

**Minutes of 1308th Meeting of the
Town Planning Board held on 1.12.2023**

Present

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

Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Mr K.L. Wong

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang

Chief Engineer (Works)

Home Affairs Department

Mr Paul Y.K. Au

Chief Traffic Engineer/New Territories East

Transport Department

Mr K.L. Wong

Director of Lands

Mr Alan K.L. Lo

Director of Planning

Mr Ivan M.K. Chung

Deputy Director of Planning/District

Mr Tom C.K. Yip

Secretary

Absent with Apologies

Mr Lincoln L.H. Huang

Vice-chairperson

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Professor Jonathan W.C. Wong

Mrs Vivian K.F. Cheung

In Attendance

Assistant Director of Planning/Board

Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board

Ms Johanna W.Y. Cheng (a.m.)

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

Senior Town Planner/Town Planning Board

Ms Katherine H.Y. Wong (a.m.)

Mr Edward H.C. Leung (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1307th Meeting held on 17.11.2023

[The item was conducted in Cantonese.]

1. The Secretary reported that subsequent to circulation of the draft minutes to Members, an amendment to paragraph 57 incorporating a Member's comment as shown on the visualiser was proposed. Members agreed that the minutes of the 1307th meeting held on 17.11.2023 were confirmed with incorporation of the said amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Similar Applications Presented to Town Planning Board and Extension of Time for Compliance with Planning Conditions

2. The Secretary reported a follow-up action arising at the representation hearing of the draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17 (the draft OZP) on 3.11.2023. A representer/commenter (R3/C1) in respect of the draft OZP made remarks in the hearing concerning (i) the consistency of similar applications for temporary animal boarding establishment (ABE) presented in the Town Planning Board (the Board/TPB) and Planning Committee (PC) papers; and (ii) the large number of extensions of time (EOTs) for compliance with approval conditions of planning approvals for temporary ABE.

3. The Secretary reported that the Secretariat of the Board had looked into the matters. To align with the Government's streamlined approach and to focus on more recent and relevant similar applications, starting from March 2022, the Planning Department (PlanD) in general had been mainly providing similar applications in the vicinity, within the same land use zone covering the application site, over the past five years in the TPB/PC papers. Some similar

applications which exceeded five years might also be included under special circumstances, e.g. being quoted by the applicant, having relevance to the application, etc. As such, the presentation of similar applications in the relevant papers considered before and after the adoption of the practice might be different. Nevertheless, PlanD would continue to maintain a consistent approach in presenting similar applications in the papers.

4. The Secretary drew Members' attention to the Town Planning Board Guidelines No. 34D (TPB PG-No. 34D) promulgated on 24.8.2021 which tightened the approval for EOTs for compliance with planning conditions. According to TPB PG-No. 34D, EOT would normally not be granted if the total time period for compliance exceeded half of the duration of the temporary approval, e.g. 18 months for temporary use approved for three years, though there was no restriction on the maximum number of EOT applications. In addition, as agreed by the Board on 6.8.2021, such extension limit only took effect for newly approved applications upon promulgation of the guidelines. For planning approvals granted before the promulgation of TPB PG-No.34D, reference should be made to the previous TPB PG-No. 34C which only stated that under no circumstances should the EOT for compliance with planning conditions exceed the original validity period of the temporary approval.

5. Members noted the above findings and that the concerned representer/commenter was advised of the findings.

[Professor John C.Y. Ng, Dr Conrad T.C. Wong and Mr Franklin Yu joined the meeting during the reporting of Agenda Item 2(i).]

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 4 of 2022

Proposed House (New Territories Exempted House (NTEH) - Small House) in "Green Belt" Zone, Lot 158 S.C RP in D.D. 238, Pan Long Wan, Clear Water Bay, Sai Kung

Application No. A/SK-CWBN/63

6. The Secretary reported that the subject appeal was against the Town Planning Board (TPB/the Board)'s decision to reject on review an application (No. A/SK-CWBN/63) for a proposed house (NTEH – Small House) at the application site (the Site) zoned "Green Belt"

(“GB”) on the Clear Water Bay Peninsula North Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 12.7.2023 and 13.7.2023. On 27.10.2023, the appeal was dismissed by the TPAB and the reasons were summarised below:

- (a) TPAB did not accept the grounds of the appellant that the supporting comments by local villagers and the improvement measures proposed by the appellant were not mentioned in the review hearing, as the information was included in the TPB Paper, and representatives of the appellant were present at the review hearing;
- (b) TPAB did not accept the grounds of the appellant that the rejection reasons of the s.17 review application were contrary to the government’s policy to promote housing development in “GB” zones. TPAB was of the view that one of the most important statutory duties of TPB and TPAB was to ascertain the planning intention of an approved plan. TPB and TPAB did not have the power to have regard to any and all planning considerations, and their discretion was one that must be exercised within the parameters of the approved plan in question; and
- (c) the appellant’s claims that the proposed development would not have adverse landscape impact and there was insufficient land available within “Village Type Development” zone for Small House developments to meet the demand were not accepted by TPAB.

7. A copy of the Summary of Appeal and the TPAB’s decision were sent to Members for reference before the meeting.

8. Members noted the decision of TPAB.

(iii) Appeal Statistics

9. The Secretary reported that as at 28.11.2023, a total of four cases were yet to be heard by the Appeal Board Panel (Town Planning) and five decisions were outstanding.

10. Details of the appeal statistics were as follows:

Allowed	44
Dismissed	172
Abandoned/Withdrawn/Invalid	213
Yet to be Heard	4
Decision Outstanding	5
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Total	438

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 Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/27
(TPB Paper No. 10941)

[The item was conducted in Cantonese and English.]

11. The Secretary reported that the amendments to the draft Fanling/Sheung Shui Outline Zoning Plan (FSS OZP) were to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (TPB/the Board) on two s.12A applications (No. Y/FSS/18 and Y/FSS/19). Application No. Y/FSS/18 was to rezone a site at the junction of Ma Sik Road and Fan Leng Lau Road from “Village Type Development” (“V”) to “Residential (Group A)12” (“R(A)12”) to facilitate a proposed private residential development. LWK & Partners Hong Kong Limited (LWK) was one of the consultants of the applicant. A representation (R1) was submitted by the applicant. Application No. Y/FSS/19 involved rezoning the Oi Yuen Villa zoned “Comprehensive Development Area” (“CDA”) to

facilitate a proposed private residential development. The rezoning application was submitted by Mr Hui Chun Hang Julian. Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. A representation (R2) and a comment (C1) were submitted by Arup on behalf of the applicant.

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

Mr Ricky W.Y. Yu - having current business dealings with LWK;

Mr Franklin Yu - having current business dealings with Arup;
and

Ms Winnie W.M. Ng - being a personal friend of R2/C1.

13. Members noted that Ms Winnie W.M. Ng had tendered an apology for being unable to attend the meeting. As Messrs Ricky W.Y. Yu and Franklin Yu had no involvement in the Items of the OZP and the submission of the concerned representations/comment, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

14. The Chairperson said that notifications 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.

15. The following government representatives, representers, commenters 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 & 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

Representers, Commenters and Representer's/Commenter's Representatives

R5/C6 – Mary Mulvihill

- Ms Mary Mulvihill - Representer and Commenter

R6/C2 – Li Man Wai

R7/C3 – Tsang Cheung Ying

C4 – Tsang Peony Cheuk-Yee

- Ms Li Man Wai - Representer, Commenter and
Representer's/Commenters'
Representative

R8/C5 – Ma Lin Chun

R14 – Tam Siu Kuen Jennifer

R17 – Hui Chung Ming Albert

R24 – Xia Fei Dan

R25 – Chow Mi Ling

R26 – Lo Wan Mei Winnie

R29 – Chan Hau Kwan

R47 – Yu Kam Mui

R52 – Lye Ka Yee Magdalene

R53 – Lye Ka Kay Christopher

R54 – Lye Fook Chye Terence

R67 – Chow Yeung Ling

R68 – Chow Tat Ki

- Ms Tam Siu Kuen Jennifer - Representer and Representers'/
Commenter's Representative

R70 – Witts Richard Arthur - Representer and Representer's
R71 – Witts Akiko Representative
Mr Witts Richard Arthur

16. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representers, commenters and their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer, commenter and their representatives would be allotted 10 minutes for making presentation. There was a timer device to alert the representers, commenters and their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representers, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, the government representatives, the representers, commenters, and representers'/commenter's 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.

17. The Chairperson invited PlanD's representatives to brief Members on the representations and comments. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FSYLE, PlanD briefed Members on the representations and comments, including the background of the draft OZP, the items, the grounds/views of the representers and commenters and PlanD's views on the representations and comments as detailed in TPB Paper No. 10941 (the Paper). Item A involved rezoning of a site at the junction of Ma Sik Road and Fan Leng Lau Road from "V" to "R(A)12" with stipulation of plot ratio (PR) and building height (BH) restrictions, and Item B involved revising the PR and BH restrictions for the "CDA" zone.

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

R6/C2 – Li Man Wai

R7/C3 – Tsang Cheung Ying

C4 – Tsang Peony Cheuk-Yee

19. With the aid of some photos and visualiser, Ms Li Man Wai made the following main points:

- (a) she was also the representative of R7/C3 and C4 who were her husband and daughter, and they objected to the proposed development at the Item B site (the Site);
- (b) the Paper had omitted some grounds of their representations, including the wall effect of the proposed development on Golf Parkview, the ample supply of Residential Care Homes for the Elderly (RCHE) in the North District. PlanD had not provided responses to their concerns with regard to the impacts on Oi Yuen Villa and the landscape impacts;
- (c) the preserved Oi Yuen Villa (being a valuable heritage) should be opened to the public for enjoyment rather than used as a private residents' clubhouse;
- (d) being residents of Golf Parkview, they had witnessed large scale tree felling at the Site in July 2015, and had reported to the Tree Management Office and the media. There were clear guidelines for tree risk assessment promulgated by the Greening, Landscape and Tree Management Section of Development Bureau since June 2009. It was therefore absurd that the queries raised by Members at the RNTPC meeting on 17.3.2023 (to consider the s.12A application No. Y/FSS/19) about the number of trees felled between 2003 and 2015 on the Site was evaded by the applicant's representatives by claiming that there was no information readily available as they were not the applicant's representatives during that period. The applicant's representatives had failed to perform their due diligence and she was very disappointed that PlanD had endorsed the landscape proposal. The applicant should compensate for all the trees felled on the Site since 2003;

- (e) Pak Wai Lane should not be regarded as a local track as stated in the Paper;
- (f) a 100-place privately operated RCHE was indicated in the applicant's proposal in the s.12A application, but additional 20 places were now added as indicated in the Paper;
- (g) the Traffic Impact Assessment (TIA) conducted for the proposed development did not reflect the actual traffic situation in the area. The ingress/egress of the proposed development would share the same access road (i.e. Pak Wai Lane) for ingress/egress with Golf Parkview. Pak Wai Lane and its existing narrow footpath could not accommodate the increased pedestrian and vehicular flows from the proposed development, and there would be insufficient capacity at the junction of Pak Wai Lane and Castle Peak Road – Kwu Tung. The ingress/egress of the proposed development should be located at the road between the eastern boundary of the Site and the planned Tai Tau Leng public housing development for better service catchment and accessibility;
- (h) the applicant claimed that once the planned junction/road improvement works to be carried out by other projects were completed, the road network in the vicinity of the proposed development would still be within the design capacity. Such a claim might only be valid on a macro level, but there would still be insurmountable traffic impact on a micro level. The short distance from the proposed ingress/egress at Pak Wai Lane to its junction with Castle Peak Road – Kwu Tung could only accommodate at most three cars to queue up. There was not capacity to accommodate the additional traffic from the proposed development. There were a lot of bottlenecks along Castle Peak Road – Kwu Tung and there was little room to widen the road thereat. Buses lining up at bus stops already caused blockage and the applicant's proposal to widen the road by using the existing bus lay-bys was impractical. The section of Castle Peak Road – Kwu Tung from Eden Manor to the Fanling Highway Flyover near Tsung Pak Long, which was critical to vehicular flow, required significant traffic improvements;

