

**Minutes of 1312th Meeting of the
Town Planning Board held on 2.2.2024**

Present

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

Chairperson

Mr Wilson Y.W. Fung

Dr C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Chief Engineer (Traffic Survey & Support)

Transport Department

Mr W.H. Poon (a.m.)

Chief Traffic Engineer (New Territories East)

Transport Department

Mr K.L. Wong (p.m.)

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 Andrew C.W. Lai

Director of Planning

Mr Ivan M.K. Chung

Deputy Director of Planning/District

Mr C.K. Yip

Secretary

Absent with Apologies

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Stephen L.H. Liu

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mr K.L. Wong

In Attendance

Assistant Director of Planning/Board

Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board

Ms W.H. Ho

Senior Town Planner/Town Planning Board

Ms Kitty S.T. Lam (a.m.)

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

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1311th Meeting held on 19.1.2024

[The item was conducted in Cantonese.]

1. The draft minutes of the 1311th meeting held on 19.1.2024 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Reference Back of Approved Outline Zoning Plans

2. The Secretary reported that the Secretary for Development referred (i) the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8 on 31.1.2024 to the Town Planning Board (the Board) for replacement by a new plan under section 12(1A)(a)(i) of the Town Planning Ordinance (the Ordinance); and (ii) both the approved Pak Shek Kok (East) OZP No. S/PSK/13 and the approved Tin Shui Wai OZP No. S/TSW/16 on 25.1.2024, and the approved Ngau Tam Mei OZP No. S/YL-NTM/12 on 31.1.2024 to the Board for amendment under section 12(1A)(a)(ii) of the Ordinance. The reference back of the OZPs was notified in the Gazette on 2.2.2024.

(ii) Hearing Arrangement for Consideration of Representations of the Draft Tuen Mun Outline Zoning Plan No. S/TM/38

3. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations in respect of the draft Tuen Mun Outline Zoning Plan No. S/TM/38 (the draft OZP).

4. The Secretary reported that the amendments to the draft OZP involved supporting facilities for the public housing development at San Hing Road and Hong Po Road to be developed by the Hong Kong Housing Authority (HKHA) and supported by an Engineering Feasibility Study (EFS) conducted by the Civil Engineering and Development Department (CEDD); as well as taking forward the decision of an agreed section 12A application (No. Y/TM/28) submitted by The Kowloon Motor Bus Company (1933) Limited (KMB) and TM Properties Investment Limited (TMPI), which were partly owned by Sun Hung Kai Properties Limited (SHK). AECOM Asia Company Limited (AECOM) was one of the consultants of the applicants. Representations had been submitted by Join Smart Limited (R3) (which was a subsidiary of SHK) and MTR Corporation Limited (MTRCL) (R4). The following Members had declared interests on the item:

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| Mr Andrew C.W. Lai
<i>(as Director of Lands)</i> | - being a member of HKHA; |
| Mr Paul Y.K. Au
<i>(as Chief Engineer
(Works), Home Affairs
Department)</i> | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA; |
| Dr Conrad T.C. Wong | - having current business dealings with HKHA, SHK, AECOM and MTRCL; |
| Mr Franklin Yu | - being a member of the Building Committee and the Tender Committee of HKHA and his spouse was an employee of SHK; |
| Dr C.H. Hau | - conducting contract research projects with CEDD; being a member of a focus group of CEDD on the study related to the Kau Yi Chau Artificial Islands; and being an adviser to CEDD on the development of New Territories North; |
| Miss Winnie W.M. Ng | - being a Director of KMB and Long Win Company Limited (Long Win) and SHK was |

one of the shareholders of KMB and Long Win;

- | | |
|--------------------|---|
| Ms Lilian S.K. Law | - being an former Executive Director and committee member of the Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK; |
| Mr Vincent K.Y. Ho | - having current business dealings with SHK and AECOM; and |
| Ms Sandy H.Y. Wong | - being an independent non-executive director of MTRCL. |

5. As the item for seeking the Town Planning Board (the Board)'s agreement on the hearing arrangement for the draft OZP was procedural in nature, all Members who had declared interests could stay in the meeting.

6. The Secretary introduced that on 20.10.2023, the draft OZP involving mainly rezoning (i) a site at the upper section of Hong Po Road from "Green Belt" ("GB") and an area shown as 'Road' to "Residential (Group A)28" ("R(A)28") (Item A1), a site at the junction of Hong Po Road/Tsing Lun Road and Ng Lau Road from "Residential (Group E)1" ("R(E)1") and an area shown as 'Road' to "R(A)28" (Item A2) and a site to the west of Ng Lau Road from "R(E)1" to "Government, Institution or Community" ("G/IC") (Item B) for provision of supporting facilities for the public housing development at San Hing Road and Hong Po Road; (ii) a site in Tuen Mun Area 9 from "Comprehensive Development Area (1)" ("CDA(1)"), "CDA(2)" and an area shown as 'Road' to "Commercial (2)" (Item C1) for commercial development; (iii) a site adjacent to Ho Tin Light Rail Station from "CDA(1)" to "Open Space" (Item C2) to reflect as-built condition and planned uses; and (iv) a site to the west of Hing Fu Street from "GB" to "G/IC(3)" (Item D) and a site to the further west of Hing Fu Street from "GB" to "G/IC(4)" (Item E) both for columbarium use, was exhibited under section 5 of the Town Planning Ordinance. During the two-month exhibition period, four valid representations were received.

7. The Secretary reported that in view of the similar nature of the representations, the hearing of all representations was recommended to be considered by the full Board collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for March 2024.

8. After deliberation, the Board agreed to the hearing arrangement in paragraph 7 above.

[Professor Bernadette W.S. Tsui joined the meeting at this point.]

(iii) Town Planning Appeal Decisions Received

(1) Town Planning Appeal No. 2 of 2022

Proposed Extension of Time for Commencement of the Approved Residential Development (Flat) and Minor Relaxation of Building Height Restriction for a Period of 2 Years at Lots 464 S.A. ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories
(Application No. A/TM-LTY Y/337-1)

9. The Secretary reported that the subject appeal was against the Town Planning Board (the Board/TPB)'s decision to reject on review a section 16A application (No. A/TM-LTY Y/337-1) for proposed extension of time for a period of two years until 23.6.2023 for commencement of the approved residential development (flat) and minor relaxation of building height restriction at the application site (the Site). The Site fell within an area zoned "Residential (Group E)" ("R(E)") on the then approved Lam Tei and Yick Yuen (LTY Y) Outline Zoning Plan (OZP) No. S/TM-LTY Y/10 when the section 16A application was considered by the Board, and was later rezoned to "Residential (Group A)" ("R(A)") on the draft LTY Y OZP No. S/TM-LTY Y/11 when the section 17 application was considered by the Board. The Site was zoned "R(A)" on the approved LTY Y OZP No. S/TM-LTY Y/12 currently in force.

10. The review application was rejected by the Board on 25.2.2022 for the reason of not in line with the TPB Guidelines on Extension of Time for Commencement of Development

(TPB PG-No. 35C)(renumbered as TPB PG-No. 35D on 7.10.2022) in that there had been a material change in planning circumstances since the granting of last permission as there was a clear intention and plan for a public housing development covering the Site, and the applicant failed to demonstrate that there was a good prospect to commence the proposed development within the applied extension period and that genuine effort had been made in taking reasonable actions for the implementation of the approved development.

