site on On Chun Street from "Other Specified Uses" annotated "Hotel" ("OU(Hotel)") to "Residential (Group A)12" ("R(A)12") subject to a maximum plot ratio (PR) of 7.0 and building height restriction (BHR) of 50mPD, to take forward a s.12A application (No. Y/MOS/6) agreed by the RNTPC on 26.2.2021;
- (b) Item B -  
rezoning of a site in the southwestern part of Whitehead headland from "Comprehensive Development Area (2)" ("CDA(2)") to "Residential (Group C)4" ("R(C)4") subject to a maximum gross floor area (GFA) of 40,000m<sup>2</sup> and BHR of 50mPD, to reflect the completed development;
- (c) Item C -  
rezoning of a site in the southeastern part of Whitehead headland from "CDA(3)" to "R(C)5" subject to a maximum GFA of 36,000m<sup>2</sup> and BHR of 58mPD for majority of the site and BHR of 2 storeys for a 15m-wide strip of land as a visual/air ventilation corridor, to reflect the completed development; and
- (d) Item D -  
rezoning of an area on Ma On Shan Road from "Other Specified Uses" annotated "Pedestrian Link with Retail Facilities" to an area shown as 'Road', to remove an obsolete footbridge alignment.

70. The Chairperson then invited the representer/commenter to elaborate on the representation and comment.

R1/C1 – Mary Mulvihill

71. Ms Mary Mulvihill made the following main points:

Item A

- (a) based on her extensive experience in the hotel and tourism sectors, she objected to Item A;
- (b) Hong Kong would face a declining property market. There would be a surplus of about 50,000 units by end of the year, in addition to the estimated vacant stock of about 200,000 units;
- (c) the Commissioner for Tourism had a responsibility to ensure adequate supply of hotel rooms to cater for business and tourist visitors and local population;
- (d) much of the waterfront in Ma On Shan had been developed and there would be little chance of another waterfront site for hotel use in the near future;
- (e) the Visitor and Tourism Study for Hong Kong (the Vistour Study) completed in 1995 indicated that there were insufficient hotel rooms and recommended an action plan to create new tourism nodes, e.g. in Sha Tin. Taking forward that recommendation, the Item A site was previously rezoned to “OU(Hotel)” in 1996 and the hotel development was completed in 2002;
- (f) despite the recent increase in visitors to Hong Kong, a few hotels were being redeveloped. During the covid years, the average occupancy rate of the hotel at Item A site was about 95%, with about 99% being locals and about 1% being tourists. That suggested that the hotel mainly provided short-term residency for locals. If the hotel rooms were sold as residential units, there would be no accommodation in Ma On Shan for those people;
- (g) putting the ‘hotel’ use under Column 2 of the “R(A)12” zone would mean that the hotel element would eventually be diminished;
- (h) the Item A site was a prime waterfront site, ideal for a hotel with food and beverage outlets with open terraces. A hotel with nice seaview that was carefully designed and well managed would be a magnet for both visitors and locals. There was a strong local demand for staycations;

- (i) the previous “OU(Hotel)” zoning should be retained. Compared with other parts of the waterfront promenade, the section fronting the Item A site was very narrow with no amenity facilities, making that section of the promenade uninteresting. Efforts should be made to transform the hotel’s waterfront into an iconic and landmark focal point for the community; and
- (j) as compared to a residential development, a hotel could provide much more job opportunities, particularly part-time jobs that would appeal to parents with schooling children. It would also stimulate the development of various supporting services.

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

Item A

73. The Vice-Chairperson and some Members raised the following questions:

- (a) the rationale for previously rezoning the Item A site as “OU(Hotel)”;
- (b) whether the Item A site was considered also suitable for hotel development;
- (c) whether planning permission would be required if the Item A site was used as hotel under the “R(A)12” zoning; and
- (d) the occupancy rate of the existing hotel.

74. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN made the following main points:

- (a) the Vistour Study conducted in 1995 revealed that insufficient hotel rooms at that time would hinder further growth of the tourism industry and recommended

various places including Sha Tin could be developed as a new tourism node. Subsequently, two sites specifically for hotel use were identified, i.e. the Item A site in Ma On Shan and a site on Ma Tau Pa Road, Tsuen Wan. The site in Tsuen Wan had earlier been rezoned from “OU(Hotel)” to facilitate a comprehensive commercial and residential development. In Sha Tin and Ma On Shan, after completion of the subject hotel in 2002, three other hotels had been developed, including a hotel permitted as of right in the “Commercial” zone and two approved by way of s.16 applications in sites zoned “Government, Institution or Community” (“G/IC”) and “Industrial (1)”. There was flexibility built in the planning system to allow hotel development in appropriate zones and specific “OU(Hotel)” zoning needed not to be retained ;

- (b) the Item A site was previously zoned “OU(Hotel)” as it was considered suitable for hotel development in light of the Vistour Study. It was then rezoned to “R(A)12” to take forward the s.12A application agreed by the RNTPC on 26.2.2021. Since the site abutted the waterfront promenade and was surrounded by residential developments with a comprehensive provision of Government, institution and community (GIC) facilities and open space network, it was suitable for both hotel and residential uses;
- (c) in the agreed s.12A scheme, the applicant intended to have some residential use at Item A site through partial conversion or wholesale conversion of the existing hotel building. According to the applicant’s indicative schemes, the partial conversion scheme would provide about 637 residential units and 194 hotel rooms, and the full conversion scheme would provide about 758 residential units after demolishing one existing floor to comply with the Building (Planning) Regulations. Both schemes would require lease modification. Under the “R(A)12” zoning, planning permission would not be required for continuing hotel use in the existing building. However, planning permission would be required for a new hotel through redevelopment; and
- (d) the existing hotel had a near full occupancy rate, and it was noted that the hotel offered flexible terms of accommodation, e.g. short-term stay, long-term stay etc.