- (i) the planned provision of about 1,100 car parking spaces would exacerbate the existing traffic congestion problem in the area. She disagreed with the response given by the applicant's representative during the RNTPC meeting on 17.3.2023 that for the TIA, the number of trips generated correlated with the number of residents rather than the number of car parking spaces provided;
- (j) the TIA submitted by the applicant only forecasted traffic flow for 2031 (i.e. three years after the tentative completion year of the proposed development), and it did not include the planned development of Tai Tau Leng public housing development (to be completed in year 2032/2033 with estimated population of 8,900, with population reached 12,000 when the visitors of kindergarten and other facilities were included therein). It was doubtful that the proposed development would be completed on time by 2028. The TIA submitted therefore did not reflect the forecasted traffic situation in the area, and the time frame of the assessment should have been extended to consider the cumulative traffic impacts;
- (k) most of the public transport services in the vicinity were not within walking distance (more than 500m away) from the proposed development, and there were no barrier-free facilities for persons with disabilities. The TIA had underestimated the population of the proposed development. Instead of a person per occupied flat (PPOF) of 2.8, a PPOF of 3.9 (i.e. the existing figure of Golf Parkview) should be adopted. As a result, the TIA had underestimated the demand for public transport;
- (l) the traffic impact of the proposed development was not adequately assessed in the TIA due to the low traffic flow surveyed during the COVID-19 epidemic, when many people were working from home, and there was typhoon on the survey day;
- (m) the proposed development would lead to an increase in road traffic, which would worsen the existing traffic noise problem in the area, especially to

the residents of Golf Parkview;

- (n) the BH from 111mPD to 130mPD of the proposed development was too high and did not have stepped BH. The building gaps were inadequate, resulting in wall effect. The proposed development would only be 12m from the closest block of Golf Parkview. Views from flats at Golf Parkview (30mPD) would be completely blocked by the Government, institution and community (GIC) facilities of the proposed development at a BH of 24mPD;
- (o) the proposed RCHE at the Site was not necessary as there would be ample supply of RCHE facilities in the North District. The Site was not at a convenient location and there was a lack of supporting facilities for the staff and visitors of the RCHE. The RCHE should be located at or close to the planned Tai Tau Leng public housing development; and
- (p) piling works during the construction period would induce adverse impacts on the structure of Golf Parkview. An in-depth assessment of the construction impact on Golf Parkview should be conducted prior to the commencement of the proposed development.

[Mr Vincent K.Y. Ho joined the meeting during R6/C2's presentation.]

R70 – Witts Richard Arthur

R71 – Witts Akiko

20. Mr Witts Richard Arthur made the following main points:

- (a) he had been a resident of Golf Parkview since May 2007 and objected to Item B;
- (b) despite repeated adverse comments from local residents and earlier from the Transport Department (TD), the applicant still proposed the ingress/egress of the proposed development at Pak Wai Lane which was

the only access to and from Golf Parkview. Pak Wai Lane was a substandard road and it was impossible to accommodate the dramatic increase in traffic from the proposed development. It should not be used as the access of the proposed development. If there was any blockage on Pak Wai Lane, the vehicles queuing on Castle Peak Road to turn into Pak Wai Lane would have to come to an abrupt halt. It would be very dangerous as Castle Peak Road was very narrow at that point and sudden stops would lead to accidents due to restricted visibility (blocked by tall trees on both sides of the road);

- (c) as the proposed development had a long frontage along Castle Peak Road – Kwu Tung and with a proposed site coverage of not more than 27%. There was ample space for the applicant to utilise/expand the existing driveway or build a new access via Castle Peak Road – Kwu Tung. It was considered imperative, not only for the safety of all users, but also to permit swift access by emergency vehicles to both the existing and future developments;
- (d) while surveys of traffic on the Castle Peak Road – Kwu Tung included traffic from developments as distant as the Queen’s Hill Extension and Pak Wo Road developments, no attention seemed to be paid to the dangerous situation to use Pak Wai Lane for access to the proposed development;
- (e) the proposed car parking spaces of the proposed development had increased from 54 in an early proposal to 1,171. In addition, there would be vehicles for the RCHE facilities. Pak Wai Lane was too narrow and the roundabout proposed at the entrance of the proposed development could not cater for the increase in traffic volume;
- (f) he strongly opposed the 100-place RCHE facilities. The Site was not a suitable location which was not within reasonable walking distance from major developments, shops or restaurants, and visitors of the RCHE would also use Pak Wai Lane for access. There was a large social welfare complex under construction in Kwu Tung North and social welfare

facilities, shops and kindergartens would also be provided at the planned Tai Tau Leng public housing development. The traffic impact on Castle Peak Road – Kwu Tung and its junction at Fan Kam Road would be enormous;

- (g) the traffic flow figures in the TIA were collected during the COVID-19 epidemic when vehicular traffic was subdued. The Castle Peak Road – Kwu Tung could not support the increase in traffic flow arising from the planned developments in the district; and

- (h) the proposed development was 25 to 32 storeys, which was around five times the height of the residential buildings of Golf Parkview. In addition, the applicant proposed few basement floors for carpark. He expressed concern on the potential impact of the piling works at the Site on the structural stability of the residential buildings of Golf Parkview. It had not been clarified who would be the responsible party should there be structural damage to the buildings in Golf Parkview. The current scheme proposed at the Site should not be allowed.

R14 – Tam Siu Kuen Jennifer

R8/C5 – Ma Lin Chun

R17 – Hui Chung Ming Albert

R24 – Xia Fei Dan

R25 – Chow Mi Ling

R26 – Lo Wan Mei Winnie

R29 – Chan Hau Kwan

R47 – Yu Kam Mui

R52 – Lye Ka Yee Magdalene

R53 – Lye Ka Kay Christopher

R54 – Lye Fook Chye Terence

R67 – Chow Yeung Ling

R68 – Chow Tat Ki

21. With the aid of some photos and visualiser, Ms Tam Siu Kuen Jennifer made the

following main points:

- (a) she had been a resident of Golf Parkview for almost 20 years and was representing 13 other residents in objecting to Item B;
- (b) the Site was approved for a development with seven houses in 2007 at a lower PR of 0.8. However, the approved scheme under application No. Y/FSS/19 had a much higher PR at 4.3 with six building blocks at 25 to 32 storeys and 1,120 car parking spaces;
- (c) the major grounds of objection to development at the Oi Yuen Villa site had been expressed repeatedly in their comments on previous rezoning applications for the Site since 2016. A petition to oppose the proposed development, signed by the owners of Golf Parkview, was also submitted to the North District Council at its meeting in April 2023;
- (d) she queried that the TPB's considerations in agreeing to the s.12A application No. Y/FSS/19. The population (i.e. 2,714) of the proposed development had been underestimated. The population of the proposed development should be about 4,000, based on the PPOF of Golf Parkview. The existing road network, in particular Pak Wai Lane, would be overloaded by the additional traffic generated by the proposed development;
- (e) at the North District Council meeting in April 2023, the Chairman also queried PlanD and TD on the capacity of Pak Wai Lane in supporting the traffic generated by the proposed development. The government representatives responded that according to the relevant technical assessments including TIA submitted by the applicant, the proposed development scheme was demonstrated technically feasible without causing any insurmountable problems. Nonetheless, with the aid of some site photos, she opined that Pak Wai Lane was too narrow for two vehicles to pass by at the same time, it was a short path allowing the queuing of only four to five vehicles, and any blockage in Pak Wai Lane would result

in congestion at its junction with Castle Peak Road – Kwu Tung. The traffic impact brought by the proposed development was not adequately assessed in the TIA due to the below normal traffic flow surveyed during the COVID-19 epidemic;

- (f) there was no room to increase the capacity of Castle Peak Road – Kwu Tung. There was frequent traffic congestion after occupation of Eden Manor and the installation of a traffic light near its entrance which slowed down traffic flow. She also queried that the public housing at Fanling Golf Course was put on hold due to the capacity issue of Castle Peak Road – Kwu Tung. She expressed concern that it was not possible to widen Castle Peak Road – Kwu Tung nor increase provision of public transport in the area;
- (g) the quality of life of Golf Parkview residents would be sacrificed. Residents of Golf Parkview did not want to experience the situation similar to the case of the Tuen Mun – Chek Lap Kok Tunnel, where the lack of careful study and forecasts by Government had led to major traffic congestion, and residents were stuck in traffic for up to 2.5 hours and there was no solution to resolve the congestion issue;
- (h) the applicant’s proposal to seek TD’s agreement to increase bus or minibus services to serve the increased population might not be acceded to by TD;
- (i) notwithstanding that provision of more RCHE for the community should be supported, there were already large complexes in Tai Tau Leng, Po Shek Wu and Shek Tsai Leng providing a substantial amount of residential care homes and medical services/facilities for the elderly. There was no need for the provision of RCHE at the Site. The Site was also not suitable for RCHE as there were limited public transport facilities and no shops or restaurants in the vicinity for visitors and staff of the RCHE;
- (j) she queried that if in the future, cracks appeared at the buildings at Golf Parkview owing to piling works, who would be held accountable and pay

compensation to the owners of Golf Parkview; and

- (k) she had no objection to the lower density scheme approved in 2007, but had strong objection to Item B, which should be put on hold.

[Mr Alan K.L. Lo left the meeting temporarily at this point.]

R5/C6 – Mary Mulvihill

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

- (a) she strongly objected to Items A and B;

Item A

- (b) Item A Site should be used for the much needed public housing or provision of GIC facilities, instead of being used for private housing;
- (c) although around 25% of the Site was government land, only a small-scale RCHE was provided, which was inadequate in view of the shortfall in GIC facilities/services according to the Hong Kong Planning Standards and Guidelines as shown in Annex V of the Paper;
- (d) narrow separation between Towers 4 and 5 impeded penetration of natural light and air ventilation. There would also be issues of overlooking and privacy. The long continuous façade of Towers 1 and 2 might have exceeded the normal requirement;
- (e) there was no buffer zone between the RCHE and the adjoining lot outside the Site, which would have implications on privacy and quality of life for residents in the RCHE;
- (f) it was unclear why a public car park was proposed as non-residents would not park at the Item A site;

Item B

- (g) the development intensity was increased but the GIC facilities provided were reduced, noting that the originally proposed 30-place day care units for the elderly at the Site was deleted in the latest scheme. That was not acceptable as the “CDA” zone was intended for comprehensive development with provision of GIC facilities to fulfill district needs;
- (h) clarification on whether gross floor area of GIC facilities would be exempted from PR calculation was needed;
- (i) the BH restriction stipulated in the original “CDA” zone was for low-rise development. The amended BH was too high, resulting in wall effect which would significantly affect the public’s enjoyment of the surrounding area, including the Tsung Pak Long Children’s Playground;
- (j) the media had disclosed considerable opposition from the community with regard to the ‘destroy to build’ activities at the Site. According to The Conservancy Association, the Oi Yuen Villa site used to have 450-550 trees, but the majority was felled and the existing number of trees had dropped to around 200 since July 2015, and many of the trees at the Site were at least 100 years old. The villa’s surrounding area was also part of its historical heritage, and permitting the construction of high-rise buildings surrounding it did not respect the Site’s historical value. While there was a lack of legislative provision regulating the management of trees on private land, the developer should not be rewarded for extensive tree felling;
- (k) there would be privacy issue for both the proposed RCHE on the Site and residents living in Blocks 6 and 7 of Golf Parkview as there was only a 13m-wide building separation;
- (l) the TIA submitted by the applicant was flawed and had ignored significant issues as outlined by the earlier representations of the Golf Parkview

residents. The proposed development did not comply with the intention of the “CDA” zone and excluded the concerns of the local community;

- (m) the proposed development would share the same vehicular access road for ingress/egress with Golf Parkview. The Pak Wai Lane and the existing narrow footpath could not accommodate the increased pedestrian and vehicular flows;
- (n) the issue of public access to the heritage building had not been addressed;
- (o) there was a lack of outdoor active recreation spaces, except for the swimming pool;
- (p) bicycle parking spaces should be mandatory for all developments as cycling for both commuting and recreational purposes should be encouraged; and
- (q) it was questionable why the grave of the previous owner of Oi Yuen Villa was to remain in the proposed development should the Site be developed.

[Mr Alan K.L. Lo rejoined the meeting at this point.]

[The meeting was adjourned for a 10-minute break.]

23. As the presentations of PlanD’s representative, the representers, commenters, and their representatives had been completed, the meeting proceeded to the question (Q&A) session. The Chairperson explained that Members would raise questions to the representers, commenters, their representatives and/or the government representatives. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board nor for cross-examination between parties.