11. The appeal was heard by the Town Planning Appeal Board (TPAB) in May 2023. On 22.11.2023, TPAB allowed the appeal. It was held by majority that it was just and appropriate to grant a time extension of two years (i.e. from 22.11.2023 to 22.11.2025) to the Appellant to commence development on the same terms and conditions as the approved development based on the following considerations/observations (the Decision):

- (a) the unusual circumstances of the appeal, i.e. the land exchange application (LEA) for the approved development was put on hold by the Lands Department (LandsD) despite that LEA was submitted and follow-up actions had been undertaken by the Appellant (i.e. letters were sent to LandsD and the Secretary for Development) for a period of time, rendered the approved development hypothetical. It was considered unfair that while LandsD put the LEA matter on hold indefinitely, the Appellant was refused a time extension of only two years;
- (b) TPB had misinterpreted and misapplied the relevant Town Planning Board Guidelines (TPB-PGs). In assessing whether there were “good justifications” under TPB-PG No. 35D on Extension of Time for Commencement of Development, TPAB opined that TPB-PG No. 35D had to be read together with TPB-PG No. 20 on Compliance of Approval Conditions;
- (c) TPB-PGs should give clear or express guidance to members of the public, and should be read in a practical, down to earth manner and not in a mechanistic way and without adding or taking away any words. In that regard, TPAB stated that the reference to “or” under assessment criterion 4(d) of TPB-PG No. 35D (i.e. submission of building plans for approval or application for Small House/land exchange) was clear and could not be re-written to mean “and”.

With regard to TPB-PG No. 20, TPAB considered that compliance was not intended to be rigid and literalistic, mechanistic or divorced from practical reality. In that regard, TPAB quoted the General Principles as stated in TPB-PG No. 20 that approval conditions should be complied with “as far as practicable”. Hence, questions of practicality and saving time and expense were not irrational but legitimate practical concerns; and

- (d) there was no change in the planning circumstances as public housing in the Site’s vicinity was proposed and foreseen before planning approval.

12. The Secretary then remarked that TPAB’s observations above were arguable and deviated from the Board’s established practice, as elaborated below:

- (a) there were no grounds to look beyond the scope of TPB-PG No. 35D and construe those provisions in accordance with TPB-PG No.20. TPB-PG No. 20 should have no bearing on the assessment criteria for considering an application for extension of time for commencement under TPB-PG No. 35D;
- (b) there were no grounds to read up the requirement of “reasonable” (paragraph 4(d) of TPB-PG No. 35D) to “as far as practicable” (paragraph 1 of TPB-PG No. 20) or import concept such as the “actual” or “hypothetical” approval of development; and
- (c) the Site had indeed been rezoned from “R(E)” to “R(A)” on the OZP which was obviously a material change in planning circumstances.

13. The Secretary said that albeit the above, as a judicial review (JR) would carry a certain degree of uncertainty and a risk of appeal, and even if the judgement was in favour of the Board, the matter would likely be remitted to TPAB for reconsideration, and hence the Department of Justice (DoJ) was of the view that it was not advisable, from legal point of view, to pursue JR against the TPAB’s Decision. In any event, TPAB’s Decision was not binding on the Board itself. While it was considered appropriate for TPB to continue with the current interpretation on the two TPB-PGs, the TPB Secretariat would review the need to refine them taking into account TPAB’s views, as a more practical and expeditious approach. A copy of

the Summary of Appeal and TPAB's Decision dated 22.11.2023 had been sent to Members for reference before the meeting.

14. Noting that the TPAB's observations deviated from the Board's established practice, a few Members considered that the Board's view should be conveyed to TPAB proactively and the public should be informed of the Board's stance on the website.

15. Mr Andrew C.W. Lai, Director of Lands, said that TPAB's Decision might have implications on similar cases. The Board should consider reviewing the relevant Guidelines to plug the loophole where necessary rather than merely highlighting its different views with TPAB in the public domain.

16. The Secretary said that even though the Board and TPAB had different interpretations on TPB-PGs, TPAB's observations were not binding on the Board. The Secretariat would review if there was a need to refine relevant TPB-PGs. A Member suggested that as the Board and TPAB were two separate entities within the planning framework, the Board might communicate with the TPAB internally.

17. The Chairperson concluded that the issue could be dealt with as an internal matter between the Board and TPAB. The Secretariat would also assess the need to review the relevant TPB-PGs appropriately to clarify the Board's interpretation and established practice.

18. Members noted the decision of TPAB, and agreed with the advice of DoJ in paragraph 13 above and the follow-up actions mentioned in paragraph 17 above.

[Ms Sandy H.Y. Wong joined the meeting during discussion of the above item.]

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

- (2) Town Planning Appeal No. 5 of 2021
Columbarium Use in “Government, Institution or Community” Zone, Lot 2011
(Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun (Gig Lok
Monastery)
(Application No. A/TM /530)
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19. The Secretary reported that on 29.9.2023, the appeal was allowed by the Town Planning Appeal Board (TPAB), and the Decision of the appeal was reported to the Town Planning Board (TPB/the Board) at its meeting on 3.11.2023. In tandem, the Appellant claimed costs from the Respondent (i.e. TPB). On 28.11.2023, TPAB ordered the Respondent to pay the Appellant costs of HK\$800,000 (being 20% of the Appellant’s contended costs of HK\$4,000,000). The Department of Justice (DoJ) effected the payment to the Appellant on 22.12.2023 in accordance with the Decisions on Costs.

20. Whilst the cost was settled, there were some points raised by TPAB in the Decision on Costs that warranted TPB’s and the Planning Department (PlanD)’s attention and responses/follow-up actions:

- (a) TPB failed to consider and apply principle of consistency in respect of the Government’s policy initiatives for “pre-cut-off columbaria” and disregarded TPAB’s concern on the lack of consistency between different government departments concerning the same subject matter - PlanD did not agree with this point. The Private Columbaria Ordinance was introduced in 2017 to regulate the operation of private columbaria through a licensing scheme. The ‘pragmatic and sensitive approach’ was later introduced for handling the land premium and traffic impact assessment aspects of “pre-cut-off columbaria”, but they would not automatically get a licence as a result of such policy initiatives. Some columbaria which could not satisfy the requirements for a licence (including the planning requirement) would inevitably have to cease operation. Otherwise, the Government could simply have issued a licence to each and every existing columbarium. TPB should not be bound to approve all applications involving “pre-cut-off columbaria”. Instead, each planning application should be considered on its individual merit from land use planning perspective;

- (b) PlanD and TPB had many capable persons who might not have legal training. PlanD and TPB had to ensure that they had sound legal input before they made decisions with potential legal consequences to avoid or minimise the risk of error - On this point, DoJ reiterated that they were not the legal adviser of TPB, which was an independent body under the Town Planning Ordinance. As an established practice, when handling cases which might involve legal implications, PlanD would seek legal advice from DoJ as appropriate. As per the established practice mentioned above, PlanD would continue to seek advice from DoJ for cases which might involve legal implications and be more cautious and foresighted to consult DoJ at an early stage. As for TPB, the current practice of having Members from diversified fields, including those with legal background, should be continued; and
- (c) TPB Guidelines No. 16 (TPB-PG No. 16) was for ‘Application for Development/Redevelopment within Government, Institution or Community Zone for Uses other than Government, Institution or Community Uses’. In fact, columbarium was a community use and it was queried why TPB-PG No. 16 was applicable - The TPB Secretariat would review TPB-PG No. 16 including its scope and application as appropriate.

21. The Secretary said that a copy of the Decision on Costs had been sent to Members for reference before the meeting. Similar to the Town Planning Appeal No. 2 of 2022 under the previous item, the Board’s view would be conveyed to TPAB in an appropriate way with a view to clarifying the Board’s established practice regarding applications involving “pre-cut-off columbaria”, and the Secretariat would review TPB-PG No. 16.

22. Members noted the decision of TPAB on costs and agreed with the follow-up actions mentioned in paragraph 21 above.

(iv) Appeal Statistics

23. The Secretary reported that as at 2.2.2024, a total of five cases were yet to be heard by the Town Planning Appeal Board and the decision of one case was outstanding.

24. Details of the appeal statistics were as follows:

Allowed	45
Dismissed	175
Abandoned/Withdrawn/invalid	213
Yet to be heard	5
Decision Outstanding	1
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Total	439

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/22
(TPB Paper No. 10952)

[The item was conducted in Cantonese and English.]