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

### Deliberation Session

76. The Chairperson said that the amendments were merely to reflect the existing completed developments and an agreed s.12A scheme for residential development through wholesale/partial conversion of an existing hotel. She then invited views from Members.

### Item A

77. A Member expressed that since the Item A site was also suitable for hotel use as explained by DPO/STN and assuming no substantial change to the site context in the foreseeable future, the zoning for Item A site should also permit hotel use as of right without the need for planning permission.

78. In response to the same Member's enquiry on whether planning permission was required for a hotel-cum-residential development at the site, the Secretary responded that:

- (a) the "R(A)12" zone with hotel as a Column 2 use was proposed by the applicant and agreed by RNTPC under the s.12A application (No. Y/MOS/6), with support of technical assessments. The impacts of a new hotel development had not been assessed; and
- (b) if the hotel-cum-residential development was pursued through partial conversion of the existing hotel building, no planning permission would be required. If upon redevelopment, the hotel use would no longer be an 'existing use', and the hotel component should comply with the terms of the OZP and would require planning permission.

79. The Chairperson said that designating the Item A site with a residential zoning reflected that the planning intention was more for residential use on the site. A Member concurred and expressed that Item A was to reflect the s.12A application submitted by the applicant and agreed by RNTPC. If the applicant would like to redevelop a new hotel, it could be allowed through s.16 planning application under the “R(A)12” zoning.

Items B, C and D

80. Members generally had no comment on Items B, C and D, noting that the former two were to reflect two completed residential developments and the latter was to reflect the removal of an obsolete footbridge alignment.

81. The Chairperson concluded that Members generally supported the OZP amendments and agreed that the OZP should not be amended to meet the adverse representation and that all grounds of the representation and comment had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

82. After deliberation, the Town Planning Board (the Board) noted the views of **R1** on Items B and D and decided not to uphold R1 related to Item A and agreed that the draft OZP should not be amended to meet the representation for the following reason:

“Item A site is within a residential neighbourhood with various community facilities and open space, and well served by various public transport modes. Residential development is compatible with the surrounding areas and the “R(A)12” zoning is suitable for the site.”

83. The Board also agreed that the draft 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.

[Messrs Andrew C.W. Lai and Stephen L.H. Liu left the meeting at this point.]

[The meeting was adjourned for lunch break at 1:20pm.]

84. The meeting was resumed at 2:15 p.m.

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

Permanent Secretary for Development  
(Planning and Lands)  
Ms Doris P.L. Ho

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Dr C.H. Hau

Miss Winnie W.M. Ng

Mr Stanley T.S. Choi

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Roger C.K. Chan

De Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Chief Traffic Engineer/New Territories East  
Transport Department  
Mr K.L. Wong

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

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

Director of Planning  
Mr Ivan M.K. Chung



**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 5**

[Open Meeting (Presentation and Questions only)]

Consideration of Representations and Comment in respect of the Draft Fanling North Outline Zoning Plan No. S/FLN/3  
(TPB Paper No. 10895)

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[The item was conducted in Cantonese and English.]

86. The Secretary reported that the amendments of the draft Fanling North (FLN) Outline Zoning Plan (the OZP) involved, amongst others, proposed public housing developments (Amendment Items (Items) C1 and C5) to be implemented by the Hong Kong Housing Authority (HKHA), of which the Housing Department (HD) was the executive arm. The proposed public housing developments were supported by various technical assessments conducted by the Civil Engineering and Development Department (CEDD). The following Members had declared interests on the item:

- |  |   |   |
|--|---|---|
| Mr Andrew C.W. Lai<br>( <i>as Director of Lands</i> )                                    | - | being a member of HKHA;   |
| Mr Paul Y.K. Au<br>( <i>as Chief Engineer<br/>(Works), Home Affairs<br/>Department</i> ) | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA; |
| Mr Franklin Yu   | - | being a member of the Building Committee and Tender Committee of HKHA;  |
| Dr C.H. Hau  | - | conducting contract research projects with CEDD;  |
| Dr Conrad T.C. Wong  | - | having current business dealings with HKHA;   |

- Mr Timothy K.W. Ma - being a member of the Supervisory Board of HKHS, which currently had discussion with HD on housing development issues;
- Mr Daniel K.S. Lau ]  
Ms Lilian S.K. Law ] being a member of HKHS, which currently had discussion with HD on housing development issues;
- Mr K.L. Wong - being a member and ex-employee of HKHS, which currently had discussion with HD on housing development issues; and
- Miss Winnie W.M. Ng - being the director and shareholder of The Kowloon Motor Bus Co (1933) Ltd.

87. Members noted that Dr Conrad T.C. Wong, Messrs Daniel K.S. Lau and K.L. Wong had tendered apologies for not being able to attend the meeting, and Messrs Andrew C.W. Lai and Franklin Yu had already left the meeting. Members agreed that as Dr C.H. Hau, Mr Timothy K.W. Ma and Ms Lilian S.K. Law had no involvement in the proposed public housing developments, they could stay in the meeting. Noting that the interest of Miss Winnie W.M. Ng was related to Item B regarding the “Other Specified Uses” annotated “Bus Depot” (“OU(Bus Depot)”) zone, Members agreed that she could stay in the meeting but should not participate in the discussion related to Item B. As the interest of Mr Paul Y.K. Au was direct, he was invited to leave the meeting temporarily for the item.