Item B

24. A Member asked Ms Li Man Wai (R6/C2) whether she opposed any form of development at the Site and what her main concerns were. Ms Li Man Wai (R6/C2) responded that she did not oppose development at the Site and the previous development proposal under application No. A/FSS/156 for low-rise development was considered acceptable. She reiterated that the current proposal should be improved to address the issues on air ventilation and the narrow separation between the RCHE and Golf Parkview. She also suggested that other GIC facilities, instead of RCHE, should be provided on the Site and the planned Tai Tau Leng public housing site more suitable for RCHE development. She reiterated that Pak Wai Lane should not be used as the access road for the proposed development.

Traffic Aspect

25. Some Members raised the following questions to PlanD's representatives:
- (a) whether the TIA conducted under application No. Y/FSS/19 had taken into account the population of the planned Tai Tau Leng public housing development and other planned developments in the area, such as those proposed in Fanling Golf Course and the Kwu Tung North/Fanling North New Development Area (NDA);
 - (b) responses to the representers' queries that the TIA did not reflect the actual traffic situation as the TIA was carried out during the COVID-19 epidemic and one of the survey days (i.e. 20.7.2021) was a typhoon day;
 - (c) according to the TIA, the traffic generated by the proposed development would not cause insurmountable traffic impact on the surrounding areas, what the assumptions on road improvement works near the Site were;
 - (d) explain the term 'local track' used to describe Pak Wai Lane in the Paper;
 - (e) whether the applicant had proposed any improvement works, such as road widening, to the sub-standard Pak Wai Lane;

- (f) whether it was possible to relocate the ingress/egress of the proposed development away from Pak Wai Lane, and if the existing ingress/egress of the Site at Castle Peak Road – Kwu Tung could be modified to serve the proposed development;
- (g) whether there was any requirement for an emergency access for developments of a particular scale; and
- (h) the traffic arrangement during the construction period of the proposed development.

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

- (a) the Items were to take forward two s.12A planning applications which were both agreed by the RNTPC. Both applicants had submitted technical assessments, which had taken into account the committed developments at the time of application, including the developments at Fanling Golf Course, Tai Tau Leng and Kwu Tung North/Fanling North NDA. The submitted TIA under application No. Y/FSS/19 had taken into account the impact on the demand for public transport services. The assumptions in the TIA would be updated at the s.16 planning application stage taken into account the latest planned developments in the area;
- (b) to avoid under-estimating the traffic flow with survey conducted over the COVID-19 epidemic period, it was a common practice to apply an adjustment factor (i.e. an additional percentage) to the surveyed baseline traffic flow in the assumption of the TIA, including the one for the proposed development. According to the TIA for Item B, the public transport survey was carried out on 20.7.2021 while the other traffic flow surveys were conducted in other days in June 2021;
- (c) the TIA concluded that there would be sufficient capacity at the priority junction of Pak Wai Lane and Castle Peak Road – Kwu Tung to cater for

the additional traffic flow of the proposed development and the operation performance in terms of ratio of flow to capacity at that concerned junction would be 0.66 and 0.36 at the AM and PM peak hours respectively. The figures were lower than the threshold of 0.85 which was considered acceptable by TD. Traffic improvement works would also be carried out by the Tai Tau Leng public housing project, including widening the section of Castle Peak Road – Kwu Tung fronting the public housing site and provision of more public transport services, including lay-bys for taxis and buses, in tandem with occupation of the public housing development. Those traffic improvement works were adequate to cope with the additional traffic flow generated by the proposed developments under both Items;

- (d) Pak Wai Lane was a public road with a width of about 5.85m, and it was described as a local track as it was mainly used by locals, i.e. residents of Golf Parkview. Describing Pak Wai Lane as a ‘local track’ in the Paper would not affect the assessment criteria in the TIA;
- (e) the applicant had proposed a new pedestrian footpath along the southern side of Pak Wai Lane to improve the pedestrian access from Castle Peak Road – Kwu Tung. Although the applicant had not proposed to widen Pak Wai Lane, such proposal could be further explored by the applicant in consultation with TD;
- (f) the Site was bounded by Fanling Highway to its north, Castle Peak Road – Kwu Tung to its south and Pak Wai Lane to its west. There was a narrow road between the Site and the Tai Tau Leng public housing development site, which was currently used for pedestrian access only. The Site was on a knoll sloping from the centre of the Site to Fanling Highway in the north and to Castle Peak Road – Kwu Tung in the south. However, the feasibility of relocation of the ingress/egress point to the narrow road in the east which was at a lower level might need to be further considered as it would involve more slope cutting and heavy excavation works. The proposed ingress/egress at Pak Wai Lane was accepted by

TD. The current traffic flow at the Site was very low and mainly for operational need for existing uses at the site. Since the existing ingress/egress of the Site at Castle Peak Road - Kwu Tung was too close to the junction of Pak Wai Lane and there was a standard distance between two interactions, it would not be desirable as an ingress/egress point from traffic engineering perspective due to safety issue;

- (g) TD and the Fire Services Department had been consulted and they had not requested an additional emergency vehicular access to serve the Site; and
- (h) the traffic arrangement during the construction period would need to be addressed in the TIA to be submitted under the s.16 application for the proposed development.

27. Mr K.L.Wong, Chief Traffic Engineer/New Territories East (CTE/NTE), TD reconfirmed that the practice of applying an adjustment factor to the baseline survey traffic flow in the TIA to avoid under-estimation of traffic flow was adopted since the times of SARS.

28. A Member commented that the proposed development would have four storeys of basement (with 3.5m and 5m in storey height) which would already involve large scale of excavation works. Hence, the location of the ingress/egress should not be dependent on the site levels and extent of slope works. Another Member said that providing the access road between the Site and the planned Tai Tau Leng public housing development might not be suitable, as that road was on a downward slope and its junction with Castle Peak Road – Kwu Tung might be a blind spot for drivers.

29. The Chairperson and some Members raised the following questions to TD's representative:

- (a) whether it was feasible to relocate the ingress/egress of the proposed development away from Pak Wai Lane, for example relocating it along the road to the east of the Site;
- (b) whether there would be any management concerns on the shared use of the

roundabout at Pak Wai Lane;

- (c) whether Pak Wai Lane would be the only access during construction of the proposed development; and
- (d) on concerns raised at the presentation session about the cumulative traffic impacts of planned developments in the area, whether the Government had undertaken any comprehensive assessment on the overall traffic condition of the area, and whether there were traffic improvement measures to address the cumulative traffic impacts.

30. In response, with the aid of a plan, Mr K.L.Wong, CTE/NTE, TD made the following main points:

- (a) Pak Wai Lane was designed to have a cul-de-sac to support developments on both sides, and that was a common transport arrangement. Although no major problem was expected from such arrangement, the detailed design of the cul-de-sac should be further investigated, for example the adequacy of its left turning exit as mentioned by the representers. It was not technically infeasible to relocate the ingress/egress of the proposed development along the road to the east of the Site, yet the site level differences and environmental impacts would need to be taken into consideration;
- (b) shared access of different developments on public road was common and there were no specific management issues, and the usual road legislations and normal driving good practices should be followed;
- (c) the Site was served by an existing ingress/egress along Castle Peak Road – Kwu Tung and construction vehicles could use that access point during the construction of the proposed development; and
- (d) for taking forward the Northern Metropolis, the Civil Engineering and Development Department was undertaking TIAs to assess the overall

traffic impact in the North District arising from the developments. A few road/junction improvement works were completed, being carried out or proposed mainly to improve the carrying capacities of the Po Shek Wu Road Roundabout, and those works would be completed in phases and by 2031/32. The improvements included building by-passes (i.e. Po Shek Wu Road Flyover and So Kwun Po Link respectively) to divert part of the local traffic from entering the Po Shek Wu Road Roundabout, the widening of Castle Peak Road – Kwu Tung and part of the Fanling Highway westbound, and improvement works of the Fan Kam Road and Castle Peak Road junction. Moreover, a slip road would be built near the new Kwu Tung Station directing traffic to Fanling Highway, which would reduce the traffic of Castle Peak Road and Fan Kam Road.

Air Ventilation Aspect

31. A Member expressed concern on the air ventilation impacts and wall-effect brought by the proposed development under the Items A and B and the air ventilation performance of the surroundings areas. Furthermore, upon the development of the Northern Metropolis, the development intensity of the Fanling area would be drastically increased, and there would be major increase in overall air ventilation impact and heat island effect to the city.

32. A Member raised the following questions to PlanD's representatives:

- (a) explain the findings of the Air Ventilation Assessment (AVA) submitted under application No. Y/FSS/19, which concluded that the air ventilation in the surroundings would be slightly better compared to the baseline scheme; what the assumptions of the AVA were and whether the AVA had assessed the air ventilation impact at the podium or pedestrian levels; and
- (b) how the low-rise developments near the Site would be affected.

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

- (a) in order to preserve the Oi Yuen Villa (a Grade 1 historic building) and the grave in the middle of the Site, the building blocks were proposed at the periphery with a stepped building height from the east to the west. The applicant had submitted an AVA – Initial Study using computational fluid dynamic (CFD) modelling to support the s.12A application and the assessment had taken into account the latest layout of the planned Tai Tau Leng public housing development to its east;
- (b) the baseline scenario of the AVA had taken into account the approved scheme under application No. A/FSS/156 in 2003, in which the Oi Yuen Villa was proposed to be demolished and the site coverage of the proposed development was higher compared to the current scheme. In the current scheme, the applicant had reserved more open space at the ground level. When comparing the wind velocity ratios for the Site of the baseline scenario (application No. A/FSS/156) and the proposed scenario, the figure was slightly improved from 0.13 to 0.14 for the annual wind, and from 0.16 to 0.18 for the summer wind. The results of the CFD modelling also revealed that the air ventilation for the surrounding low-rise developments was slightly improved; and
- (c) the development intensity of the planned Tai Tau Leng public housing site followed that of the latest maximum domestic PR of 6.5 for developments in the Northern Metropolis. The technical assessments conducted in support of the proposed development on the Site had already taken into consideration the cumulative impacts of other committed developments. It would depend on the location of test points to determine if the results reflected the situation at the podium or pedestrian levels.

Environmental and Landscape Aspects

34. A Member commented that there had been large scale tree felling on the Site, and the issue had been discussed in the RNTPC meetings for consideration of application No. Y/FSS/19 and the proposed amendments to the draft OZP on 17.3.2023 and 21.4.2023 respectively. The Member recapped the comments made at the previous RNTPC meetings

that it was unacceptable to use the site condition at the Site, which was after large scale tree felling, as baseline scenario for the tree survey as it had under-estimated the landscape impacts and number of trees required to be compensated. At the RNTPC meeting on 17.3.2023, Members generally considered that application No. Y/FSS/19 could be agreed in-principle but the applicant was advised to seriously address the concerns raised by the Members, including that the approach of felling trees to create a de facto lower baseline was not acceptable and the tree compensation proposal should be improved in quantity and quality and should enhance urban biodiversity; the indicative scheme created a walled layout blocks around the Site with limited visual permeability and the design should be enhanced to improve visual permeability and to open up more effective visual corridors; and ways to enhance the overall sustainability by adopting green building designs and low-carbon buildings should be explored.

35. The Member reiterated that according to the minutes of RNTPC meeting on 21.4.2023, noting the history of tree felling on the Site and the inadequacy of the tree compensation proposed under application No. Y/FSS/19, careful consideration should be given to the revised tree compensation proposal of the Master Layout Plan (MLP) submission for the proposed development within the “CDA” zone of the Site. The Member commented that the issue of biodiversity was of particular importance for development of the Site because the trees felled were mature native trees, and the Explanatory Statement (ES) of the OZP should have mentioned the need to enhance the biodiversity of the landscape proposal.

36. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD said that there was tree felling at the Site when comparing the aerial photos taken in 2015 and 2016. He briefed the meeting that there was a discussion on substantial loss of trees at the RNTPC meeting on 17.3.2023, and the applicant’s representative replied that there was no information readily available on the conditions of trees in the period between 2003 and 2015, and the baseline landscape condition before 2015 could not be ascertained. According to the tree survey submitted by the applicant under application No. Y/FSS/19, the total number of trees retained/transplanted/fell (383 no.) remained the same in comparison to the approved scheme under application No. A/FSS/156. In contrast, due to the different layouts of the proposed developments under the two applications, the number of trees proposed to be felled under application No. Y/FSS/19 were reduced by 71 (i.e. from 327 to 256) as compared to the approved scheme under application No. A/FSS/156.