25. The Secretary reported that some amendment items (i.e. Items A1, A2 and A3) on the draft South Lantau Coast Outline Zoning Plan (OZP) were supported by the Ecological Study for Pui O, Shui Hau, Tai O and Neighbouring Areas – Feasibility Study (the Ecological Study) commissioned by the Civil Engineering and Development Department (CEDD), and some were related to facilities provided by the Drainage Services Department (DSD) (Item B3) and the Water Supplies Department (WSD) (Items B1, B2 and B18). Representations had been submitted by The Conservancy Association (CA) (R18) and The Hong Kong Bird Watching Society (HKBWS) (R19). The following Members had declared interests on the item:

- Dr C.H. Hau - conducting contract research projects with CEDD; being a member of a focus group of CEDD on the study related to the Kau Yi Chau Artificial Islands; being an adviser to CEDD on the development of New Territories North; having business dealings with WSD; being a member of HKBWS, a life member of CA and his spouse being the Vice-chairman of the Board of Directors of CA;
- Mr K.W. Leung - being a former Executive Committee member of and the former Chairman of Crested Bulbul Club Committee of HKBWS;
- Dr Conrad T.C. Wong - having current business dealings with DSD and WSD; and
- Mr Stanley T.S. Choi - his spouse being the director of a company which owned properties in South Lantau.

26. Members noted that Dr Conrad T.C. Wong had tendered an apology for being unable to attend the meeting. As the interest of Mr K.W. Leung was considered indirect and Dr C.H. Hau had no involvement in the amendment items and the submission of the relevant representations, and the concerned properties of Mr Stanley T.S. Choi's spouse had no direct view of the amendment item sites, Members agreed that they could stay in the meeting.

27. Members noted that Professor John C.Y. Ng, Dr. C.H. Hau, Ms Sandy H.Y. Wong, Messrs Franklin Yu, Daniel K.S. Lau, Timothy K.W. Ma and Ms Lilian S.K. Law had acquaintance with Ms Lau Man Kwan Julia and/or Mr Yau Wing Kwong, the representatives of Heung Yee Kuk (HYK) New Territories (R62). Since the aforementioned Members were not personal friends of Ms Lau and Mr Yau and they did not discuss with R62's representatives about their submission, the meeting agreed that these Members could stay in the meeting.

Presentation and Question Sessions

28. The Chairperson said that notifications had been given to the representers 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, Members agreed to proceed with the hearing of the representations in their absence.

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

Government Representatives

Planning Department (PlanD)

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| Mr Walter W.N. Kwong | - District Planning Officer/Sai Kung and Islands (DPO/SKIs) |
| Mr Kenneth C.K. Yeung | - Senior Town Planner/SKIs (STP/SKIs) |
| Mr Keith L.C. Wu | - Town Planner/SKIs (TP/SKIs) |

Agriculture, Fisheries and Conservation Department (AFCD)

- | | |
|-------------|-------------------------------------|
| Mr Y.P. Lau | - Nature Conservation Officer (NCO) |
|-------------|-------------------------------------|

CEDD

- | | |
|------------------------|-------------------------------------|
| Ms Stephanie P.H. Lai | - Senior Town Planner (STP) |
| Ms Josephine K.Y. Yang | - Senior Conservation Officer (SCO) |

Representers and their Representatives

R4 – Kadoorie Farm and Botanic Garden Corporation

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| Mr Nip Hin Ming Tony | - Representer's Representative |
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R7 – Living Islands Movement

Ms Lousie Delia Preston] Representers' Representatives
Mr John Cyril Lester Schofield]

R8 – Save Lantau Alliance

Mr Tse Sai Kit - Representers' Representative

R9 – Ark Eden

Mr Pfordt Christian Karl Otto] Representers' Representatives
Ms Jennifer Ann Quinton]

R17 – Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representers' Representative

R18 – The Conservancy Association

Mr Ng Hei Man - Representers' Representative

R19 – The Hong Kong Bird Watching Society

Ms Wong Suet Mei - Representers' Representative

R21 – Mary Mulvihill

Ms Mary Mulvihill - Representer

R22 – 張偉聰

Mr Cheung Wai Chung - Representer

R23 – Green Sense

Mr Lau Ka Yeung - Representers' Representative

R40 – Chow Oi Chuen

Ms Chow Oi Chuen - Representer

R59 – The Society for the Prevention of Cruelty to Animals (Hong Kong)

Ms Fiona Margaret Woodhouse] Representers' Representatives
Ms Wong Mei Chi]

R60 – Fung Kam Lam

Mr Fung Kam Lam - Representer

R63 – 大嶼山南區鄉事委員會

Mr Ho Chun Fai - Representers' Representative

R64 – 拾壆鄉公所

Mr Chan Wah Kwok - Representers' Representative

R80 – 吳卓榮

Mr Ng Cheuk Wing - Representer

Mr Yu Hon Kwan - Representers' Representative

R84 – 黃玉珍

Ms Wong Yuk Chun Windy - Representer

R85 – 張灶妹

Mr Wong Hon Kuen Ken - Representers' Representative

R197 – Chan Shun Yau

Mr Chan Shun Yau - Representer

R300 – 陳錫武

Mr Chan Sik Mo - Representer

R339 – 馮偉文

Mr Fung Wai Man - Representer

R347 – Ng Wai Yin

Mr Ng Wai Yin - Representer

R483 – 離島區議會議員何紹基

Mr Ho Siu Kei - Representer

R491 – 何諾衡

Mr Ho Nok Hang - Representer

R528 – 何北帶

Mr Ho Pak Tai - Representer

Mr Tsang Chiu Yuk - Representer's Representative

R556 – Ho Wai Kin

Mr Ho Wai Kin - Representer

R607 – 張和興

Mr Cheung Wo Hing - Representer

R654 – 毛金堂

Mr Mo Kam Tong - Representer

R729 – Lai Lok Man Lawrence

Mr Lai Lok Man Lawrence - Representer

R730 – Cheung King On

Mr Cheung King On - Representer

30. 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. The representers and their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer and their representative would be allotted 10 minutes for making presentation. There was a timer

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

31. The Chairperson invited PlanD's representatives to brief Members on the representations. With the aid of a PowerPoint presentation, Mr Kenneth C.K. Yeung, STP/SKIs, PlanD briefed Members on the representations, including the background of the draft OZP, the grounds/views of the representers and PlanD's views on the representations as detailed in TPB Paper No. 10952 (the Paper). The amendments mainly involved (i) rezoning of two sites located in Pui O and Shui Hau respectively from "Coastal Protection Area" ("CPA"), "Other Specified Uses" ("OU") annotated "Waterworks Pumping Station" and/or "Country Park" ("CP") to "Conservation Area" ("CA") to reflect the planning intentions to conserve the natural habitats; (ii) rezoning of two sites located in Pui O and Mong Tung Wan respectively from "CPA" and "Green Belt" ("GB") to "Recreation" ("REC") to facilitate low-impact leisure and recreational uses; (iii) zoning amendments to reflect the as-built conditions of existing facilities and other planned developments; (iv) rationalisation of zoning boundaries to address the differences with the Lantau South Country Park; and (v) incorporation of an area to the northwest of Fan Lau Sai Wan into the planning scheme area of the OZP.

32. The Chairperson then invited the representers and their representatives to elaborate on their representations.

R4 – Kadoorie Farm and Botanic Garden Corporation

33. With the aid of a PowerPoint presentation, Mr Nip Hin Ming Tony, R4's representative, made the following main points:

- (a) he supported the "CA" zone in Pui O and appreciated the Government's effort to provide planning control on development in the area. The designation of

Ecologically Important Streams (EISs) was a system set up by the Government in 2005 and Pui O stream in the subject “CA” zone was one of the 33 EISs in Hong Kong. The “CA” zone could serve as a buffer to the subject EIS and other ecological functions such as protecting habitats along the stream, flood control and biochemical filtration of pollutants;

- (b) part of the EIS near Ham Tin Tsuen was within the “Village Type Development” (“V”) zone but outside the village ‘environs’ (VE). According to aerial and site photos, the areas to the northwest and northeast of Ham Tin Tsuen in the vicinity of the EIS were densely vegetated with wetlands and marshes. Those areas had limited potential for village type development and should be rezoned from “V” to conservation zoning in view of their high ecological value;
- (c) there was concern about the “REC” zone in Pui O (Item A2) because there was already environmental pollution in the area. The “REC” zone would encourage more recreational activities which would generate adverse environmental impacts, including dumping of wastes and pollution to streams. The pollutants would ultimately be discharged to the sea; and
- (d) the designation of South Lantau Coast Regulated Area (SLC RA) was supported from environmental protection perspective.