[Mr Paul Y.K. Au left the meeting at this point.]

#### Presentation and Question Session

88. The Chairperson said that notifications 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.

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

**Government Representatives**

***Planning Department (PlanD)***

- |                      |   |
|----------------------|---|
| Mr Anthony K.O. Luk  | - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE) |
| Mr Patrick M.Y. Fung | - Senior Town Planner/Fanling, Sheung Shui & Yuen Long East (STP/FSYLE)       |
| Ms Winsome W.S. Lee  | - Town Planner/Fanling, Sheung Shui & Yuen Long East                          |

***CEDD***

- |              |                   |
|--------------|-------------------|
| Mr Henry Lam | - Senior Engineer |
|--------------|-------------------|

***HD***

- |             |                           |
|-------------|---------------------------|
| Ms Alice Lo | - Senior Planning Officer |
| Ms Ada Wong | - Planning Officer        |

***Atkins***

- |                |               |
|----------------|---------------|
| Mr Sean Wong   | ] Consultants |
| Mr Brian Fung  | ]             |
| Ms Pandora Tse | ]             |
| Mr Peter Chan  | ]             |
| Mr S.H. Li     | ]             |

**Representers and Commenter**

**R3 – Lit On Pong**

- |                |               |
|----------------|---------------|
| Mr Lit On Pong | - Representer |
|----------------|---------------|

**R4 – Mo Sin Leung**

- |                 |               |
|-----------------|---------------|
| Mr Mo Sin Leung | - Representer |
|-----------------|---------------|

R5 – Leung Tat Tung

Mr Chan Chi Sing ] Representers' Representatives

Mr Wu Yuk Kwong ]

Mr Liu Hung Cheung Jim ]

Mr Sze Cho Wing ]

R6/C1 – Mary Mulvihill - Representer and Commenter

Ms Mary Mulvihill

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 comment. The representers, commenter and representer's representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer, commenter or representer's representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representers, commenter or representer's 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 representer's representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenter and representer's representatives. After the Q&A session, the government representatives, the representers, commenter and representer's representatives would be invited to leave the meeting. The Town Planning Board (the Board/TPB) 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.

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

92. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FSYLE, briefed Members on the representations and comment, including the background of the draft OZP, the grounds/views of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in TPB Paper No. 10895 (the Paper).

[Miss Winnie W.M. Ng joined the meeting during the presentation by PlanD.]

93. The Chairperson then invited the representers, commenter and representer's representatives to elaborate on their representations/comment.

R3 – Lit On Pong

94. With the aid of visualizer and videos, Mr Lit On Pong made the following main points:

- (a) he objected to Item A. Noting PlanD's responses to his representation, he said that the proposed development at Item A Site did not address the ecological concern in FLN area. The cumulative impacts induced by developments in FLN area over the years were serious and there had not been any planning for ecological restoration. There was presence of many migratory birds in the North District, but PlanD had never planned for the habitats of these migratory birds;
- (b) Fu Tei Au Tsuen (FTAT) possessed rich ecological resources as shown in the videos, photos and newspaper cuttings. There were a lot of rare species in FTA area, including *Rhagophthalmus motschulskyi* (莫氏光螢蟲), *Pyrops watanabei* (白蠟蟬), and moth species under the subfamily of Sterrhinae (姬尺蛾). While *Rhagophthalmus motschulskyi* (莫氏光螢蟲) was a rare species with estimated number of less than 300 in Hong Kong as a whole, there was a record of 120 of them in FTAT. The Board should consider whether these rare firefly species could be preserved and if the proposed logistics facility at Item A Site would affect all these existing natural habitats in FTAT;
- (c) he had been undertaking environmental conservation and education works in FTAT for many years, such as planting of trees to create habitats to compensate for the loss of habitats due to developments. Such efforts in environmental conservation and education were particularly important for younger generations of Hong Kong. If conservation was not the emphasis during the development process, our next generations' right to see the valuable ecological/heritage features would be deprived;

- (d) Item A would definitely destroy the natural habitats in FTAT and cause negative impacts on Long Valley. The Board should consider retaining the area to the west of Man Kam To Road as conservation area to preserve the local habitats and promote the education of environmental protection; and
  
- (e) during the course of study for the North East New Territories New Development Areas (NDAs) (the NENT Study), the FTAT Concern Group (虎地坳村關注組) had a meeting with the Development Bureau (DevB), CEDD, Lands Department (LandsD) and PlanD at the North District Government Offices. At that meeting, the villagers conveyed that they were not informed of the development proposals under the NENT Study, and he questioned why PlanD had not followed up on villagers' complaint at that time. The North District Council (NDC), Sheung Shui District and Fanling District Rural Committees did not fully perform their functions in disseminating information to the affected local stakeholders or representing them during the development process, and that was unfair to the local stakeholders.