37. Some Members raised the following questions to PlanD's representatives:

- (a) noting the Notes and ES of the draft OZP did not cover some concerns previously raised by Members in the RNTPC meetings, in particular on issue on tree felling and biodiversity, how the Government could guarantee the applicant would refine their proposal to address the concerns;
- (b) noting a multi-storey underground car park was proposed which involved extensive excavation, how the applicant had considered environmental protection and green building aspects; and
- (c) whether the applicant could be requested to use a particular piling method to minimise impacts to the developments in the vicinity; and how the representers' concern on adverse impacts of piling works on the structure of Golf Parkview could be addressed.

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

- (a) to address RNTPC Members' concerns on the landscape and tree compensation proposals of the proposed development, requirement on a landscape proposal with adequate tree compensation in both quantity and quality of trees was added to paragraph 7.2.3 of the ES of the draft OZP. In addition, the applicant would be required to submit a revised landscape proposal under the s.16 application for further consideration of the RNTPC;
- (b) the applicant had proposed to locate the carpark underground to free up more ground floor space for landscaping and open space, which could be used for compensatory planting. Should the car parking spaces be provided above ground, with less excavation works, the BH might need to be further increased; and
- (c) there was no requirement on construction/piling method under the statutory planning process, but such concern could be conveyed to the

applicant for consideration. Appropriate precautionary measures should be carried out during the construction period, and all proposed building works should comply with relevant codes of practice and regulations to ensure structural safety. The applicant could be advised to provide a contact point for the residents of Golf Parkview regarding the building damage caused during the construction period.

Preservation of Oi Yuen Villa (Grade 1 Historic Building)

39. Some Members raised the following questions:

- (a) whether the Oi Yuen Villa would be opened for public access and appreciation; and
- (b) whether the applicant had submitted any proposal on the tenure and future management of Oi Yuen Villa, and whether the residents of the proposed development would need to bear the cost for management of the historic building and the grave.

40. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD made the following main points:

- (a) according to applicant's proposal, the historic building would be in-site preserved and would be used as a residents' clubhouse of the proposed development. The applicant had no intention to open it up for public access due to privacy concerns. The Antiquities and Monuments Office (AMO) also did not raise such request to the applicant. Yet, PlanD could convey Members' views to the applicant regarding the possibility for opening up historic building for the public; and
- (b) the applicant had not provided any information on the future tenure of the heritage building and the sale of the individual flats in their submission. The Notes of the OZP stipulated the in-situ preservation of the historic Grade 1 Building, i.e. Oi Yuen Villa, for adaptive reuse. AMO had

requested the applicant to submit a conservation management plan including detailed conservation proposal for Oi Yuen Villa prior to the commencement of any works and implementation of the works in accordance with the conservation management plan accepted by AMO. Since the Site was under an unrestricted lease, new controls regarding the future management responsibilities of the historic building might not be imposed under the lease.

Provision of GIC Facilities

41. A Member asked whether the day care centre previously proposed was deleted from the proposed development as pointed out by a representer and how to ensure that the RCHE would be implemented. Mr Anthony K.O. Luk, DPO/FSYLE, PlanD replied that the proposal for a day care centre was included in one of the previous proposals, and such provision was no longer requested by the Social Welfare Department (SWD). The requirement for a RCHE (equivalent to a non-domestic PR of 0.09) was stated in the ES of the OZP and the applicant was required to submit a MLP when seeking planning permission from the Board under “CDA” zone. Details of the RCHE would need to be included in the MLP submission and relevant approval condition(s) could be imposed to require provision of the RCHE to the satisfaction of the SWD.

Layout of the Proposed Development

42. A Member asked if there was still scope to revise the layout of the proposed development, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD replied that the scheme submitted by the applicant under the s.12A application was only for indicative purpose to demonstrate the technical feasibility of the proposal. There was still scope to refine the layout of the proposed development in the s.16 application together with a MLP for consideration of the Board. The Chairperson supplemented that Members’ concerns over the issues on biodiversity, traffic and layout of the proposed development could be added to the ES of the OZP to guide the proposed development. She also reminded that the applicant would be required to submit a MLP with relevant technical assessments in support of the proposed development in the s.16 application stage.

43. A Member enquired whether PlanD could line up the applicant and residents of Golf Parkview for a discussion on their concerns. Mr Anthony K.O. Luk, DPO/FSYLE, PlanD replied that such message could be conveyed to the applicant.

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

[Ms Lilian S.K. Law left the meeting during the Q&A session.]

Deliberation Session

45. Noting that there would be a vast number of committed developments in the North District, some Members raised concerns on the overall cumulative traffic generated by the developments and suggested that the Government should carry out a comprehensive TIA for the area to ensure that the traffic infrastructures would not be overloaded, and the traffic issue would be addressed in a consolidated and coordinated manner. A Member also commented that the traffic improvement measures should be completed before population intake of the proposed developments at the Items A and B sites. TD was also requested to study whether part of the Castle Peak Road – Kwu Tung and Pak Wai Lane could be widened to cope with the future population at the Item B site. Another Member expressed concern on the cumulative air ventilation impacts from the extensive committed developments in the area and requested that the Government should carefully consider air ventilation impacts in the relevant feasibility studies.

Item B

46. A few Members expressed grave concerns on Item B mainly due to the background of extensive tree felling on the Site and strongly criticised that the approach of felling trees to create a de facto lower baseline was not acceptable. On the discussion of whether the Government had any control over tree felling at the Site under the lease, Mr. Alan K.L. Lo,

Director of Lands, replied that the Site was held under unrestricted lease, and land exchange/lease modification was not necessary for development, and there was no control over tree felling from the land administration perspective. Members also considered that the tree compensation proposal was inadequate and raised concerns about the Government's prevailing arrangements for tree compensation and off-site tree or biodiversity compensation due to development. The Chairperson said that off-site tree compensation involved a host of implementation issues and the idea of tree bank was being studied by the Development Bureau.

47. Members strongly considered that the indicative scheme under application No. Y/FSS/19 was unacceptable and the applicant should seriously review their proposal taken into account Members' comments raised in the current meeting and the previous RNTPC meetings, which were summarised below:

- (a) the traffic arrangement at the Site should be reviewed, in particular on whether the ingress/egress should be located along Pak Wai Lane. The applicant should explore alternative access to the Site, such as the road between the Site and the planned Tai Tau Leng public housing development or at Castle Peak Road – Kwu Tung. A separate emergency vehicle access should be provided for the proposed RCHE. The traffic arrangement during the construction of the project should also be clearly explained;
- (b) regarding (a) above, if the ingress/egress needed to remain at Pak Wai Lane, the applicant should consider traffic improvement measures, such as widening of Pak Wai Lane by setting back within the Site and refining design of the cul-de-sac at the ingress/egress;
- (c) the landscape proposal should be reviewed comprehensively with due regard to the greening and biodiversity aspects, and adequate tree compensation in quantity and quality should be provided, including compensation for trees previously extensively felled on the Site (including off-site tree compensation, if needed);
- (d) the proposed layout should be reviewed to minimise the air ventilation

impact on the surrounding areas, and the AVA should be revised accordingly with careful consideration on the assumptions;

- (e) provision of the RCHE was supported and there should be mechanisms to ensure its implementation;
- (f) details of the future maintenance and management of the Oi Yuen Villa (the Grade 1 historic building) should be provided. Public access to the Grade 1 historic building should be explored; and
- (g) the applicant should explore construction/piling method to minimise the impacts on the developments in the vicinity (especially Golf Parkview), and appropriate precautionary measures should be carried out during the construction period.

48. A few Members considered that public access to Oi Yuen Villa should be allowed for appreciation of the historic building as a planning gain of the proposed development. A few other Members said that the maintenance and management responsibilities should be clearly stated in the Deed of Mutual Covenant to ensure its proper preservation and also set out the responsibility of future residents. Members requested PlanD to further consult AMO on the future management of the Oi Yuen Villa, and whether the applicant should be requested to provide public access to Oi Yuen Villa.

49. In response to Members' questions on the feasibility to widen Pak Wai Lane, Mr K.L. Wong, CTE/NTE, TD said that it was technically feasible to widen Pak Wai Lane to a standard road of 10.3m wide for two-way traffic. The need for widening of Pak Wai Lane would be further considered at the s.16 application stage.

50. A Member enquired whether the above concerns/requirements could be reflected in the Notes, instead of ES, of the OZP which had statutory effect. In response, the Secretary explained that it was a general practice to include the detailed requirements for a land use zoning in the ES of the OZP. He also explained that if the meeting proposed to make amendments to the Notes of the OZP, the proposed amendments to the draft OZP would be published for public inspection and would involve the procedure of submission of further representations and

holding of a further hearing, if needed.

51. Members were concerned whether stipulation of requirements in the ES of the OZP could effectively govern the future development at the Site and suggested that a statement about Members' concern should be drawn up for reference of PlanD and Members when considering the s.16 planning application in future. Mr Ivan M.K. Chung, Director of Planning, suggested that a planning brief could be prepared for the "CDA" site to better set out the requirements to guide the development. In that regard, the meeting agreed that PlanD should prepare a planning brief for the "CDA" site. The Secretary further explained that comments from relevant departments would be sought in preparing the planning brief, and the draft planning brief would be submitted to the Board for consideration before endorsement. Members further agreed that the ES should be revised to highlight the main concerns of Members as detailed in paragraph 47 above and to state clearly that the MLP should have regard to the planning brief.

52. The Chairperson concluded that Members generally agreed to the amendments to the OZP (i.e. both Items A and B) and that the adverse representations should not be upheld. PlanD would prepare a planning brief for the "CDA" site for the Item B site and Paragraph 7.2.3 of the ES of the OZP would be amended to reflect the concerns in paragraph 47 above accordingly.

[Dr Conrad T.C. Wong, Professor Bernadette W.S. Tsui and Mr K.L. Wong left the meeting during the deliberation session.]

53. After deliberation, the Board noted the supportive views of **R1 and R2** and decided not to uphold R3 to R72 and considered that the draft Fanling/Sheung Shui Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

- “(a) Items A and B are to take forward two s.12A applications which were agreed by the Rural and New Town Planning Committee taking into consideration all the public comments received, findings of relevant technical assessments, and comments from the relevant government departments. The amendments are considered appropriate (**R3 to R72**);

- (b) relevant technical assessments on traffic, environmental, visual, and air ventilation aspects have been conducted under the two s.12A applications and confirmed that there is no insurmountable technical impact arising from the proposed developments with the implementation of appropriate mitigation/improvement measures (**R3 to R72**); and
- (c) the planned Government, institution and community (GIC) facilities are generally sufficient to meet the demand of the planned population in the Fanling/Sheung Shui New Town in accordance with the Hong Kong Planning Standards and Guidelines and assessments of relevant Government bureaux/departments, except for some GIC facilities. Appropriate GIC facilities would be provided in the proposed developments to meet the needs of the future residents in the area. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments. The Government would continue adopting a multi-pronged approach to further enhance the provision of GIC to serve the district needs (**R3, R5 to R72**).”

54. The Board agreed to prepare a planning brief for the Item B site to set out the detailed requirements for the development in the “CDA” zone. The Board also agreed to amend the Explanatory Statement (ES) of the draft Fanling/Sheung Shui OZP as follows:

Paragraphs 7.2.3 to 7.2.5 of the ES of “CDA”

7.2.3 The site was previously a wooded area and is sandwiched between existing/planned high-rise, high-density residential developments and existing low-rise village settlements/residential developments. *Taking into account that some trees at the site were felled in the past, for development at the site, a landscape proposal with **comprehensive and** adequate tree compensation, in both quantity and quality of trees, and design measures for enhancing the **greening and biodiversity should be submitted as part of the future s.16 planning application. The layout should enhance air ventilation,** visual permeability, and*

open up more visual corridors ~~should be provided~~. ***Different options for access arrangement, including the possibility of providing an alternative vehicular access or widening of Pak Wai Lane and separate emergency vehicle access for the proposed RCHE, should be explored to minimise traffic impacts on Pak Wai Lane.***

7.2.4 The site includes Oi Yuen Villa, a Grade 1 historic building. It shall be preserved in-situ for adaptive re-use. A Conservation Management Plan for adaptive re-use of the Oi Yuen Villa ***as well as its long-term management*** and to propose/implement appropriate mitigation measures for its protection will be required when planning permission is sought. ***Options to allow the public to appreciate the Grade 1 historic building at reasonable time should be explored.***

7.2.5 ***A planning brief setting out the planning parameters and design requirements will be prepared to guide the future development of the “CDA” site and the submission of Master Layout Plan at the s.16 planning application stage.*** To provide flexibility for innovative design adapted to the characteristics of the site, minor relaxation of the plot ratio, site coverage and/or building height restriction(s) stated above may be considered by the Board through the planning permission system. Each proposal will be considered on the individual planning merits.