R7 – Living Islands Movement

34. Ms Lousie Delia Preston, R7’s representative, made the following main points:

- (a) she supported Items A1 and A3 for zoning the wetlands in Pui O and sandflats and adjacent woodlands in Shui Hau as “CA”. The valuable natural habitats and ecosystems in those areas required protection to contribute to the local economy through eco-tourism harnessing Hong Kong’s unique biodiversity. Nonetheless, the “CA” zone might be inadequate to control potential misuse of land, e.g. infilling commercial storage facilities and tourism facilities, which would result in irreversible degradation of the environment. The

designation of SLC RA together with the “CA” zone was essential to protect the environment. The designation of the Item A1 site in Pui O as RA to enhance protection against unauthorized developments was welcome;

- (b) she objected to Item A2 as there were grassland, mangrove and marshes in the “REC” zone. Those ecologically sensitive areas should be excluded from the “REC” zone and be rezoned to “CA”. The “REC” zone should be confined to the areas along South Lantau Road, particularly those areas with brownfield operations;
- (c) putting ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ as Column 1 uses under the “CA” zone would encourage fencing of private lots and undermine the integrity of the ecosystems. AFCD also recognised that inappropriate fencing would force the buffalos to travel on roads and generate public safety issue. ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ uses should be moved from Column 1 to Column 2 under the Notes of the “CA” zone to enable the Board to monitor and regulate the effectiveness of the zoning; and
- (d) it was unfortunate that pre-existing landfill sites, containers, structures and other commercial activities in Pui O were not required to be removed under the provisions of the Town Planning (Amendment) Ordinance 2023. Other government departments such as the Sustainable Lantau Office (SLO), CEDD might offer incentives to encourage the landowners to rehabilitate the concerned private lots. There should be no loopholes in the system that allowed continuation of inappropriate uses.

[Mr Andrew C.W. Lai left the meeting temporarily during R7’s presentation.]

R8 – Save Lantau Alliance

35. With the aid of a PowerPoint presentation, Mr Tse Sai Kit, R8’s representative, made the following main points:

- (a) he supported the designation of SLC RA to provide the Planning Authority with enforcement power to control unauthorized developments in South Lantau. Before the designation of SLC RA, the wetlands in Pui O were adversely affected by unauthorized activities, e.g. filling/excavation of land and open storage of construction materials. Similarly, there were unauthorized activities in Tong Fuk and Shui Hau, including large-scale filling of land, open storage of containers and construction materials, due to the lack of enforcement power. According to the report on environmental vandalism prepared by SLO, CEDD, damages caused by unauthorized activities in Pui O had increased between 2019 and 2023 (i.e. from 28 to 34 cases). The cases in South Lantau had also increased from 41 to 52 during the same period;

- (b) he objected to the “REC” zone under Item A2. According to CEDD’s Ecological Study, there was no difference in terms of ecological value between the subject “REC” zone and the adjoining “CA” zone (Item A1). The “REC” zone would encourage ‘destroy first, build later’ and generate environmental degradation because it was not part of SLC RA and the Government had no enforcement power. Currently, there were already unauthorized activities in the “REC” zone which generated environmental pollution. Further environmental degradation would aggravate the flooding problem and cause adverse ecological impacts on the wetlands in Pui O. He quoted an example of a site within the “REC” zone where private land was occupied by a lorry park after unauthorized filling of land around 2017/2018. The “REC” zone in Pui O should be rezoned to “CA” to reflect the Government’s intention to conserve South Lantau and preserve integrity of the wetland ecosystems. Moreover, the “REC” zone should be included in SLC RA to strengthen protection of the area;

- (c) the Board should consider whether it was appropriate to exempt government works from the requirement for planning permission in conservation zones. He quoted an example of CEDD’s project on a beach in Shap Long which generated adverse impacts on the natural habitat;

- (d) he supported the idea of establishing a buffalo park proposed by R6 to protect the habitats of buffalos on Lantau;
- (e) he objected to incorporation of 'Zoo' under the Notes of various land use zones as keeping animals in cages was not justified in modern society;
- (f) the "Residential (Group C)" ("R(C)") zone in Shui Hau (not part of the OZP amendments) should be rezoned to "GB" in view of the potential environmental and traffic impacts of residential development in the area which might affect the integrity of the adjacent "GB" zone; and
- (g) he enquired whether AFCD had a timetable to designate "Site of Special Scientific Interest" ("SSSI") in Shui Hau.

R9 – Ark Eden

36. With the aid of a PowerPoint presentation, Ms Jennifer Ann Quinton, R9's representative, made the following main points:

- (a) she supported (i) inclusion of wetland habitats in the "CA" zone; (ii) enhanced control in SLC RA; and (iii) technical amendments that added the requirement for planning permission for excavation of land and filling of land/pond in "GB" and "CA" zones;
- (b) she objected to Item A2 as the "REC" zone in Pui O could not provide protection against environmental degradation. Although an Ecological Study had been conducted by CEDD, only an Executive Summary (ES) was available for public inspection at CEDD's website. According to the ES, there were diverse natural habitats at the representation site under Item A2, e.g. grassland, mangrove and wetlands. However, the ES could not provide conclusive evidence on the difference in ecological value between Item A2 site and the adjoining "CA" zone (Item A1). Some areas in the "REC" zone (Item A2) in Pui O had not yet been developed. They became wetlands during the wet seasons and grazing spots for buffalos. In addition, those

areas could serve the function of absorbing flood water as well as other socio-cultural and historical heritage functions;

- (c) regarding SLO, CEDD's report on environmental vandalism, there was a lack of consideration and investigation regarding private parties who caused ecological damages and who provided illegal recreational services in Pui O. According to a survey conducted by the World Wide Fund for Nature Hong Kong (WWF), about 40% of Pui O was at risk of development and there was illegal dumping of construction wastes at various locations. The "REC" zone would encourage private parties to develop recreational facilities which would likely aggravate the problem of ecological degradation of the wetlands;
- (d) Item A2 in Pui O should be rezoned to "CA" to enhance the conservation of wetlands. In tandem, the "REC" zone in Pui O should be designated as RA to strengthen enforcement power;
- (e) there were concerns about the lack of definitions, standards and safeguards regarding low-impact eco-recreational development as well as lack of retroactive/remedial action for previous ecological destruction. The Board should issue guidelines and assessment criteria for low-impact eco-recreational development; and
- (f) the Government should designate hotline or contact person to handle land use violation reports in SLC RA.

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

[Mrs Vivian K.F. Cheung and Mr Timothy K.W. Ma left the meeting during the break.]

R19 – The Hong Kong Bird Watching Society (HKBWS)

37. With the aid of a PowerPoint presentation, Ms Wong Suet Mei, R19's representative, made the following main points:

- (a) according to CEDD's Ecological Study, there were priority sites in Shui Hau and Pui O with high ecological value and conservation measures were recommended for those areas. A survey conducted by HKBWS indicated that there were 205 bird species in Shui Hau among a total of 580 bird species in Hong Kong, e.g. Fairy Pita and Pheasant-tailed Jacana. There were 162 bird species in the "GB" zone in Shap Long, e.g. Rustic Bunting and Intermediate Egret;
- (b) a habitat assessment conducted by WWF indicated that the wetlands, fresh water marshes, streams and natural habitats in the uphill areas of Pui O were integral parts of the ecosystem and therefore conservation should be considered in a holistic manner. Another study conducted by WWF also indicated that the stream in the "R(C)" zone in Shui Hau with vegetated habitats was ecologically connected with the marshes in the area. As such, development in the "R(C)" zone upstream would adversely affect the marshes in Shui Hau;
- (c) according to the Ecological Study, there were butterflies and fresh water habitats as well as sensitive species in Pui O, e.g. Water Fern and Chinese Bullfrog. Besides, a total of 240 bird species including Yellow-Breasted Bunting, Chinese Egret and Brown Fish Owl were recorded in Pui O. Some of the bird species thereat were classified as 'Threatened or Near Threatened Species' or 'Class I or Class II National Protected Wild Animals';
- (d) according to the Sustainable Lantau Blueprint (the Blueprint), development should be avoided at sites of ecological interest and their surrounding areas. Conservation of the wetlands in Pui O was recommended and recreational uses in the area should be environmentally sustainable and compatible with the local context;
- (e) the Ecological Study recommended conservation measures for the area zoned "REC" in Pui O including: (i) control pollution to/impact on the wetlands to be restored with proper drainage system; and (ii) setting up water quality station(s) and control water pollution. The "REC" zone in Pui O (Item A2)

was not in line with the recommendations of the Ecological Study and it would encourage incompatible uses, e.g. barbeque spot, hobby farm and holiday camp. Recreational activities in the “REC” zone would likely generate adverse impact on the rural setting;