#### R4 – Mo Sin Leung

95. With the aid of PowerPoint presentation and visualizer, Mr Mo Sin Leung made the following main points:

- (a) he was a villager of FTAT. He objected to Item A;
  
- (b) according to PlanD, Item A Site was originally reserved for the facilities of Hong Kong Police Force (HKPF) and since the facilities would be consolidated and relocated to Kong Nga Po, the Site could be rezoned for the proposed logistics facility. However, PlanD did not mention in the relevant documents about the reasons why the HKPF facilities were relocated to Kong Nga Po. The reason of the relocation was to preserve the entire village area of FTAT in response to the villagers' request. While the area abutting the eastern fringe of Item A Site was required for

road works, on which the villagers had no dispute, the Government had agreed not to resume the land in the western part of the Site (i.e. area to the west of the nullah running across Item A Site) and would discuss with villagers regarding its long-term use. Besides, the villagers of FTAT had requested to meet with the Government regarding the development proposals for Item A Site via the Social Service Team for many times, but the requests were not acceded to;

- (c) FTAT was already surrounded by highly-polluting industrial operations, including Sheung Shui Treatment Works and Fresh Water Pumping Station to the north, a plastic factory to the southeast, the expansion of the existing Shek Wu Hui Sewerage Treatment Plant to the south, Sheung Shui Slaughter House to the southwest, and an asphalt plant to the further northwest. Item A Site to the east of FTAT was the only vacant land left around FTAT;
- (d) brownfield operations would generate various kinds of pollution, including air, noise, water and visual, and there was a lack of control of these operations by the Government. Although the Environmental Review conducted in support of the OZP amendments concluded that the rezoning proposal of Item A was acceptable from the environmental perspective, it was doubted whether relocating the polluting brownfield operations into multi-storey logistics facility could resolve all pollution problems and whether the future operators in the logistics facility would follow the relevant legislations in relation to environmental protection. The Government would need to exercise effective control over the future operations of the logistics facility. Lesson should be learnt from the experience of the asphalt plant at Hung Kiu San Tsuen;
- (e) riverside promenade was planned along Ng Tung River, therefore it was necessary to keep the area visually open, and the views towards the mountain backdrop of Cham Shan (杉山) and Wa Shan (華山) along Ng Tung River should be maintained. The proposed logistics facility at Item A Site was located adjacent to Ng Tung River and would block wind

penetration in the area and create adverse visual impact;

- (f) the Landscape and Visual Impact Assessment (LVIA) in support of the OZP amendments was conducted in a subjective and non-scientific manner without any quantitative assessment to back up the conclusion. There were also many discrepancies found in the LVIA, e.g. Appendix C (Photomontages) of Appendix 1 of the LVIA. As the fundamental assessment methodology, such as the criteria of “Magnitude of Change” and the assessment location of “Sensitivity Public Viewer”, were determined from unknown basis and the assessment results could be varied from different assessors, the creditability of the LVIA was questionable. Besides, the conclusion of the LVIA was contradicting, for it was stated that while there was a noticeable change in building height, the visual impact was only moderate for Item A; and
- (g) PlanD responded that Items A and B were located at the fringe of the FLN NDA and distanced away from the major village settlement of FTAT of about 400m. However, the distance between the two items and FTAT should be around 200m only based on his measurement. PlanD intentionally lenified the impacts of the proposed development at Item A Site on FTAT.

#### R5 – Leung Tat Tung

96. With the aid of visualizer, Mr Liu Hung Cheung Jim made the following main points:
- (a) he represented Shek Wu San Tsuen and requested the Board to extend the consultation period for the OZP so as to allow time for them to review the Discussion Paper (No. 30/2022) of the NDC on the proposed amendments to the draft Fu Tei Au and Sha Ling OZP in relation to the proposed Wa Shan Public Housing Development discussed in the NDC meeting on 13.12.2022;
  - (b) the plans in the Paper were inaccurate with information missing. It was



noted that the “Residential (Group A)” (“R(A)”) zone for the proposed Wa Shan Public Housing Development was only shown on Plan H-2b of the Paper but not on other plans in the Paper;

- (c) according to the NDC Discussion Paper (No. 30/2022), the proposed Wa Shan Public Housing Development with a building height of 170mPD would provide about 4,200 units. Shek Wu San Tsuen faced the same concerns of Fu Tei Au Tsuen as the new developments would pose negative impacts on the air ventilation of the Shek Wu San Tsuen and the nearby mountain backdrop;
- (d) it was doubted whether the OZP amendments had taken into account the impacts brought by the proposed Wa Shan Public Housing Development, in particular the traffic impact due to the increased population of about 12,000 and whether the transport infrastructures, such as Fanling Bypass, could cope with the increased traffic demand; and
- (e) Item D Site was situated on a swampy area and it was doubtful whether geotechnical issue was adequately assessed. It was also uncertain whether the site formation works for Wa Shan Public Housing Development had taken into account its impacts on the adjacent burial ground and residential dwellings nearby.

R6/C1 – Mary Mulvihill

97. With the aid of visualizer, Ms Mary Mulvihill made the following main points:

- (a) her representation and comment had been listed as “providing views” in the Paper, but they were actually objections to the OZP amendments. It was difficult to make comment on the OZP amendments with inadequate information provided;
- (b) no layout plan was provided to illustrate the proposed logistics facility under Item A and according to the photomontage, a monstrous wall effect

of the proposed facility was shown. The Item A Site was partially vegetated but there was no indication on whether the existing trees would be retained. Hence, the objections from the villagers of FTAT were supported;