55. The Board also agreed that the draft OZP, together with its Notes and updated ES, was suitable for submission under sections 8(1)(a) and 29(8) of the Town Planning Ordinance to the Chief Executive in Council for approval.

[The meeting was adjourned for lunch break at 2:20 p.m.]

56. The meeting was resumed at 3:15 p.m.

57. 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 Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor John C.Y. Ng

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

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 Lands
Mr Alan K.L. Lo

Director of Planning
Mr Ivan M.K. Chung

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/19

(TPB Paper No. 10942)

[The item was conducted in Cantonese and English.]

58. The Secretary reported that the amendments to the draft Kwu Tung South Outline Zoning Plan (the draft OZP) were to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on two section 12A applications (No. Y/NE-KTS/13 and Y/NE-KTS/15). Application No. Y/NE-KTS/13 was to rezone a site to the immediate west of the Hong Kong Jockey Club (HKJC) Beas River Country Club for a proposed residential development, and LWK & Partners (Hong Kong) Limited (LWK) was one of the consultants of the applicant. Application No. Y/NE-KTS/15 was to rezone a site near Hang Tau Road for a proposed residential development submitted by Hinying Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK). A representation (R1) had been submitted by Hinying Limited (R1). The following Members had declared interests on the item:

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

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; and being an ordinary member of HKJC;

- Dr Conrad T.C. Wong - having current business dealings with SHK; and being an ordinary member of HKJC;
- Mr Ricky W.Y. Yu - having current business dealings with LWK;
- Mr Vincent K.Y Ho - having current business dealings with SHK;
- Mr Franklin Yu - his spouse being an employee of SHK;
- Dr C.H. Hau - applied for funding from the HKJC Charities Trust for his project;
- Mr Stanley T.S. Choi - his organisation having obtained sponsorship from HKJC; and
- Mr Stephen L.H. Liu]
Mr Wilson Y.W. Fung] being a full member of HKJC.
Professor Roger C.K. Chan]

59. Members noted that Messrs Stanley T.S. Choi, Vincent K.Y. Ho and Franklin Yu, Dr Conrad T.C. Wong, Professor Roger C.K. Chan, Miss Winnie W.M. Ng and Ms Lilian S.K. Law had tendered apologies for being unable to attend the meeting/afternoon session of the meeting and Dr C.H. Hau had not rejoined the meeting yet. As Mr Ricky W.Y. Yu had no involvement in the OZP amendments, he could stay in the meeting. As the interests of Messrs Wilson Y.W. Fung and Stephen L.H. Liu and Dr C.H. Hau were indirect, Members agreed that they could stay in or rejoin the meeting.

Presentation and Question Sessions

60. The Chairperson said that notifications 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.

61. The following government representatives, representer/commenter and representer's/commenter's representative 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)
- Ms Anny P.K. Tang - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE)

Representers, Commenters and their Representatives

R1/C1 – Hinying Limited

Llewelyn-Davies Hong Kong Limited

- Ms Winnie Wu - Representer's and Commenter's Representative

R3/C2 – Mary Mulvihill

- Ms Mary Mulvihill - Representer and Commenter

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

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

64. With the aid of a PowerPoint presentation, Ms Anny P.K. Tang, STP/FSYLE, PlanD briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views of the representers and commenters and PlanD's views on the representations and comments as detailed in TPB Paper No. 10942 (the Paper). The main amendments were:

- (a) Item A – dividing a “Comprehensive Development Area” (“CDA”) site to the north of Hang Tau Village fronting Hang Tau Road into Area (a) and Area (b) for separate residential developments, which were subject to a maximum domestic plot ratio (PR) of 1.23, a maximum non-domestic PR of 0.18 and a maximum building height (BH) of 41mPD for Area (a), and a maximum PR of 1.23 and a maximum BH of 34mPD for Area (b); and
- (b) Item B – rezoning of a site to the south of Kwu Tung Road and to the west of Hang Tau Road from “CDA”, “Agriculture” (“AGR”) and an area shown as ‘Road’ to “CDA(3)” for a proposed residential development, which was subject to a maximum PR of 2 and a maximum BH of 70mPD.

[Mr Paul Y.K. Au joined the meeting during PlanD's presentation.]

65. The Chairperson then invited the representer/commenter and representer's/commenter's representative to elaborate on their representations/comments.

R3/C2 – Mary Mulvihill

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

Item A

- (a) the proposed residential development with a BH of 40mPD was not in compliance with the original planning intention of the site for villa development under the OZP;
- (b) the site was previously proposed for development of 30 detached houses of 3 storeys with gardens in order to be compatible with the rural character of the area. The current scheme proposed 320 units without conducting traffic impact assessment. There were no government, institution and community (GIC) facilities, children's playground and elderly facilities to serve the future population. The proposed open space consisted merely of a border of trees and a green roof, intended for private rather than public use;
- (c) no active recreational facilities would be provided for the planned population of around 1,400 residents plus those of the residential care home of the elderly (RCHE) who were mobile. It was suggested to provide some courts on the rooftop for recreational uses such as exercises for the elderly;
- (d) much of the recreational area had been turned into brownfield sites in the area and there were a number of planning applications for such conversions;
- (e) the potential impact of the proposed residential development on the nearby watercourse had not been assessed. According to the current proposal, 80% of the site would be covered with concrete. The water flow during heavy rain would be an issue. There were insufficient drainage facilities along the vehicular access in Hang Tau Village and the proposed development would lead to serious flooding in the village. However, there were no local residents attending the subject hearing to provide views in respect of the potential impact of the proposed development on the district and the residents;
- (f) only a small slump of the original trees would be retained though the Agriculture, Fisheries and Conservation Department (AFCD) previously commented on the s.12A application stage that mature trees within the site should be preserved as far as possible. There were no details or concrete information as to how AFCD's comments had been taken into account under

the current proposal;

- (g) the “CDA” zoning was intended to provide a comprehensive living environment that included a variety of services and facilities. According to a Legislative Council paper in 2001-02, there were a number of merits in “CDA” zoning, including the provision of GIC facilities that could serve district needs. As the site had been zoned “CDA”, the related principles should be observed, and the Board should ensure that the site would provide some community and recreational facilities;
- (h) in the Kwu Tung South area, no child care centre was provided and there were deficits in the provision of community care services facilities (a requirement of 115 places vs the current provision of 17 places, with a deficit of 85%), RCHE (a deficit of 30%), pre-school rehabilitation services (a deficit of 100%), day rehabilitation services (a deficit of 100%) and residential care services (a deficit of 18%). There should be plans to address those shortfalls;

Item B

- (i) 28% of the site was government land. The layout of the proposed development precluded the possibilities of an extended waterfront promenade with bicycle lane along Sheung Yue River and created bottlenecks at both ends of the site near the river. Every district should have its waterfront promenade/park/esplanade similar to that of Shing Mun River. The riverside walk at Sha Tin was an example of good town planning, providing abundant public space for both large-scale events and individual recreational activities. Given that Kwu Tung South was a new district where government land was available, the waterfront promenade along Sheung Yue River should be extended for public enjoyment;
- (j) the acute demand for private housing was not an excuse for not providing essential facilities for the community. Indeed, the demand for private housing was no longer a pressing issue;

- (k) 270 mature trees would be felled as a result of the proposed residential development, and the impact on the local ecosystem would be significant. It was stated in the Paper that “Relevant amendments to the ES of the OZP have also been made to incorporate the requirements to minimise the potential adverse impacts and disturbance on the meander of Sheung Yue River and its wildlife habitat”. This reflected that the proposed development would indeed have negative impact on Sheung Yue River and its wildlife habitat. The development plan should be rejected;
- (l) there was a deficit in the provision of district open space in the district. The riverside location should not be privatised and removed from the public realm and should be devoted to recreational and community uses. There was no information to demonstrate that the impact of the proposed development on the public enjoyment of the waterfront had been addressed;
- (m) Kwu Tung should be developed as a model town, and private developments should not be allowed to encroach onto areas that should be enjoyed by the general public;
- (n) when the site was first rezoned to “CDA” in 2011, the applicant had conducted an ecological impact assessment (EcoIA) to demonstrate that the proposed development would not generate significant adverse ecological impact. According to the in-house ecologist of the applicant, the species identified on the site were commonly found in other areas of Hong Kong and there was no roosting in the area. Regarding the arrangement of the compensatory planting area, the applicant had indicated that the area was mostly occupied by shrubs and exotic plants;
- (o) building gaps were recommended based on the result of the air ventilation assessment (AVA) conducted by the applicant, which reflected that the proposed development would cause air ventilation impact;
- (p) all technical assessments were conducted by the applicant and there was no independent assessment by the Government;

- (q) there was no indication on the provision of community facilities. The Board failed to address the issue when approving the related s.12A application (No. Y/NE-KTS/15) despite the significant amount of government land (28% of the site) involved;
- (r) there was no indication that Members' concerns on wildlife, the nearby meander, light pollution impact on flora and fauna, continuity of natural habitat along Sheung Yue River, height of the buildings and tree compensation had been addressed. Hence, the amendment to the OZP should not be approved; and
- (s) in view of the recent occurrences of acute weather in Hong Kong together with the increasing number of unsold private flats in the market, the two s.12A applications related to Items A and B should be reassessed to determine whether the planned uses at the sites were in the best interest of the community.

[Dr C.H. Hau rejoined the meeting during R3/C2's presentation.]

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

Item B

EcoIA

68. A Member recalled that the applicant did not update the EcoIA in support of the s.12A application (No. Y/NE-KTS/15) which was conducted 10 years ago when the Item B site was first rezoned to "CDA", even though AFCD had no objection to the assessment and findings. The Member enquired if there was any update on the EcoIA since the consideration of the s.12A application by RNTPC in October 2022 and if there was any supplementary information

incorporated in the Paper.

69. In response, with the aid of a PowerPoint slide, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD made the following main points:

- (a) after RNTPC's consideration of the s.12A application, PlanD had liaised with the applicant regarding Members' concerns on the EcoIA and the applicant had undertaken supplementary surveys and assessment; and
- (b) as the Item B site was zoned "CDA", to take forward the proposed development, the applicant would submit a s.16 planning application, including the updated EcoIA, for the Board's consideration.

70. With the aid of some PowerPoint slides, Ms Winnie Wu, R1/C1's representative (i.e. the applicant of s.12A application No. Y/NE-KTS/15), made the following main points regarding the preliminary findings of the updated EcoIA:

- (a) when the indicative development scheme under the s.12A application was presented to RTNPC in October 2022, the applicant was already in the process of conducting an updated ecological survey. As the survey was yet to cover the whole wet and dry seasons at that time, the updated survey findings had not been presented to RNTPC;
- (b) since the approval of the s.12A application, the applicant continued to update the baseline ecological survey. The survey covering the wet and dry seasons for the application site (i.e. the Item B site) and the 500m assessment area had been completed. Upon completion of the rezoning process for the Item B site, the applicant would submit a s.16 planning application including the full EcoIA report to the Board and AFCD for consideration and approval; and
- (c) while the updated EcoIA report was yet to be finalised, according to the findings of the supplemented ecological survey, Malyan Night Heron (*Gorsachius melanolophus*) (黑冠鵝), as mentioned by the Member in the RNTPC meeting, was not identified in the assessment area, while Leopard Cat

(Prionailurus bengalensis) (豹貓) was recorded within the assessment area but outside the Item B site. The findings of the supplemented ecological survey did not envisage adverse ecological impact by the proposed development at the site and were consistent with that of the previous EcoIA.

71. In response to a further question raised by the same Member on the measures to be taken by the applicant to minimise the ecological impact of the proposed development on the mitigation woodland and wetland which had a certain level of ecological value as revealed by the applicant's updated ecological survey, Ms Winnie Wu, R1/C1's representative, said that according to the indicative scheme considered by RNTPC in October 2022, a 4m-tree buffer zone would be provided along the western boundary of the site. In view of the Member's concern that the proposed tree buffer zone might not be adequate from ecological perspective, as she had indicated at the RNTPC meeting, the applicant was willing to further enhance the tree buffer zone and would explore the possibility of planting more than a row of trees as far as practicable when preparing the proposed development scheme for the s.16 planning application.