- (f) according to HKBWS’s observation, there was filling of land in Pui O in the past few years which resulted in environmental degradation of areas with high ecological value. The 2018 Policy Address indicated that the Government would map out effective measures to control filling of land, dumping of wastes and development activities causing environmental damage to areas of ecological values on Lantau. The “REC” zone in Pui O should be rezoned to conservation zoning to provide planning control and serve the buffering function to the adjoining “CA” zone; and
- (g) there should be control over brownfield operations but there was a loophole as the “REC” zone did not form part of SLC RA and had no enforcement power. The SLC RA should be expanded to cover areas with ecological value.

R17 – Designing Hong Kong Limited

38. With the aid of a PowerPoint presentation, Mr Wong Wan Kei Samuel, R17’s representative, made the following main points:

- (a) he objected to Item A2 as the “REC” zone could not achieve the objective of conserving the natural habitats. According to the Blueprint, South Lantau should be conserved for its natural and cultural resources. Low-impact leisure and recreational uses which were environmentally sustainable and compatible with the local context could be developed at appropriate locations;
- (b) he quoted some examples in the planning scheme areas of Man Kam To, Ta Kwu Ling North, Sha Tau Kok, Luk Keng and Wo Hang OZPs in the New Territories North. There were 52 planning applications in the “REC” zones of those four OZPs since 2020. However, a majority of the planning

applications were for 'Shop and Services', 'Warehouse', 'Open Storage' and 'Public Vehicle Park' uses which would result in environmental degradation. The experiences gained from those cases in the New Territories North clearly demonstrated that the designation of "REC" zone might not result in development of recreational facilities and it could not maintain a balance between conservation and development. On the contrary, it would create false expectation of eliminating non-conforming uses. It also failed to adequately safeguard the natural rural landscape or prevent environmental degradation; and

- (c) as the "REC" zone in Pui O was next to the "CA" zone with high ecological value, development of recreational facilities would generate adverse impacts on the surrounding areas including the "CA" zone. Other zoning should be considered or additional control should be provided to ensure that any form of development in Pui O would not result in degradation of the environment and ecology.

R18 – The Conservancy Association

39. With the aid of a PowerPoint presentation, Mr Ng Hei Man, R18's representative, made the following main points:

- (a) he objected to Item A2 as the "REC" zone in Pui O did not include conservation elements to protect areas with high ecological value. For example, there was no requirement for planning permission for filling of land/pond. According to the Blueprint, the planning of South Lantau would focus on conservation with some sustainable leisure and recreational uses. CEDD's Ecological Study indicated that the southern part of the Item A2 site overlapped with the core conservation zone and the remaining area should be designated for ecologically compatible activities. In that regard, the Item A2 site should be rezoned to conservation use. Besides, the Remarks of the Notes for the "REC" zone should be revised such that diversion of stream, filling of land/pond or excavation of land would require planning permission from the Board to protect the wetlands and streams;

- (b) there were better alternatives to ensure conservation and yet supporting recreational activities in parallel. The Notes of the “REC” zone should be amended by making reference to the Sha Tau Kok OZP to clearly state that the zone was primarily intended for low-density recreational developments to promote agri-tourism and eco-tourism. The “OU” annotated “Rural Use” zone of the Kam Tin South OZP was another example which allowed uses or developments compatible with the rural landscape, e.g. passive recreational uses with restrictions on filling of pond and excavation of land. In addition, the “OU (Conservation cum Recreation)” zone of the Fanling/Sheung Shui Extension Area OZP was a good example of striking a balance between conservation and recreational development; and
- (c) according to section 21A(3)(a) of the Town Planning Ordinance (the Ordinance), the designation of RA was for the purpose of protecting the area from environmental degradation. The wetlands in Pui O should be designated as RA such that the Planning Authority could take enforcement actions to combat eco-vandalism in South Lantau.

R21 – Mary Mulvihill

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

Amendments to the OZP

- (a) she supported Items A1 and A3 as the “CA” zone could provide additional protection to natural habitats. However, she was concerned about the increasing number of planning applications submitted by the CLP Power Hong Kong Limited (CLP) in the “CA” zone and proposed to amend the Notes of the “CA” and “CPA” zones such that CLP’s applications would be restricted to the approved developments only;
- (b) she objected to Item A2 as the “REC” zone would have adverse impact on the habitats of buffalos. Filling of land was observed in various locations and

the affected areas were used as vehicle parks and camp sites. Applications for recreational uses were usually approved on the consideration to facilitate tourism development whilst public comments objecting to the applications were often ignored. However, majority of the approved camp sites failed to comply with the conditions of planning approvals. Although the Government claimed to strike a balance between conservation and recreational development, the planning intention could not be realised as there were numerous brownfield operations in the Item A2 site. The “REC” zone in Pui O should be rezoned to “CA” and be incorporated into SLC RA;

- (c) she supported Item A4 for rezoning a site in Mong Tung Wan to “REC” for recreational facilities. However, the site area was excessive and there was no information on the number of trees to be felled;
- (d) she supported Items B9, B11 and B16. Regarding Item B16, she was concerned that the “GB” zone did not provide any barrier to future development. Item B17 for rezoning of three areas in Cheung Sha from “GB” to “R(C)” was an example to demonstrate that the “GB” zone could not provide protection against development in the long run;
- (e) she objected to (i) rezoning of an area to the south of Shui Hau Wan from “CP” to “CPA” (Item C1); (ii) rezoning an area south of South Lantau Road near Shui Hau from “CP” to “CA” (Item C3); and (iii) incorporation of an area to the northwest of Fan Lau Sai Wan into the planning scheme area and zoning it as “GB” (Item D1). She proposed that these representation sites should be zoned “CP” to provide greater protection;

Amendments to the Notes

- (f) she objected to inclusion of ‘Field Study/Education/Visitor Centre’ and ‘Hotel (Holiday House only)’ under Column 2 of the Notes for the “V” zone. The planning intention of the “V” zone was to provide land for development of Small Houses by indigenous villagers but ‘Hotel’ and ‘Holiday House’ were commercial uses. The amendment would set an undesirable precedent that

could be easily abused. If there was genuine demand for house development, the Government should resume the concerned private lots to provide subsidised low-rise housing;

- (g) she objected to transferring 'Government Refuse Collection Point' and 'Public Convenience' from Column 2 to Column 1 of the Notes for the "V" zone. The requirement for planning permission for Column 2 uses could ensure that the proposed facilities and location would be subject to scrutiny and design would not be intrusive, too bulky or become an eye sore;
- (h) she objected to placing 'Animal Boarding Establishment' and 'Zoo' under Column 2 of the Notes for the "G/IC" zone. Even if there were planning applications for those two uses in future, the intention of the applicants might be for excavation and filling of land for other purposes. As for 'Zoo' use, keeping animals in cages was no longer justified in civilised society;
- (i) she objected to revision of 'House (Staff Quarters only)' to 'House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes)' under Column 2 of the Notes for the "G/IC" zone. There was also objection to revision of 'Flat (Staff Quarters only)' to 'Flat' and 'Shop and Services' to 'Shop and Services (not elsewhere specified)' under Column 2 of the "G/IC" zone. "G/IC" zone was designated to provide GIC facilities for community use but the amendments would encourage applications for residential and commercial development in the "G/IC" zone;
- (j) she objected to addition of 'Flat' and 'Zoo' under Column 2 of the Notes for the "GB" zone which was contrary to the planning intention and the latest policy. According to the 2023 Policy Address, the Government had already identified enough land for housing, industry and other developments for the coming 30 years. The Government had no plan for the time being to further use the "GB" areas for large-scale developments;

- (k) she objected to revision of 'House' to 'House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' under Column 2 of the Notes for the "GB" zone. The amendment would encourage planning applications for residential development in "GB" zone which was unacceptable when South Lantau was designated for conservation purpose;
- (l) she objected to transferring 'Barbeque Spot' from Column 2 to Column 1 in the Notes for the "GB" and CPA" zones. The revision would encourage felling of trees, and excavation and filling of land; and
- (m) she supported revisions to the Remarks of the Notes to incorporate requirement for planning permission for filling of land/pond and/or excavation of land and/or diversion of stream in "GB", "CA" and "CPA" zones. Nonetheless, there was objection to exempt government works from the requirement for planning permission, particularly those in ecologically sensitive areas.