- (c) no layout plan was provided to illustrate the proposed bus depot at Item B Site and the photomontage of which showed that the building height of the proposed development at Item B Site would be even taller than that at Item A Site. There was no information on the future arrangement of the proposed bus depot and whether it would be owned and managed by the Government. It appeared that the bus companies had been allowed to use their depot sites for residential purpose, and new sites would need to be rezoned to allow for the construction of bus depots at public expense;
- (d) no layout plan nor indication on the type of recreational facilities was provided for the proposed development under Item C1. It was also uncertain whether the existing trees thereat would be retained. The need for more public housing was questionable, in particular given the report on the abuse of public housing resources. Instead of planning for new public housing developments, there should be a review on the utilisation of existing public housing resources to avoid the abuse;
- (e) for Items C2, C3 and C4, there were no details on the proposed developments, and presumably the community would support the proposed open space under Item C4;
- (f) the number of housing units of the public housing development under Item C5 was very high in relation to the size of the site. No master layout plan was provided to illustrate the recreational facilities and open space of the proposed development. According to the photomontage, there would be no at-grade open space and the extended podium implied that there would be no social interaction on street level at the proposed development;
- (g) there were no details for the proposed development under Item D and the

local villagers had indicated that they were also not informed of the details;

- (h) no layout plan was provided and it was doubtful how the reprovisioning of the North District Temporary Wholesale Market and the On Lok Mun Street Playground could be accommodated in one site (i.e. Item E3). The traffic generated by the wholesale market would generate pollution, environmental concerns as well as safety issues to the kids using the adjacent playground. There was no provision of quality open space in FLN area;
- (i) it was unacceptable to have further reduction in Government, Institution and Community (GIC) facilities, given the substantial deficits in provision of various types of facilities in relation to community, elderly and rehabilitation services in the area. In particular, there was no hospital planned for the FLN area and provision of health centre was inadequate;
- (j) the development of FLN NDA would lead to a drastic change in the character and extent of the existing views and the visual amenity of the locality. The panoramic views of rural landscape characterized by low-lying agricultural fields and village areas would be replaced by urban landscape with large-scale developments. The landscape and views towards the ridgeline in the area would be eliminated;
- (k) the issue of global warming and the pledge of reduction of carbon footprint were not mentioned in the reports in support of the OZP amendments. The findings of the air ventilation assessment (AVA) stating that the proposed developments would not cause significant ventilation impact on the existing built environment were questionable, and there was no concrete proposal on how to minimize the impacts on air ventilation due to the proposed developments; and
- (l) there were many unsold housing units in the market due to the drop in demand. There was clearly no urgent need for more housing developments and hence, part of the Item C1 site should be used to

accommodate the proposed bus depot planned under Item B, such that the Item B site could be used for district community facilities with open space to address the local need.

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

#### *Information in the Paper*

99. In response to a Member's question regarding the accuracy of the plans attached to the Paper, Mr Anthony K.O. Luk, DPO/FS&YLE, said that the proposed Wa Shan Public Housing Development was located within the boundary of the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/17 exhibited on 28.4.2023, and was therefore not shown on Plan H-1 of the Paper which intended to show only the FLN OZP. It was indicated on Plan H-2b of the Paper as a background information. The Chairperson remarked that the draft Fu Tei Au and Sha Ling OZP with amendments was exhibited on 28.4.2023 for public inspection and representation for a statutory period of two months, and if the representer or representer's representatives had any comment on the amendments in relation to the proposed Wa Shan Public Housing Development, they were welcomed to submit written representation to the Secretariat of the Board within the statutory period.

#### *Visual Aspect*

100. Noting that a representer (R4) considered the visual impact assessment (VIA) (part of the LVIA) in support of the OZP amendments subjective and non-scientific with factual errors, a Member invited R4 to elaborate on the errors he had identified and two Members asked the government representatives if there was any objective methodology or guidelines for conducting the LVIA and any factual inaccuracy in the information presented in the LVIA.

101. In response, with the aid of visualizer, Mr Mo Sin Leung (R4) reiterated that the

assumptions in the LVIA were subjective, in particular the assessment on the scale of the proposed developments. There were also no criteria for the selected viewing points for the photomontages. For the photomontage at Appendix C (Photomontages) of Appendix 1 of the LVIA, the annotations for Sites 4 and 5 were wrong, and the scale of the proposed development at Site 4 as shown had been reduced.

102. In response, with the aid of some PowerPoint slides and visualizer, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) the VIA in support of the OZP amendments was conducted with reference to the TPB Guidelines on Submission of VIA for Planning Applications to the TPB (TPB-PG-No. 41), which provided a set of guidelines on how to identify the assessment area, key public viewing points and visual elements, and how to appraise the visual changes and evaluate the overall visual impacts for a VIA;
- (b) as set out in the Guidelines, major factors including visual composition, visual obstruction, as well as effects on public viewer and visual resources had been taken into account in assessing the visual changes due to the OZP amendments and the evaluation of the overall visual impact was substantiated by reasoned professional judgement and illustrative materials;
- (c) unlike air ventilation impacts which could be assessed quantitatively using computer model, visual impacts of a development and the assessment results of a VIA could hardly be quantifiable. Notwithstanding this, the Urban Design and Landscape Section of PlanD, who had extensive experience in handling VIA reports over years, had reviewed the VIA and considered the findings and mitigation measures acceptable. Hence, the VIA in support of the OZP amendments was not merely a subjective judgement by the consultant, but was conducted with reference to objective guidelines and the assessment findings had been accepted by professionals; and

- (d) while the proposed developments under the OZP amendments might induce certain visual impacts on its surrounding areas, yet the impacts could be alleviated by adopting mitigation measures such as building setbacks, building separations and façade treatment. In fact, the overall development scale of FLN NDA was similar to the adjacent Fanling/Sheung Shui New Town.