Tree Compensation

72. The same Member enquired whether the tree compensation plan, as just shown in PlanD's presentation, was identical to that for the s.12A application, as the same Member had pointed out at the RNTPC meeting that the proposed compensatory planting areas were already woodlands and confirmed with the applicant at that time that the said planting areas had not been covered by the tree survey. In response, with the aid of a PowerPoint slide, Ms Winnie Wu, R1/C1's representative, explained that when the s.12A application was considered by RNTPC in October 2022, information about the existing trees at the planting areas outside the site was not available. After the RNTPC meeting, a tree survey conducted for the planting areas revealed that there were 22 existing trees with two species, namely *Macaranga tanarius* (血桐) and *Leucaena leucocephala* (銀合歡), which were exotic species as advised by the applicant's landscape consultant. The applicant would select native tree species as far as possible to replace the trees of exotic species. The tree compensatory proposal would be submitted to AFCD for consideration and such information would also be included in the subsequent s.16 planning application for the Board's consideration.

73. Noting R1/C1's responses, the same Member said that *Macaranga tanarius* (血桐) was a native rather than an exotic tree species with very high ecological value and enquired if the existing exotic trees at the proposed compensatory planting areas would be removed before replanting of new trees of native species. In response, Ms Winnie Wu, R1/C1's representative, said that the applicant would screen the existing trees there and those exotic trees such as *Leucaena leucocephala* (銀合歡) would be felled. It was intended to replant flowering trees of native species at the planting areas to attract wildlife and insects so as to enhance the ecological value of the areas.

74. The same Member reminded that the exotic trees at the compensatory planting areas to be felled should be taken into account in the tree compensation and asked for more details about the compensatory planting arrangement. In response, Ms Winnie Wu, R1/C1's representative, with the aid of a PowerPoint slide, made the following main points:

- (a) all existing trees to be felled within the Item B site would be properly compensated;
- (b) the mitigated woodland on the government land within the Item B site would be granted to the applicant for the proposed comprehensive development and the trees thereon would be felled and compensated within the Item B site; and
- (c) compensatory planting areas were not designated for the purpose of compensating the trees to be felled within the Item B site. The project proponent's land parcels outside the Item B site were designated as compensatory planting areas which would be used to compensate the loss of the two pieces of mitigation woodland on government land within the Item B site. Tree planting on the compensatory planting areas would integrate with AFCD's existing plantation areas and meander to form a comprehensive strip of trees there.

75. To supplement, with the aid of the same PowerPoint slide, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD made the following main points:

- (a) the government land within the “CDA” site was irregular and scattered. The government land therein would be incorporated into the private land in order to rationalise the development site boundary for comprehensive development;
- (b) two pieces of government land within the site were existing planting areas (i.e. mitigation woodland) currently managed by AFCD, which would form part of the proposed development in the future. The planting areas were created under the Rural Drainage Rehabilitation Scheme for Sheung Yue River. To compensate for the loss of the planting areas, some private land owned by the applicant outside the Item B site boundary was proposed to be re-provided for tree planting, which would integrate with the adjoining strips of government land to form holistic compensatory planting areas by the applicant. AFCD had agreed to such compensatory planting arrangement when the previous scheme with a lower development intensity was put forward for the site; and
- (c) the applicant would further explore if more trees could be planted for compensation, and the landscape proposal would be incorporated in the s.16 planning application for the Board’s consideration.

76. The same Member had the following follow-up questions:

- (a) the proposed tree compensation ratio, and whether new small trees would be planted to compensate for the existing large trees; and
- (b) while compensation by number might be achieved, since the compensatory trees would be smaller than those of the existing large trees, how the loss in terms of quality could be achieved and whether off-site compensation would be considered.

77. In response, Ms Winnie Wu, R1/C1’s representative, made the following main points:

- (a) a tree compensation ratio of 1:1 would be adopted, and new heavy standard trees would be planted for compensation. Information on Diameter at Breast Height of the compensatory trees was not yet available. Such information

would be included in the s.16 planning application; and

- (b) in general, on-site tree compensation should be adopted for development within “CDA” zone. Discussion with concerned government departments would be required for off-site compensation.

Air Ventilation

78. A Member had the following questions:

- (a) the maximum length of the building façade under the indicative scheme;
- (b) given its elongated shape of the wall-like building blocks with 15-16 storeys high, any enhancement measure to improve the wind environment in the area; and
- (c) the impact of the proposed development on the wind environment of the low-rise developments located to the immediate west of the Item B site across Sheung Yue River.

79. In response, with the aid of a PowerPoint slide, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD made the following main points:

- (a) the layout design of the indicative scheme complied with the Sustainable Building Design Guidelines (SBDGs) in terms of the length of building facade (not more than 60m) and the width of building gaps (not less than 15m);
- (b) the annual prevailing wind for the area was from the east and the summer prevailing wind was from the south and southwest. An AVA had been conducted by the applicant at the s.12A application stage, which was considered acceptable by the Chief Town Planner/Urban Design and Landscape of PlanD. As compared with the previously approved scheme under application No. Y/NE-KTS/3 with a PR of 0.4 and a BH of 3 storeys, there was a slight improvement in the wind performance of the site under

annual and summer conditions, and no significant change in the wind performance of the local areas under the current scheme; and

- (c) the low-rise developments to the immediate west of the Item B site were situated in the downwind area, and according to the findings of the AVA, no significant change in the wind performance was observed under the current scheme. If there were significant changes in the layout design of the proposed development and/or the surrounding context, the AVA would be reviewed and updated for submission to the Board in the s.16 planning application stage.

Proposed Swimming Pool

80. In response to a Member's concerns on the location of the proposed swimming pool being in close proximity to the meander of Sheung Yue River and the associated potential noise and light pollution on the neighbouring habitat, Ms Winnie Wu, R1/C1's representative, said that the layout design would be reviewed and adjusted, taking into account Members' concerns, for submission to the Board at the s.16 planning application stage.

81. 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 government representatives and the representer/commenter and representer's/commenter's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

82. The Chairperson invited views from Members. For Item B, Members noted that the applicant of s.12A application No. Y/NE-KTS/15 (i.e. R1/C1) would follow up with the concerns and comments raised by RNTPC and the Board, by reviewing the layout design, landscape proposal, tree compensation plan and relevant technical assessments, including EcoIA and AVA, which would be subject to the scrutiny of relevant government departments and the Board in the subsequent s.16 planning application stage. Members generally agreed with Item B and had the

following views:

- (a) on ecological aspect, a Member said that the Item B site was located close to the meander which served as an ecological compensation site under the Rural Drainage Rehabilitation Scheme for Sheung Yue River. The buffer effect of the proposed 4m-tree buffer zone was limited as only a row of trees could be accommodated;
- (b) on air ventilation aspect, another Member said that the indicative scheme for the Item B site just met the minimum standards stipulated in SBDGs in terms of the length of building façade and the width of building gaps. That said, the wind performance of the area with the proposed residential development in place was acceptable and there was no further comment in that regard; and
- (c) on layout design, a Member opined that the applicant had maximised the development potential of the site for flat production. Whilst the proposed development with a more compact layout design would inevitably generate some impact on the surrounding environment, it would help address the shortage of housing supply in Hong Kong. It was expected that more applications for increasing development intensity for housing development would be submitted to the Board for consideration. The Board should strike a balance on various aspects when considering such applications.

83. A Member remarked that RNTPC's concerns and comments on the proposed residential development at the Item B site, including the aspect on biodiversity, had not been fully reflected in the Explanatory Statement (ES) of the draft OZP as only general description was adopted. In response, the Secretary said that the ES had been amended to reflect RNTPC's major concerns. In paragraph 9.1.8 of the ES, it was stated that "any development at the site should not adversely affect the ecological, amenity and landscape value of the mitigation woodland and wetland. If the development would unavoidably affect the existing mitigation woodland and wetland, the applicant should also submit technical assessment(s) including ecological impact assessment and/or compensatory proposal(s) with implementation arrangements such as tree buffer and appropriate blocking layout to minimise the disturbance to the neighbouring habitat." After the RNTPC meeting in October 2022, PlanD had requested the applicant to take into account

Members' concerns and review the EcoIA. PlanD would further liaise with the concerned departments to ensure that the applicant would follow up with and fully meet the requirements as stipulated in the ES.

84. The same Member added that the potential impacts of light pollution of the proposed development, in particular the location and floodlight of the proposed swimming pool, on the nocturnal animals (such as Leopard Cat (*Prionailurus bengalensis*) (豹貓)) at the meander, and whether the 4m-tree buffer zone was sufficient to alleviate such impacts should also be taken into account in the layout design of the proposed development. The Secretary responded that such requirements would be recorded in the meeting minutes, which would be conveyed to the applicant for their preparation of the s.16 planning application. Another Member shared the view that the concern of potential light pollution of the proposed development as a whole, not only the swimming pool, should be clearly mentioned in the ES of the draft OZP, and such suggestion should also be applicable to other similar development sites adjacent to ecologically sensitive areas in the Northern Metropolis. In that regard, Mr Ivan M.K. Chung, Director of Planning, suggested and meeting agreed that the above concerns on the glare impact/light pollution and layout design could be reflected in the ES.

85. The Chairperson concluded that Members generally agreed with Items A and B and the specified development restrictions. Members' concerns on the potential glare impact/light pollution arising from the proposed residential development at the Item B site would be reflected in the ES of the draft OZP for follow-up by the applicant during the submission of Master Layout Plan in the s.16 application stage.

86. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1** on Item B and decided not to uphold **R2** and **R3**, and agreed that the draft Kwu Tung South Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

- “(a) Items A and B are to take forward two s.12A applications which were agreed by the Rural and New Town Planning Committee (the Committee) taking into consideration all the public comments received, finding of relevant technical assessments, and comments from the relevant government departments. The proposed amendments are considered appropriate (**R2** and **R3**);

- (b) relevant technical assessments on traffic, environmental, landscape and visual aspects have been conducted under the two s.12A applications and confirmed that there is no insurmountable technical impact arising from the proposed developments with the implementation of appropriate mitigation/improvement measures. The development details and other technical aspects of the proposed development would be subject to the scrutiny of concerned government departments and the Committee in the subsequent s.16 planning application stage (**R2** and **R3**);
- (c) the planned provision of government, institution and community (GIC) facilities in Kwu Tung South are generally sufficient to meet the demand of the planned population except for some GIC facilities. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments. The Government would continue adopting a multi-pronged approach to further enhance the provision of GIC facilities to serve the district needs (**R3**); and
- (d) the overall provision of open space is considered generally adequate to meet the demand of the planned population. Private open space would be provided in the proposed developments to meet the needs of the future residents in the area (**R3**).

87. The Board also agreed to amend the Explanatory Statement (ES) of the draft Kwu Tung South OZP to reflect Members' views as follows:

Paragraph 9.1.8 of the ES for “Comprehensive Development Area (3)” Zone to the south of Kwu Tung Road and to the west of Hang Tau Road

“A site with an area of about 1.97 ha located to the south of Kwu Tung Road and to the west of Hang Tau Road is zoned “CDA(3)”. The western boundary of the site encroaches upon a mitigation woodland and wetland maintained by the Agriculture, Fisheries and Conservation Department under the Rural Drainage Rehabilitation Scheme for River Beas. Any development at the site should not adversely affect the ecological, amenity and landscape value of the mitigation woodland and wetland.

The applicant should undertake appropriate design and landscape measures, layout arrangement and/or other effective means to minimise the possible ecological impacts generated from the development, particularly glare impact/light pollution, on the mitigation woodland and wetland. If the development would unavoidably affect the existing mitigation woodland and wetland, the applicant should also submit technical assessment(s) including ecological impact assessment and/or compensatory proposal(s) with implementation arrangements such as tree buffer and appropriate blocking layout to minimise the disturbance to the neighbouring habitat. The site abuts Hang Tau Road and is subject to traffic noise impacts and potential vehicular emissions impact as well as other constraints such as inadequate drainage and sewerage facilities.”

88. The Board also agreed that the draft OZP, together with its Notes and updated ES, was suitable for submission under section 8(1)(a) and 29(8) of the Town Planning Ordinance to the Chief Executive in Council for approval.

Sha Tin, Tai Po and North District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LYT/795

Proposed Temporary Public Vehicle Park (Private Car Only) for a Period of 3 Years in “Agriculture” Zone, Lots 466 (Part) and 470 (Part) in D.D.83 and Adjoining Government Land, Kwan Tei, Fanling

(TPB Paper No. 10945)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

- Ms Margaret H.Y. Chan - District Planning Officer/Shan Tin, Tai Po and North District (DPO/STN)
- Mr Tim T.Y. Fung - Senior Town Planner/Shan Tin, Tai Po and North District
- Ms Carman C.Y. Cheung - Town Planner/Shan Tin, Tai Po and North (TP/STN)

Applicant

Mr Lau Wing On

Applicant's representatives

Toco Planning Consultants Limited

Mr Chan Tat Choi

Mr Daniel Wei

90. The Chairperson extended a welcome and explained the procedures of the review hearing. She then invited PlanD's representatives to brief Members on the review application.