R80 – 吳卓榮

41. Mr Yu Hon Kwan, R80's representative, made the following main points:

- (a) there was no prior consultation with the Islands District Council (IDC) on the OZP amendments. PlanD indicated that public consultation prior to amendments to the OZP could not be carried out due to the sensitive nature of the amendments. However, the statutory consultation period was inadequate because the amendments to the OZP were gazetted on 15.9.2023 but the former IDC had to cease operation after its last meeting held on 16.10.2023 before the district council election;
- (b) there was concern from villagers in South Lantau regarding the stringent planning control imposed by SLC RA although such designation did not form part of the OZP amendment. The IDC passed a motion at its meeting on 16.10.2023 objecting to the designation of SLC RA. Although he shared the

views of some representers on the need for conservation, it was necessary to strike a balance between environmental conservation and development in South Lantau. According to his observation, there was increasing demand for caravan parks and camp sites in South Lantau to support recreational development in recent years;

- (c) the indigenous villagers and their ancestors had been living in South Lantau for over 500 years and their activities had not generated adverse impacts on the environment. According to the OZP, about 70% of the planning scheme area was zoned “CP”, “CA” and “CPA”. Vehicular access in South Lantau area was restricted by a permit system and there was no need for excessive control. People who carried out unauthorized activities such as filling of land or dumping of construction wastes only represented the minority. Besides, filling of land was often needed for agricultural activities; and
- (d) there was a need to expand the “V” zone for development of Small Houses by indigenous villagers. According to Article 40 of the Basic Law, the lawful traditional right and interests of the indigenous inhabitants of the New Territories should be protected. There should be better communication between the Government and the indigenous villagers to cater for their genuine demand for Small House development.

R23 – Green Sense

42. With the aid of a PowerPoint presentation, Mr Lau Ka Yeung, R23’s representative, made the following main points:

- (a) he objected to Items A2 and A4 and raised concern on the extent of SLC RA which excluded country park areas;
- (b) regarding Item A4 for rezoning of a site in Mong Tung Wan from “GB” to “REC”, paragraph 4.1.5 of the Paper indicated that according to the Lantau Conservation and Recreation Masterplan (the Masterplan), the Chi Ma Wan Recreation Area including the representation site was planned to be

developed as a camp base with land-based and water-based activities. However, the Masterplan shown on the website of SLO, CEDD indicated that the Item A4 site in Chi Ma Wan was not intended for camp site use. Moreover, there were no relevant technical assessments to support the rezoning to “REC” which would set an undesirable precedent. He quoted a few examples of existing camp sites on Lantau and the concerned areas were not zoned “REC” on the statutory plans. For example, the camp sites in Nam Shan and Pui O were zoned “CP” and “CPA” respectively whilst those in Ngong Ping and Shek Pik were zoned “G/IC”. According to his observation, sites with recreational development were usually zoned “G/IC” or “Open Space” instead of “REC”; and

- (c) a wide range of development was allowed in the “REC” zone as Column 2 uses, e.g. ‘Flat’, ‘Golf Course’, ‘Private Club’ and ‘Theme Park’. Such flexibility would encourage ‘destroy first, build later’ activities in the “REC” zone. The Item A4 site with vegetation cover was surrounded by country park areas and there were no justifications for rezoning the site from “GB” to “REC”. He quoted a section 12A application (No. Y/SLC/5) for a proposed columbarium near the subject “REC” zone which was an example of ‘destroy first, build later’. It would be more appropriate to maintain the original “GB” zoning for the Item A4 site. Consideration could also be given to incorporate the site into the country park areas in future.

R40 – Chow Oi Chuen

43. With the aid of a PowerPoint presentation, Ms Chow Oi Chuen made the following main points:

- (a) she objected to Item A2 as recreational uses would generate threats to the wetlands in Pui O which had high ecological value. According to CEDD’s Ecological Study, there were marshes in the area. The “REC” zone could not provide adequate control and the environmental impacts of those permitted uses under Column 1 had been underestimated. As planning permission was not required for the Column 1 uses, control on sewage

discharge and fire service installations through approval conditions could not be imposed;

- (b) she quoted an example of a holiday camp development in the New Territories where mangrove in the area was adversely affected by the sewage discharged from the camp. The “REC” zone in Tai Tong was another example of the lack of planning control. Given that there was no requirement for planning permission relating to filling of land and diversion of stream, such activities had resulted in environmental degradation. The same problems would likely occur in the “REC” zone in Pui O and the Item A2 site should be rezoned to conservation zoning;
- (c) development in the “R(C)” zone in Shui Hau (not an amendment item) would involve large-scale tree felling and adversely affect natural stream thereat. As the existing “R(C)” zone was covered by dense vegetation, it should be rezoned to conservation zoning; and
- (d) it was noted that SLC RA did not form part of the OZP amendment. However, according to section 21A(3)(a) of the Ordinance, the designation of RA was for the purpose of protecting the area from environmental degradation. The area zoned “REC” in Pui O (Item A2) and the area zoned “R(C)” in Shui Hau should be included into SLC RA for greater protection.

[Mr Stanley T.S. Tsoi left the meeting temporarily during R40’s presentation.]

R59 – The Society for the Prevention of Cruelty to Animals (Hong Kong)

44. Ms Fiona Margaret Woodhouse, R59’s representative, made the following main points:

- (a) she supported the OZP in principle which protected the natural environment, supported biodiversity and enhanced legal protection of natural resources and animal habitats;

- (b) she supported designation of SLC RA and rezoning of some coastal areas from “CPA” to “CA”;
- (c) she objected to the “REC” zone under Item A2. According to Plan H-1a of the Paper, the “CA” zone under Item A1 and the “REC” zone under Item A2 were connected. As there were important habitats such as marshes and connected water sources within the “CA” zone which were sensitive to pollution and changes in water flow, she disagreed with AFCD’s comment that buffer zone was not required for the “CA” zone. A buffer zone was essential to prevent degradation of habitats, and safeguard biodiversity and animal welfare;
- (d) “REC” zone was a development zoning which did not require planning permission for diversion of stream, filling of land/pond and excavation of land. Development in the “REC” zone would generate substantial impacts due to increase in traffic flow and human activities, e.g. construction wastes, air and noise nuisances, and glare pollution. There should be more stringent control on the “REC” zone and the concerned area should be included in SLC RA. In addition, the planning intention of the “REC” zone should incorporate conservation considerations;
- (e) she objected to include ‘Zoo’ use in the Notes of various land uses zones due to its ecological impact, poor conservation value and potential risk to public health. The Master Schedule of Notes to Statutory Plans (MSN) should be revised to delete ‘Zoo’ and ‘Aviary’ from Column 1 or Column 2 of relevant land use zones to meet social expectations and safeguard animal welfare. There should be a timetable for the review;
- (f) she shared the concerns expressed by other representers regarding the adequacy of environmental protection and conservation measures provided by the OZP. There was a need to strike a balance between development and nature conservation including protection of animal welfare. It was necessary to increase the areas designated as conservation zonings and enhance the level of protection. Communication and collaboration among

relevant government departments should be enhanced to review the existing mechanism and plug any loophole with a view to protecting the natural environment and animal welfare. The outcome of the OZP provisions in terms of biodiversity, animal welfare and eco-health should also be monitored; and

- (g) the Government should (i) recognise the negative consequences and the need to combat illegal use of land, illegal dumping, affluent discharge, filling of ponds and diversion of streams; (ii) recognise the crucial role of buffalos in maintaining natural habitats and supporting biodiversity; (iii) align regulations and penalties against illegal uses/developments under different regimes to conserve the natural environment and protect animal welfare; and (iv) provide guidelines and tools for assessing the impacts of low-impact eco-recreation and low-impact developments on the surrounding environment.