103. Concerning factual accuracy of the VIA, Mr S.H. Li of Atkins supplemented that the annotations of Site 4 and Site 5 as shown in the photomontage A2 of the LVIA report (i.e. the one mentioned by R4) should be swapped. Apart from this annotation error, other elements as shown in the photomontage A2 including the view extent and corresponding scale of the proposed buildings were correct.

#### *Air Ventilation Aspect*

104. A Member, noting that few representers mentioned that the air ventilation impacts brought by the proposed developments under the OZP amendments would affect the nearby villages while the AVA in support of the OZP amendments concluded that the proposed developments would not result in significant adverse impact to the overall pedestrian wind environment in the surrounding built areas, raised the following questions:

- (a) whether there was any documentation of analysis to demonstrate how the conclusion of the AVA was derived; and
- (b) whether there was any assessment on comparing the existing and future (upon full development in accordance with the OZP amendments) air ventilation conditions of the areas of FTAT and Shek Wu San Tsuen.

105. With the aid of some PowerPoint slides and visualizer, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) the quantitative AVA conducted in support of the OZP amendments was submitted to the Rural and New Town Planning Committee of the Board

during the stage of proposed amendments to the OZP, and was not attached in the Paper. According to the quantitative AVA by computer stimulation, the annual and summer conditions of the baseline scheme (the previous OZP) and the proposed scheme (current OZP with amendments) were comparable, and thereby indicating that upon implementation of the air ventilation measures, the proposed developments under the OZP amendments would not result in significant adverse air ventilation impacts on the overall pedestrian environment in the surrounding areas, including the pedestrian environment of the adjacent villages; and

- (b) there was no dedicated assessment to compare the air ventilation performance of the adjacent villages under the existing condition and the proposed scheme. However, according to the AVA results, the air ventilation performance of the adjacent villagers with velocity ratio of 0.5 to 0.6 under both the baseline and proposed schemes was higher than the average velocity ratio of FLN NDA as a whole. Hence, adverse air ventilation impacts on the adjacent villages were not anticipated.

#### *Ecological Value of Item A Site and FTAT*

106. While appreciating R3's endeavours in respect of environmental conservation, a Member enquired about the background of R3 and whether there were any supporting evidence or documentation on the rareness of the firefly species found in FTAT. In response, Mr Lit On Pong (R3) said that he was not an environmental expert, but he had been carrying out conservation works in FTAT for more than a decade. His work originally focused on the preservation of FTAT, and later he found that there were many habitats and rare species in the village which had been under the threats of developments in the area over the years. The information on the firefly species were gathered by observation on-site in FTAT, and according to the information from the Hong Kong Firefly Research Association and other sources, it was estimated that there were about 300 *Rhagophthalmus motschulskyi* (莫氏光螢蟲) in other parts of Hong Kong while there were already 120 in FTAT. Besides, there was no record of such species in Mainland China.

107. The Chairperson and a Member raised the following questions:

- (a) whether government departments consulted had any views or comments in respect of the ecological value of FTAT; and
- (b) whether there was any written record documenting the dialogue between the Government and FTAT villagers in relation to their request of retaining Item A Site intact after the relocation of HKPF facilities to Kong Nga Po.

108. With the aid of some PowerPoint slides, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) major village settlement of FTAT was located within an “Agriculture” (“AGR”) zone to the north of Ng Tung River, and that “AGR” zone would not be affected by the OZP amendments. The major village settlement of FTAT was located about 400m away from Item A Site, and with such distance and substantial separation, it was unlikely that the proposed logistics facility at Item A Site would have any impact on FTAT. Item A Site with an area of 5.22ha was not entirely occupied by the settlements of FTAT and vegetated area. The northeastern and northwestern parts of Item A Site were occupied by brownfield operations and there were some vacant sites and residential dwellings. The Agriculture, Fisheries and Conservation Department (AFCD) was consulted on R4’s submission regarding the firefly species, *Rhagophthalmus motschulskyi* (莫氏光螢蟲), notwithstanding that there was no record in R4’s submission on where the firefly was identified. AFCD advised that according to their surveys such firefly species had been recorded in over 10 localities in Hong Kong, such as on Lantau and even in the urban area, and was not a protected rare species. Relevant government departments consulted did not raise any particular views on the ecological value of FTAT and had no adverse comments on Item A; and
- (b) there was no record on the discussion between the Government and the



FTAT villagers in relation to the relocation of HKPF facilities to Kong Nga Po and the subsequent planning of Item A Site.

109. On whether there was any written record documenting the dialogue between the Government and the FTAT villagers in relation to their request of retaining Item A Site for FTAT after the HKPF facilities were relocated, Mr Lit Pong On (R3) supplemented that a meeting was held during the course of the NENT Study amongst the FTAT villagers, DevB, CEDD, LandsD and PlanD at the North District Government Offices, but there was no written minutes for the meeting. The FTAT villagers requested in the meeting that the proposed HKPF facilities should be relocated somewhere else in order to retain Item A Site for FTAT. Mr Mo Sin Leung (R4) supplemented that although there was no written record, Members should still consider the reason why the HKPF facilities had been relocated to Kong Nga Po.

110. A Member raised the following questions to R3 and R4:

- (a) whether there was any special reason to retain the western part of the Item A Site (i.e. area to the west of the nullah running across Item A Site); and
- (b) whether the representers were aware that there were existing brownfield operations within the Item A Site despite the ecological value of the Site as the representers claimed.