91. With the aid of a PowerPoint presentation, Ms Carman C.Y. Cheung, TP/STN, PlanD briefed Members on the background of the review application including the application site (the Site, comprising Site A and Site B) and the surrounding areas, the applicant's proposal and justifications, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 10945 (the Paper). PlanD did not support the review application.

92. The Chairperson then invited the applicant and his representatives to elaborate on the review application.

93. With the aid of some PowerPoint slides and photos, Mr Lau Wing On, the applicant, made the following main points:

- (a) he had served as the village representative of Kwan Tei Village for over 30 years, and was fully aware of the needs of the villagers;
- (b) the purpose of the application was to provide a local village car park which was supported by the villagers;
- (c) there were no other suitable sites in the village for a car park;
- (d) the vacant land in front of the Ancestral Hall of the village had been used for car parking for a long time, but it could accommodate just about a dozen car parking spaces which could not address the parking demand of the villagers. In 2000, enforcement action was taken by the Police on the vehicles parked on the land. He did not know why such car parking was illegal. Since then, despite that the village was large in extent, no parking spaces had been available for the villagers;
- (e) the unauthorised parking of vehicles at Site B, the subject of a previous planning enforcement case, had been discontinued;
- (f) the application was submitted to provide 19 parking spaces in addition to the previously approved 11 parking spaces at Site A (i.e. a total of 30 parking spaces at the Site) to meet the parking demand, which in turn could help resolve the illegal parking problem and vehicle-pedestrian conflicts, and facilitate manoeuvring of emergency vehicles via narrow local roads and thus avoid delay in the delivery of emergency services; and
- (g) rejection of the application might give rise to more illegal car parking in an uncontrolled manner in the village.

94. With the aid of a PowerPoint presentation, Mr Daniel Wei, the applicant's representative, made the following main points in response to PlanD's assessment on the application in the Paper:

Paragraph 7.2 of the Paper

- (a) whilst the planning intention of the “Agriculture” (“AGR”) zone for the Site was for agricultural purposes, some non-agricultural uses could be allowed subject to planning permission by the Board. In the past few years, there were approved applications (such as applications No. A/NE-LYT/689 and 706) for temporary public vehicle park (PVP) in other “AGR” zones in the district. Although the Director of Agriculture, Fisheries and Conservation (DAFC) did not support those applications from agricultural perspective, similar to the current application, PlanD was of the view that approval of those applications would not frustrate the long-term planning intention of the “AGR” zone. As such, the applicant had a reasonable expectation of getting approval for the current application by the Board;
- (b) the applicant had submitted a traffic impact assessment (TIA) during the s.16 planning application stage to address the traffic impact of the proposed temporary PVP. PlanD was of the view that there was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. Such assessment was inconsistent with other approved similar applications, which was unfair to the current application;
- (c) part of the Site, together with the adjacent area, was the subject of a previous application No. A/DPA/NE-LYT/84 for proposed residential development with recreational facilities, which was approved by the Board in January 1996. When that application was submitted in 1994, the Site fell within the “Unspecified Use” area on the relevant Development Permission Area Plan and was later rezoned to “AGR” in July of the same year. The Board should have considered the impact of the proposed residential development on “AGR” zone before granting the planning approval. The planning approval in 1996 reflected that there had been a change in the planning circumstances of the Site and its surrounding areas since then. Also, the Government had not put forward any agricultural rehabilitation programme for the subject “AGR” zone;
- (d) grasscrete paving would be provided at Site B instead of hard paving as at Site A. Since Site B was flat in terrain with sparse vegetation cover and no large-scale site formation would be required for car parking use, and given its

temporary nature, the long-term planning intention of the “AGR” zone would not be frustrated with the extension of the car park at Site A to cover Site B, and the Site could be restored for agricultural use if there was any agricultural rehabilitation programme in future;

Paragraph 7.3 of the Paper

- (e) Site A was a hard-paved car park with planning permission. Site B, with an additional area of 485m² for the proposed extension of the car park at Site A, was currently overgrown with weeds and five trees of common species. If the current application was approved by the Board, the applicant would clear the weeds and transplant the five existing trees to other suitable locations. No tree felling would be involved. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had no objection to the application from landscape planning perspective. As regards PlanD’s view that the public carparking provision should be located in areas intended for development purposes, the applicant had just explained that the proposed temporary car park would be exclusively used by the villagers of Kwan Tei Village, which was different from a fee-paying hourly public car park and no watchman kiosk would be erected;
- (f) no other suitable sites could be identified within the village for temporary PVP in view of the existing road pattern and that the village area was largely occupied by houses and Tso/Tong lands with complicated land ownership issues. The applicant had devoted effort to identify the Site for temporary PVP which was adjoining Kwan Tei Village, connected to an existing road and not too small in size. The rent for the Site under private ownership was also affordable to the villagers;
- (g) all the technical departments including the Transport Department (TD), Drainage Services Department and Water Supplies Department had no objection to the application. The Site was considered the most suitable one for temporary PVP;

- (h) it was common that local roads within villages in the New Territories were not under the management of TD. Approval of the current application with conditions could allow necessary provision for enforcement against any irregularities concerning the Site from traffic perspective;

Paragraphs 7.4 of the Paper

- (i) PlanD was of the view that there was no precedent case for temporary PVP within the same “AGR” zone. However, Site A with planning approval for temporary PVP under application No. A/NE-LYT/742 was actually a precedent case. There were also other similar applications within other “AGR” zones in the same district which were approved by the Board;

Paragraphs 7.5 of the Paper

- (j) PlanD was of the view that the planning circumstances of the application were different from those of the other similar applications approved by the Board in that the Site was covered with vegetation while the sites under the other similar applications had already been hard paved/formed. In that regard, it was emphasised that Site A had also been hard paved and Site B was mainly covered with weeds only;
- (k) there were several cases of illegal land filling for car parks, and the applications for regularising of such were approved by the Board. That was in contravention of the Board’s intention of not condoning “destroy first, develop later”. On the contrary, the application was submitted by lawful means, but yet it was rejected by the Board;
- (l) approval of the application would not set an undesirable precedent but would provide planning gains, including optimising the use of scarce land resources by providing more car parking spaces at Site B with an area similar to that of Site A. The proposed temporary PVP would also help alleviate the problem of illegal parking, avoid the delay in emergency services, minimise vehicle-

pedestrian conflicts and eliminate the need for vehicles yielding in the opposite direction;

Paragraph 7.6 of the Paper

- (m) whilst the application was not assessed based on the Town Planning Board Guidelines No. 13G (TPB PG-No. 13G) for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’, the said Guidelines served as a reference for assessing the application. In April 2023, the Board agreed to amend the said Guidelines to make available more land under Category 2 to cope with future planning need. Category 2 areas included non-active farmland and agricultural land with no dense vegetation cover. Therefore, the use of agricultural land within “AGR” zone could be revisited subject to changing planning circumstances. The Site under application was neither an active farmland nor covered with dense vegetation, and the proposed temporary PVP was small in scale with no structure to be erected on the Site. Hence, the adverse impact caused by the proposed temporary PVP at the Site should be much lower than that of open storage and warehouse uses;

Paragraph 7.7 of the Paper

- (n) the majority of public comments received at the s.16 planning application and s.17 review stages were in support of the application and most of those comments were from the villagers of Kwan Tei Village, reflecting that there was a pressing need of car parking spaces for the villagers; and
- (o) it was sincerely hoped that the Board would give favourable and sympathetic consideration to the application, taking into account the public interest, the small area of the site and minimal impact of the proposed temporary PVP on the “AGR” zone, and that no objection/adverse comment was raised by TD, the Environmental Protection Department and CTP/UD&L of PlanD on the application.

95. As the presentations of PlanD's representative and the applicant and his representative had been completed, the Chairperson invited questions from Members.

Parking Provision Standard for Village Housing

96. Regarding a Member's enquiry on car parking provision standards for villages, Ms Margaret H.Y. Chan, DPO/STN, PlanD with the aid of some Powerpoint slides, replied that according to the Hong Kong Planning Standards and Guidelines (HKPSG), car parking spaces were generally provided in communal parking areas within the village 'environs' ('VE'). TD would be consulted on the provision. It was noted that there were some car parking areas within Kwan Tei Village and a number of bus routes to different parts of the Territory serving the commuting needs of the villagers. Mr K.L. Wong, Chief Traffic Engineer/New Territories East, TD reconfirmed that according to the HKPSG, car parking spaces for village should be provided within the 'VE'. For existing village, there was no fixed standard for such provision. A Member remarked that there was always a positive correlation between car ownership and provision of parking spaces.

Parking Demand

97. In response to a Member's enquiry about the number of households in Kwan Tei Village, the level of car ownership and whether the proposed 30 parking spaces at the Site would be sufficient to address the parking demand of the villagers, Mr Lau Wing On, the applicant, said that there were about 600 households. While there was no actual figure on hand, it was estimated that more than 100 households owned cars. The proposed 30 parking spaces at the Site could not fully address the parking demand of the villagers but at least those cars parking at the road bends in the village could be accommodated in the proposed temporary PVP so that the traffic flow in the area could be enhanced.

Public Transport Services for Kwan Tei Village

98. In response to a Member's enquiry about the mode of transport used by the villagers with no cars, Mr Lau Wing On, the applicant, said that the buses/minibuses running along Sha Tau Kok Road – Lung Yeuk Tau were always fully occupied, and villagers had to wait for at least 20 to 30 minutes to get on the buses/minibuses. That was the reason why the villagers would like to

have their own cars.

99. Another Member said that given the bus frequency in the rural areas was usually at a 20 to 30-minute interval, villagers should expect that longer waiting time was required for the bus service, and asked if such issue could be resolved by increasing the provision of car parking spaces. In response, Mr Lau Wing On, the applicant, said that the villagers' commuting needs might not match with the bus schedules. Since the opening of Liantang/Heung Yuen Wai Boundary Control Point, there were more people using public transport and the services were not adequate to serve the village. In that connection, he had requested the minibus operators to enhance the service with additional three buses serving the villagers during the morning peak at around 8 a.m.

Other Parking Areas in Kwan Tei Village and Previous Applications for Temporary PVP

100. In response to a Member's enquiry about the utilisation rate of the existing temporary PVP at Site A, Mr Lau Wing On, the applicant, said that all the car parking spaces were fully utilised by the villagers. Regarding the question raised by the same Member on the availability of metered parking spaces in Kwan Tei Village, Ms Margaret H.Y. Chan, DPO/STN, PlanD said she was not aware of such parking spaces in the village.

101. Noting that there were some existing parking areas within Kwan Tei Village, a Member enquired about the number of such parking areas within the Village, the number of car parking spaces therein and their status. In response, with the aid of a Powerpoint slide, Ms Margaret H.Y. Chan, DPO/STN, PlanD showed that some patches of land within the "Village Type Development" ("V") zone of Kwan Tei were observed to be used for car parking though the exact number could not be ascertained. Mr Lau Wing On, the applicant, said that he had no such information and all these parking areas/parking spaces were illegal.

102. Noting that the total land area of the existing parking areas within the village was much larger than the Site, a Member asked for the reasons for not applying for temporary PVP on those areas such as the one in the northwestern corner of the village. In response, Mr Lau Wing On, the applicant, said that a number of applications for temporary PVP on larger sites covering Site A and/or Site B with more parking spaces were submitted before, but they were not approved by the Board. With the aid of a visualiser, Mr Daniel Wei, the applicant's representative, supplemented the following main points:

- (a) the applicant had submitted five applications for temporary PVP in the same locality. The first application No. A/NE-LYT/711 was for a temporary PVP with 134 spaces. In view of TD's concern on the traffic impact, the applicant withdrew the application and submitted the second application No. A/NE-LYT/718 for a temporary PVP with 63 spaces, which was subsequently rejected by RNTPC for reasons similar to those of the current application. Another application (No. A/NE-LYT/766) on a smaller site for the provision of the same number of parking spaces (i.e. 63 spaces) supported with a TIA was submitted. Whilst TD had no objection to the proposal, PlanD did not support that application mainly for the reason that the proposed development was not in line with the planning intention of "AGR" zone, and that application was then withdrawn by the applicant. A further application (No. A/NE-LYT/792) was submitted with 46 parking spaces on a much smaller site to further minimise the impact of the proposed temporary PVP on the "AGR" zone, but PlanD did not support the application. The current application with 30 parking spaces was submitted with a view to further minimising the impact on the "AGR" zone but such provision was far from meeting the parking demand of the villagers; and
- (b) the existing parking area in the northwestern corner of the village was on government land, which was not available for temporary PVP. There were also many Tso/Tong lands in the village, which were also not available for temporary PVP in view of complicated land ownership issue. Besides, site area, vegetation cover and amount of rent were also some of the major considerations in site selection for temporary PVP.