[Mr Andrew C.W. Lai rejoined the meeting during R59's presentation.]

R60 – Fung Kam Lam

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

- (a) he objected to inclusion of 'Zoo' in various land use zones. There were no justifications and technical assessments in the Paper to support the inclusion of 'Zoo' in relevant zones in particular the "GB" zone. He doubted whether the Rural and New Town Planning Committee of the Board had deliberated on the matter at its meeting held in September 2023;
- (b) he had previously proposed in the hearing of representations in respect of the Siu Ho Wan OZP in 2018 that 'Zoo' should be deleted from relevant zones in the said OZP. In response, the then Chairperson said that the matter would be followed up by PlanD during review of the MSN. Noting that the review on 'Zoo' use was outstanding at this juncture, he enquired whether there was progress on the matter; and

- (c) paragraph 5.3.1(5) of the Paper did not reflect his views accurately since the grounds of representation for R59 and R60 were combined. His concern was only related to the addition of 'Zoo' use but the Paper had incorporated issues related to the requirement for planning permission for filling of land/pond or excavation of land. The grouping of views by different representers was misleading and might be subject to legal challenge.

[The meeting was adjourned for lunch break at 12:55 p.m.]

46. The meeting was resumed at 2:05 p.m.

47. The following Members and the Secretary were present in the resumed meeting:

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

Chairperson

Mr Wilson Y.W. Fung

Dr C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

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 Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

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

Government Representatives

PlanD

Mr Walter W.N. Kwong - DPO/SKIs
Mr Kenneth C.K. Yeung - STP/SKIs
Mr Keith L.C. Wu - TP/SKIs

AFCDD

Mr Y.P. Lau - NCO

CEDD

Ms Stephanie P.H. Lai - STP
Ms Josephine K.Y. Yang - SCO

Representers and their Representatives

R4 – Kadoorie Farm and Botanic Garden Corporation

Mr Nip Hin Ming Tony - Representer's Representative

R8 – Save Lantau Alliance

Mr Tse Sai Kit - Representer's Representative

R9 – Ark Eden

Mr Pfordt Christian Karl Otto] Representer's Representatives
Ms Jennifer Ann Quinton]

R17 – Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representer's Representative

R18 – The Conservancy Association

Mr Ng Hei Man - Representer's Representative

R19 – The Hong Kong Bird Watching Society

Ms Wong Suet Mei - Representer's Representative

R21 – Mary Mulvihill

Ms Mary Mulvihill - Representer

R22 – 張偉聰

Mr Cheung Wai Chung - Representer

R40 – Chow Oi Chuen

Ms Chow Oi Chuen - Representer

R59 – The Society for the Prevention of Cruelty to Animals (Hong Kong)

Ms Fiona Margaret Woodhouse] Representer's Representatives

Ms Wong Mei Chi]

R60 – Fung Kam Lam

Mr Fung Kam Lam - Representer

R63 – 大嶼山南區鄉事委員會

Mr Ho Chun Fai - Representer's Representative

R64 – 拾壆鄉公所

Mr Chan Wah Kwok - Representer's Representative

R347 – Ng Wai Yin

Mr Ng Wai Yin - Representer

R483 – 離島區議會議員何紹基

Mr Ho Siu Kei - Representer

R491 – 何諾衡

Mr Ho Nok Hang - Representer

R528 – 何北帶

Mr Ho Pak Tai - Representer

R654 – 毛金堂

Mr Mo Kam Tong - Representer

R729 – Lai Lok Man Lawrence

Mr Lai Lok Man Lawrence - Representer

49. The Chairperson extended a welcome and invited the representers and/or their representatives to elaborate on their representations.

R63 – 大嶼山南區鄉事委員會

50. Mr Ho Chun Fai, R63's representative, made the following main points:

- (a) he objected to all amendment items;
- (b) due to the tight consultation schedule and the substantial consultation documents involved (about 50 pages), there had not been sufficient time to digest the concerned documents and seek views from the local villagers;
- (c) the local villagers were in support of conservation and had been spending efforts in conserving their living environment. However, under the OZP, more than 90% of their private land was designated as conservation zones and only about 0.26% of land was reserved for "REC" use. Such a significant imbalance was hard for the villagers to accept. The conservation zonings were supported by the Ecological Study prepared by CEDD but the relevant stakeholders had never been consulted during the course of the study. The imposition of conservation zonings on private land without prior consultation was an infringement of private property rights. Besides, there was no specific conservation scheme proposed by the Government. As per AFCD's practice, private land would be excluded from the Country Park when delineating its boundary;

- (d) he quoted a recent example to illustrate how changes in planning control had affected the livelihood of the local villagers. For instance, while the laying of electricity cable to serve a Small House was used to be always permitted, planning permission from the Board would be required after the imposition of the current planning control;
- (e) the farmland had dried up after the water source for farming had been intercepted after the construction of Shek Pik Reservoir. The farmland could not be regarded as being left abandoned, as claimed by the government officials, and designated as conservation zones; and
- (f) it was suggested that the land use proposals in the OZP should be re-open for discussion with a view to boosting tourism from which the local community could benefit, while promoting environmental protection and conservation. A consensus should also be reached among the Government, the green groups and local villagers before finalising any land use zoning for their private land.

R64 – 拾壆鄉公所

51. Mr Chan Wah Kwok, R64's representative, made the following main points:

- (a) he was born in Shap Long Village and was about 70 years old now, serving as a Resident Representative of Shap Long Village; and
- (b) the villagers had been protecting the living environment of the village. A few years ago, after a typhoon, the villagers requested the Government to erect flood barriers along the beach to prevent inland flooding from storm surge. To protect crops from grazing buffalos, local farmers sometimes would fence up their farmland. However, the villagers were saddened by the denouncement from green groups for doing the above so-called destructive actions to the natural environment.

R22 – Cheung Wai Chung

52. Mr Cheung Wai Chung expressed that the improvement works at the Pui O Raw Water Pumping Station (PORWPS) in Item B1 site were very close to the neighbourhood where he resided. Excavation works were undergoing on-site to submerge a pumping station underground, creating adverse noise and vibration impacts on his neighbourhood. Also, given the high voltage involved, it was not sure if the future operation of the PORWPS would pose explosion hazards. Despite his repeated requests to the Water Supplies Department (WSD) for noise barriers to address the noise impact, WSD had not acceded to his request. As such, he strongly urged the relevant government departments to take follow-up actions, such as providing noise barriers, to address his concerns.

R483 – 離島區議會議員何紹基

53. Mr Ho Siu Kei made the following main points:

- (a) he would like to express views of the local villagers of Fan Lau Village;
- (b) the local villagers of Fan Lau Village had always been contributing to the improvement of the natural environment. Under the OZP, about 90% of private land (including those in Fan Lau Village) was put under conservation zonings, requiring planning application scrutiny for uses other than the permitted agricultural use. For those private land designated as conservation zones (e.g. “CA” and “CPA” zones), the Government should compensate for the deprivation of private property rights, otherwise it would be unfair to the private land owners;
- (c) designating private land as conservation zonings without implementation of specific conservation measures could not help achieve the conservation objectives. Besides, vegetation (including those of ecological value) on those land might be cleared due to the permitted agricultural activities; and
- (d) it was strongly recommended that relevant government departments should collaborate with private land owners to implement concrete conservation

measures so as to achieve the conservation objectives.