111. In response, Mr Lit Pong On (R3) and Mr Mo Sin Leung (R4) made the following main points:

- (a) apart from the rich natural resources which formed the habitats of various species in FTAT, they also planted trees for birds to transit and established ecological connection with the Long Valley. There was presence of a bird species, yellow-breasted bunting (黃胸鵪), in the area, and their livelihood would be affected by the proposed logistics facility at Item A Site as they would not be able to fly at a height over 100m. All the environmental/ecological conservation works they had been doing were on a voluntary basis with a goal to educate the younger generation on conservation and to preserve the environment for them. Therefore, the

Government was strongly requested to retain the western part of Item A Site intact; and

- (b) the ecological and historical values of the western part of Item A Site were relatively high given the presence of existing trees and habitats. Moreover, there were about 10 households of FTAT located in that area and they were not willing to move out. The eastern part of the Item A Site was occupied by brownfield operations and the two households located thereat were willing to move out. While they had no complaint about the existing brownfield operations as they were undertaken on private land, enforcement on any unauthorized uses on these private sites should be under the purview of LandsD.

[Mr Stanley T.S. Choi left during the Q&A session.]

112. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked government representatives, the representers, commenter and representer's representatives for attending the meeting. The Board would deliberate the representations and comment in closed meeting and would inform the representers and commenter of the Board's decision in due course. The government representatives and the representers, commenter and representer's representatives left the meeting at this point.

[Miss Winnie W.M. Ng left the meeting at this point.]

#### Deliberation Session

113. The Chairperson recapitulated that the amendments to FLN OZP were mainly to take forward proposed public housing developments with increased development intensity as well as the proposed logistics facility use at Item A Site and proposed bus depot use at Item B Site, which were no longer needed for HKPF facilities, as recommended in a land use review.

114. Members generally supported the OZP amendments. A Member commented that there needed to be a balance between rural conservation and development and the OZP

amendments were considered appropriate. Another Member opined that the OZP amendments would benefit the general public. Members also expressed the following views:

- (a) it was noted that the representers were not convinced on the results of the technical assessments conducted in support of the OZP amendments. In particular, it was suggested that PlanD should explain the AVA in more details with illustration of layout plan of the proposed developments. The layout of the proposed logistics facility at Item A Site should be reviewed with a view to minimizing the air ventilation impact on the surrounding areas;
- (b) noting the factual inaccuracy in a photomontage of the LVIA, it was reminded that details of the reports should be checked thoroughly before submission to the Board;
- (c) while no layout plan of the proposed logistics facility at Item A Site was provided in the Paper, it was uncertain whether the facility would be constructed in a form of single large building or in several buildings, though the photomontage in the LVIA showed four buildings at Site A. It was suggested to explore the possibility to incorporate some mitigation measures and greening features in the formulation of the layout design for the proposed logistics facility in order to alleviate its visual impact; and
- (d) it was suggested that the representers should be informed of the relevant government departments' responses on their concerns expressed in the representation, for example, regarding the rareness of the firefly species, such that the representers could understand more of the actual situations.

115. Regarding the layout of the proposed logistics facility, the Chairperson supplemented that there is a possibility that Item A Site with an area of more than 5 ha may be demarcated into smaller land parcels for disposal. While the appropriate size of land parcel would be subject to further study, it was noted from the logistics industry that a land parcel of about or more than 2 ha would be appropriate for more efficient use of the site for logistics facilities. Regarding the co-location of high-rise and low-rise developments in the new

development areas in the New Territories, the Chairperson remarked that there needed to be a balance between new developments and rural preservation and the Government would make more efforts in addressing the issues arising from urban-rural integration through better planning and urban design.

116. The Chairperson concluded that Members generally supported the OZP amendments and agreed that the OZP should not be amended to meet the adverse representations, and that all grounds and proposals of the representations and comment had been addressed by the departmental responses as detailed in TPB Paper No. 10895 and the presentation and responses made by the government representatives at the meeting.

[Ms Bernadette W.S. Tsui left during the deliberation session.]

117. After deliberation, the Board noted the supportive views of **R1** and decided not to uphold R2 to R7 and agreed that the OZP should not be amended to meet the representations for the following reasons:

- “(a) Sites of Amendment Items A and B are located at the fringe of the Fanling North New Development Area (FLN NDA) and are suitable for the development of the proposed logistics facility and bus depot uses. Substantial impacts to the major village settlement of Fu Tei Au Tsuen, about 400m to 800m away, are unlikely. Relevant technical assessments on traffic, environmental, air quality, noise, water quality, visual, landscape and air ventilation aspects have been conducted and confirmed that there is no insurmountable technical impact arising from the proposed developments with the implementation of appropriate mitigation/improvement measures **(R3, R4, R6 and R7)**;
  
- (b) the planned Government, institution and community facilities are generally sufficient to meet the demand of the planned population in the FLN NDA in accordance with the Hong Kong Planning Standards and Guidelines and assessments of relevant Government bureaux/departments, except for secondary school places, hospital beds and some elderly, child care and rehabilitation facilities. The proposed housing developments under Items

C1 and C5 as well as other planned public housing sites in FLN NDA will provide appropriate Government, institution and community facilities to meet the needs of the future residents in the FLN NDA. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments (**R2**);

- (c) the statutory and administrative procedures in consulting the public on the proposed amendments have been duly followed. The exhibition of the Outline Zoning Plan and provisions of submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance (**R3** and **R5**);
- (d) there are established standards in the provision of open space and greening in development projects. The proposed developments should also need to comply with other relevant legislations and Government requirements at detailed design stage (**R6**); and
- (e) Sites of Amendment Items E1 to E3 are technical in nature mainly reflecting the authorised road alignment of Fanling Bypass (Eastern Section) and corresponding zoning amendments to the adjoining areas (**R6**).”