103. The same Member enquired whether that piece of government land in the northwestern corner of Kwan Tei Village could be used for provision of PVP. Ms Margaret H.Y. Chan, DPO/STN, PlanD said that the area concerned was zoned "V" in which 'Public Vehicle Park' was a Column 2 use and planning permission for such use was required from the Board. In response to the Chairperson's enquiry on whether planning permission had been granted to those existing car parking areas within the village, Ms Margaret H.Y. Chan said that no planning permission for temporary PVP was granted in the "V" zone concerned in the past five years and it was estimated that the total land area of those parking areas was about 3,400m².

Planning Intention of “AGR” Zone

104. Noting that contravening the planning intention of “AGR” zone was the main rejection reason for all the previous applications for temporary PVP at the Site, a Member enquired whether the planning consultant had advised the applicant to consider alternative sites. With the aid of a visualiser, Mr Daniel Wei, the applicant’s representative, said that the planning consultant started to follow up the case since the rejection of the second application by the Board under application No. A/NE-LYT/718. Since traffic impact and impact on agricultural land were the two major issues for the proposed temporary PVP, the planning consultant had advised the applicant to conduct a TIA to address TD’s concern on traffic impact. Efforts were also paid to minimise the involvement of agricultural land within the “AGR” zone, such as redesigning the parking layout on a combined site (Site A and Site B) with the use of an existing road for access to the proposed PVP under application No. A/NE-LYT/792 and the current application. There were previous applications for temporary PVP which were approved by the Board even though DAFC did not support those applications. It was hoped that the Board would give sympathetic consideration to the application taking into account the parking needs of the villagers.

Site Vegetation and Reinstatement

105. Two Members had the following questions:

- (a) changes in vegetation cover of the Site; and
- (b) whether the grasscrete would need to be removed upon termination of PVP use.

106. With the aid of a site photo and some aerial photos, Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following main points:

- (a) parts of the Site were the subject of enforcement actions against unauthorised parking of vehicles and the areas concerned had been reinstated with grass cover. With reference to an aerial photo taken after the gazettal of the Lung Yeuk Tau and Kwan Tei South Interim Development Permission Area Plan No. IDPA/NE-LYT/1 (the IDPA Plan) on 17.8.1990, farming use was observed on

Site B. As shown on an aerial photo taken before the incorporation of land filling clause gazetted under the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10 on 29.4.2005, the Site, in particular Site B was still covered with vegetation. According to the Explanatory Statement of the prevailing OZP, the area was classified as high quality agricultural land and DAFC's agricultural rehabilitation programme had been extended to cover the Site; and

- (b) should the application be approved, a planning condition would be imposed to require the applicant to reinstate Site B to an amenity area upon expiry of the planning permission, usually with grass cover.

Other Aspects

107. Concerning two Members' enquiries on sharing of rent for the Site, reinstatement cost and priority of using the car parking spaces, Mr Lau Wing On, the applicant, said that a coordinator was responsible for rent sharing matters, and the Site would continue to be used for car parking as long as the use was permitted by the Board. At the current stage, priority was given to indigenous villagers to use the existing 11 parking spaces at Site A and other villagers were also allowed to park their cars if there were vacant parking spaces. Both indigenous and non-indigenous villagers using the car parking spaces had to share the rent.

108. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and his representatives and would inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's representatives and the applicant and his representatives for attending the meeting. They left the meeting at this point.

[Dr Venus Y.H. Lun joined the meeting during the Q&A session.]

Deliberation Session

109. The Chairperson invited views from Members. Members generally agreed that the

principle of reserving the land with potential for agricultural rehabilitation within “AGR” zone should be adopted in assessing the current application. The approval of the application to address the parking demand of Kwan Tei Village would set an undesirable precedent, leading to further proliferation of rural public car parks on land within “AGR” zone in the New Territories.

110. Noting that the applicant had applied for a number of times for temporary PVP with different site areas and number of parking spaces in the same locality within the same “AGR” zone but not successful, a Member opined that the applicant should identify an alternative site outside the “AGR” zone for such purpose. All the application sites under the applicant’s previous submissions fell within the “AGR” zone, the approval of which would violate the principle of reserving the “AGR” land for agricultural use, regardless of the size of the application sites. Another Member noted from DPO/STN’s explanation that there were different choices of public transport services for the villagers at the moment and the approved similar application for temporary PVP (Application No. A/NE-LYT/777), as mentioned by the applicant, was located in another “AGR” zone quite far away from the Site and with different planning circumstances as that site had already been hard paved some time ago even before the first planning approval for the same use in 2019. In that connection, the Member was of the view that a more stringent approach should be adopted when considering releasing the “AGR” land for parking purpose if the provision of public transport services had been greatly improved in the area.

111. Some Members acknowledged that parking might be an issue for the villagers, especially for those non-indigenous villagers not owning any land in the village. Two Members suggested using government land within Kwan Tei Village, which was zoned “V”, for villagers to park their cars or as metered parking spaces to help address the parking demand. In that connection, the Secretary supplemented that “V” zone was a development zone and it was reasonable to use the land within “V” zone for provision of vehicle park to serve the villagers if the land was yet to be developed for Small Houses. There were a number of applications for temporary PVP within “V” zone approved by the Board in the past. If the villagers intended to use Government land for the PVP purpose, they also had to apply to the Lands Department for using the land by way of a Short Term Tenancy (STT). From land administration perspective, Mr Alan K.L. Lo, Director of Lands, said that metered parking spaces were preferred to private car park under STT based on equity principle. Mr K.L. Wong, Chief Traffic Engineer/New Territories East, TD supplemented that metered car parks provided in villages were, in general, implemented under Rural Public Works and initiated by other departments, and the metered

parking spaces would be handed over to TD for management upon completion. If metered parking spaces were to be provided in Kwan Tei Village, a project proponent should be identified. From district administration point of view, Mr Paul K.Y. Au, Chief Engineer (Works), Home Affairs Department (HAD) said that land management in villages was a complicated issue. Upon request from local villagers, HAD would consider the feasibility of the enhancement works should vacant land be available in villages. However, villagers might have their own agenda for the use of public area in the villages (e.g. village entrance/exit or activity/event space), and they might not request the land be used for private car parking spaces.

112. The Chairperson concluded that Members generally agreed with the decision of RNTPC, and that the review application should be rejected. On parking issue of Kwan Tei Village, the Chairperson invited DPO/STN to liaise with the District Office (North) of HAD so as to discuss with the villagers on using the vacant government land in the northwestern corner of Kwan Tei Village as metered parking spaces.

113. After deliberation, the Board decided to reject the application for the following reason:

“the proposed use is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.”

[Dr C.H. Hau and Mr Daniel K.S. Lau left the meeting during the deliberation session.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-MKT/26

Proposed Temporary Warehouse for Storage of Electronic Products and Open Storage of Packaging Tools for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone, Lot 474 in D.D. 90, Lin Ma Hang Road, Man Kam To

(TPB Paper No. 10943)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

114. The following representatives of the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

PlanD

- Ms Margaret H.Y. Chan - District Planning Officer/Shia Tin, Tai Po and North District
- Mr Tim T.Y. Fung - Senior Town Planner/Shia Tin, Tai Po and North District (STP/STN)

Applicant’s representatives

- Mr Tsang Kui Long
- Ms Huang Jin Ying

115. The Chairperson extended a welcome and explained the procedures of the review hearing. She then invited PlanD’s representatives to brief Members on the review application.

116. With the aid of a PowerPoint presentation, Mr Tim T.Y. Fung, STP/STN, PlanD briefed Members on the background of the review application including the application site and the surrounding areas, the applicant’s proposal and justifications, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 10943 (the Paper). PlanD maintained its previous view of not supporting the application.

117. The Chairperson then invited the applicant's representatives to elaborate on the review application.

118. Mr Tsang Kui Long, the applicant's representative, made the following main points:

- (a) the application was submitted in view of the imminent need of the affected and displaced operators for such warehouse and storage space;
- (b) the applicant had started to acquire land in the area in recent years and intended to resolve the land issues in a legitimate way by means of submitting planning applications to the Board for the proposed uses;
- (c) noting that more than 200,000 ft² of land in the adjacent areas had been approved for similar uses, it was hoped that sympathetic consideration could be given to the current application;
- (d) agricultural rehabilitation might be possible in the early days. Currently, it was expected that the chance of agricultural rehabilitation for two-thirds of the land in the New Territories was slim as farming activities were not appealing;
- (e) some of the applicant's land was provided for use by the bus companies at no cost; and
- (f) more than 200,000 ft² of land in the coastal protection area in Lau Fau Shan was owned by the applicant. As there was a general presumption against development in that area, the land was used as part of the Agricultural Land Rehabilitation Scheme of the Agriculture, Fisheries and Conservation Department.

119. As the presentations of PlanD's representative and the applicant's representative had been completed, the Chairperson invited questions from Members.

120. As Members had no question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review

application in the absence of the applicant's representatives and would inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

121. The Chairperson invited views from Members on the review application. Noting that the applicant had not provided strong justifications in support of the review application, Members generally agreed that there was no reason to deviate from RNTPC's decision and the review application should be rejected.

122. After deliberation, the Board decided to reject the application for the following reasons:

- “(a) the proposed uses are not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed uses would not generate adverse traffic and environmental impacts on the surrounding areas.”

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-MKT/27

Proposed Temporary Open Storage of Construction Machinery and Warehouse for Storage of Machinery Parts with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lot 751 S.B RP in D.D. 82, Ping Che Road, Man Kam To

(TPB Paper No. 10944)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

123. The following representatives of the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

PlanD

- Ms Margaret H.Y. Chan - District Planning Officer/Shan Tin, Tai Po and North District
- Mr Tim T.Y. Fung - Senior Town Planner/Shan Tin, Tai Po and North District (STP/STN)

Applicant's representatives

- Mr Tsang Kui Long
- Ms Huang Jin Ying

124. The Chairperson extended a welcome and explained the procedures of the review hearing. She then invited PlanD's representatives to brief Members on the review application.

125. With the aid of a PowerPoint presentation, Mr Tim T.Y. Fung, STP/STN, PlanD briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant's proposal and justifications, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 10944 (the Paper). PlanD maintained its previous view of not supporting the application.

126. The Chairperson then invited the applicant's representatives to elaborate on the review application.

127. Mr Tsang Kui Long, the applicant's representative, made the following main points:

- (a) all walks of life were experiencing difficulties in their livelihood. The applicant intended to provide support to the businesses related to the proposed uses; and

- (b) as a number of relevant government departments did not support the application, the applicant might consider submitting another application for recreational uses at the Site.

128. As the presentations of PlanD's representative and the applicant's representative had been completed, the Chairperson invited questions from Members.

129. A Member noted from the Paper that the applicant had consulted the residents nearby and they had provided positive feedback to the application, but no information/evidence was provided in the submission to support such claim. In response to the Member's question on the reasons of the nearby residents supporting the application, Mr Tsang Kui Long, the applicant's representative, said that many of the villagers had a low educational level and it was difficult for them to provide written comments to support the application. They had been consulted and advised verbally that they had no objection to the proposed uses at the Site and the renting out of the Site for such purposes in a legitimate manner.

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

Deliberation Session

131. The Chairperson invited views from Members on the review application. Members generally agreed with the decision of RNTPC, and that the review application should be rejected.

132. After deliberation, the Board decided to reject the application for the following reasons:

- “(a) the proposed uses are not in line with the planning intention of the “Recreation” zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or

passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed uses do not comply with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that no previous approval has been granted to the site and there are adverse departmental comments and local objections; and
- (c) the applicant fails to demonstrate in the submission that the proposed uses would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas.”

Agenda Item 8

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

Any Other Business

133. The 2023 District Council (DC) Ordinary Election would be held on 10.12.2023. The Chairperson appealed for Members to cast their votes in the DC election.

134. There being no other business, the meeting was closed at 6:05 p.m.