118. The Board also agreed that the draft OZP, together with its 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.

## **Agenda Item 6**

[Open Meeting (Presentation and Questions only)]

Request for Deferment of Review of Application No. A/YL-ST/616

Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 10897)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

119. The Secretary reported that on 18.4.2023, the applicant’s representative requested deferment of consideration of the review application for two months to allow more time for preparation of further information (FI) to address departmental comments.

120. Members noted that the justifications for the request for the first deferment met the criteria for deferment as set out in Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33A) in that the deferment would allow the applicant to prepare FI to address outstanding issues.

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

**Procedural Matters**

**Agenda Item 7**

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1 to the Chief Executive in Council for Approval  
(TPB Paper No. 10898)

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122. The Secretary reported that the draft Fanling/Sheung Shui Extension Area Outline Zoning Plan (the draft OZP) was to take forward the recommendations of the Task Force of Land Supply (TFLS) regarding the Fanling Golf Course (FGC), and the findings of the Technical Study on Partial Development of FGC Site – Feasibility Study (the Study), which was commissioned by the Civil Engineering and Development Department (CEDD). The draft OZP covered mainly the FGC and a site for proposed public housing development by the Hong Kong Housing Authority (HKHA), of which the Housing Department (HD) was the executive arm. Representations and comments had been submitted by Li Man Kiu Adrian David (R498) being the Committee Chairman of the Community Chest Bank of East Asia (BEA) Charity Golf Day, the Hong Kong Countryside Foundation (HKCFL) (R499), the Hong Kong Football Club (HKFC) (R6696) and the Conservancy Association (CA) (R6783/C45).

123. The following Members had declared interests on the item:

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  
(as Chief Engineer (Works), Affairs who was a member of the Strategic  
Home Affairs Department) Planning Committee and Subsidised Housing  
Committee of HKHA;

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|--|---|---|
| Dr C.H. Hau  | - | conducting contract research projects with CEDD; and being a life member of the CA, and his spouse being the Vice Chairman of the Board of Directors of the CA; |
| Dr Conrad T.C. Wong                                  | - | having current business dealings with HKHA, BEA and HKFC;   |
| Mr Franklin Yu                                       | - | being a member of the Building Committee and Tender Committee of HKHA;  |
| Mr Daniel K.S. Lau                                   | ] | being a member of Hong Kong Housing Society (HKHS) which currently had discussion with HD on housing development issues;  |
| Ms Lilian S.K. Law                                   | ] |   |
| Mr K.L. Wong   | - | being a member and ex-employee of HKHS which currently had discussion with HD on housing development issues;  |
| Mr Timothy K.W. Ma                                   | - | being a member of the Supervisory Board of HKHS which currently had discussion with HD on housing development issues;   |
| Professor John C.Y. Ng                               | - | being a director of HKCFL;  |
| Mr Lincoln L.H. Huang<br>( <i>Vice-Chairperson</i> ) | - | having past business dealings with HKCFL; and   |
| Professor Roger C.K. Chan                            | - | being a member of HKFC.   |

124. Members noted as the item was procedural in nature, all Members who had declared interests relating to the amendment items, representer and/or commenter could stay in the meeting. The Board noted that some of those Members had tendered apologies for not attending the meeting.



125. The Secretary briefly introduced the Town Planning Board (the Board/TPB) Paper No. 10898. On 30.6.2022, the draft OZP was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 6,788 valid representations were received. Upon publication of the representations, 51 valid comments on the representations were received. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 30.5.2023.

126. In accordance with the Environmental Impact Assessment (EIA) Ordinance, the EIA report of the Study was exhibited for public comment from 20.5.2022 to 18.6.2022. The Advisory Council on the Environment (ACE) considered the EIA report on 8.8.2022 and 19.8.2022 and conveyed their views to the Director of Environmental Protection (DEP) on 24.8.2022. Taking into account ACE's view, DEP on 31.8.2022 wrote to the project proponent (i.e. CEDD) to request additional information on the EIA report and the additional information was submitted by CEDD on 18.4.2023. On 11.5.2023, DEP approved the EIA report with conditions.

127. The findings of the EIA report, amongst other assessments, had formed an important basis in formulating the land use proposals on the draft OZP, and the environmental and ecological impacts of the proposals were amongst the major concerns raised in the representations and comments received. The Board would only be in an informed position to consider the environmental and ecological issues, and hear the representations and comments after DEP had made a decision on the EIA report. While the EIA report was approved on 11.5.2023, time was required to proceed with the statutory procedures for processing the representations/comments in respect of the draft OZP. As such, it was anticipated that there would not be sufficient time to complete the plan-making process including submission of the draft OZP to the CE in C for approval within the nine-month statutory time limit (i.e. on or before 30.5.2023). In this regard, it was necessary to seek CE's agreement under section 8(2) of the Ordinance for an extension of the statutory time limit for a period of six months from 30.5.2023 to 30.11.2023 to allow sufficient time to complete the plan-making process of the draft OZP.

128. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft OZP to the CE in C for a period of six months from 30.5.2023 to 30.11.2023.

**Agenda Item 8**

[Open Meeting]

Any Other Business

129. There being no other business, the meeting was closed at 5:15 p.m.