R491 - 何諾衡

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

- (a) he was an indigenous villager of Pui O San Wai Village and an executive member of the Youth Affairs Advisory Board of HYK New Territories;
- (b) it was glad to learn that enforcement power had been introduced by the designation of SLC RA. However, the current OZP amendments had apparently not addressed the needs of the local community/relevant land owners. Due to the lack of adequate local consultation, about 700 objections were received. It was undesirable that HYK had not been engaged earlier and the public could only participate in the plan-making process at a very late stage. It was imperative that consultation with relevant stakeholders (e.g. HYK, local communities in South Lantau and Tai O Heung) should be conducted earlier and on a wider scale; and
- (c) there was no detailed study on the use of land resources to meet the needs of the territorial population. For example, while the average open space provision could meet the standard requirement in the territorial level, such provision was not proportionally distributed but mostly concentrated in the Islands District and South Lantau, within which about 65% of the land was reserved for Country Park under the OZP.

[Professor Roger C.K. Chan joined the meeting during R491's presentation.]

R654 - 毛金堂

55. Mr Mo Kam Tong made the following main points:

- (a) he was the Indigenous Inhabitant Representative of San Shek Wan Village;

- (b) it was unclear if San Shek Wan Village and its adjacent area were covered by SLC RA and why part of the village had been designated as “CPA” zone; and
- (c) there was an extensive woodland near the village without any past record of environmental vandalism. However, massive vegetation clearance had recently taken place in the woodland area near his private land. As his land was excavated and dumped with the felled trees, he was warned by the Lands Department (LandsD) and PlanD for possible enforcement actions. He would like to draw the Board’s attention to that incident.

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

57. Regarding the issue raised by R60 in the morning session on the review of the ‘Zoo’ use under the MSN, the Secretary explained that the ‘Zoo’ use was a Column 1 use of the “Open Space” (“O”) zone and a Column 2 use of the “G/IC”, “REC” and “GB” zones. That means, in most of the cases, a zoo development would be scrutinised via the planning permission system. The review on the ‘Zoo’ use was on-going according to work priority, with R60’s views to be considered as appropriate. Findings of the review would be reported to the Board in due course.

Nature Conservation

58. Some Members raised the following questions:

- (a) whether part of the Pui O EIS fell within the “V” zone, and if affirmative, whether it could be excised from the “V” zone;

- (b) the procedures and requirements for handling Small House developments near EIS, e.g. buffer requirement as an administrative measure to protect the Pui O EIS; and
- (c) whether consideration had been given to setting up a water buffalo park and what the requirements would be if one was to be pursued.

59. With the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, and Mr Y.P. Lau, NCO, AFCD made the following main points:

- (a) a small portion of the Pui O EIS, which was on government land, fell within the “V” zone of Ham Tin San Tsuen, and its riparian area was on private land. This “V” zone boundary had remained unchanged since the first gazette of the OZP in 1980. Since the current round of OZP amendment was mainly to take forward the principle of the Blueprint and guiding framework of the Masterplan to enhance nature conservation and identify suitable sites for recreational uses, the “V” zones were not reviewed under the current round of OZP amendment exercise;
- (b) streams with important ecological functions were identified by AFCD as EISs. In general, for projects with direct impacts on the EIS, the project proponents should seek advice from AFCD to identify possible impacts and formulate necessary mitigation measures before commencement of the projects. For Small House applications in the concerned “V” zone, LandsD would process those applications based on individual circumstances and comments from relevant government departments, including AFCD’s comments on the potential impact on the Pui O EIS. The buffer requirement between the proposed Small House and the EIS would be assessed on a case-by-case basis, taking into account the scale and location of the proposed development and the mitigation measures that would be adopted; and
- (c) the Government had no plan to set up a water buffalo park. In general, any development proposal could be pursued in accordance with the provisions of the OZP.

“REC” Zone in Pui O (Item A2)

60. Some Members raised the following questions:

- (a) whether wetland was included in the “REC” zone in Pui O;
- (b) whether placing the “REC” zone next to the “CA” zone would create incompatibility issue and whether there was a clear delineation between the two zones to facilitate planning enforcement action;
- (c) the nature of the proposed low-impact recreational uses in South Lantau;
- (d) whether enforcement provision for the “REC” zone could be enhanced to combat against developments detrimental to the environment (e.g. incorporation into SLC RA and including requirements for planning permission regarding filling of land/pond and diversion of stream); and
- (e) whether there was sufficient control on the Column 1 uses of the “REC” zone and their associated impacts (e.g. collection of data to monitor the water quality regarding the current activities on-site); and what controlling mechanisms in the other regimes were.

61. With the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, and Mr Kenneth C.K. Yeung, STP/SKIs, PlanD, made the following main points:

- (a) no wetland was included in the “REC” zone in Pui O. The wetland was located to the east and southeast of the “REC” zone and fell within the “CA” zone;
- (b) while the “REC” zone was located adjacent to the “CA” zone, there was a clear delineation between the two zones given the different site context and levels. The “CA” zone, which covered wetland to the east and southeast of the “REC” zone, was located at an area with a lower site level (about +3.5mPD). The adjoining “REC” zone, which covered developed/disturbed areas, had been filled up to a higher site level (about +6.7mPD) with that of the South Lantau

Road to facilitate vehicular access to these developed/disturbed sites. When on site, one could easily notice the differences between the two zones which were also separated by a stream. As such, placing the two zonings in close proximity to each other was considered appropriate. When taking enforcement actions, areas within the two zones could be differentiated by site features and with the aid of appropriate devices (e.g. GPS);

- (c) according to the overarching principle of ‘Development in the North; Conservation for the South’ embraced in the Blueprint, while predominant part of Lantau, in particular South Lantau, would be conserved for its natural and cultural resources, low-impact leisure and recreational uses which were environmentally sustainable and compatible with the local context would be developed for public enjoyment. In that regard, sensitive areas on the OZP were generally designated as conservation zonings including “CA”, “CPA” and “GB”. Both the “CA” and “CPA” zones were intended to protect areas of relatively high ecological value where only limited recreational uses were provided for and subject to planning permission. For the “GB” zone, low impact, environmentally sustainable and compatible low-rise leisure and recreation uses and facilities for eco-tourism like camping/glamping sites, eco-lodge, eating place, visitor/education centre, and for adventure park, etc. with appropriate supporting facilities which had proved to have no adverse impacts on environmental and other relevant aspects could be favourably considered through planning application mechanism, as set out in the Explanatory Statement of the OZP. Some of the development/disturbed areas in Pui O and Mong Tung Wan were designated as “REC” zone within which small-scale recreational uses (e.g. Field Study/Education/Visitor Centre and Holiday Camp) were put under Column 1 whereas relatively large-scale recreational uses (e.g. ‘Theme Park’ and ‘Golf Course’) were put under Column 2 and planning permission from the Board was required;
- (d) according to the Town Planning Ordinance (the Ordinance), the designation of a Regulated Area (RA) was intended for nature conservation and/or protection of certain areas from environmental degradation. However, as the “REC” zone in Pui O had already been disturbed and largely developed and was

considered suitable for rezoning to low-impact leisure and recreational uses in accordance with the Blueprint and the Masterplan, designating it as RA might not meet the said purpose. Besides, requirement for planning permission regarding filling of land/pond and diversion of stream would only be imposed on “REC” zone if the concerned area was prone to flooding and/or there were ponds on-site (e.g. the “REC” zones in the North District as quoted by the green groups in the morning session). Since the “REC” site in Pui O had already been disturbed and filled up by about 3m, there was no need to impose such restrictions; and

- (e) uses always permitted (i.e. Column 1 uses) in the “REC” zone were mainly passive, small-scale recreational uses (e.g. Barbecue Spot, Field Study/Education/Visitor Centre, Holiday Camp) and were subject to a maximum building height of three storeys. Apart from the control in the planning regime, relevant uses were also subject to control by relevant legislations and/or guidelines under the purview of different departments. For example, two planning applications for holiday camp had been approved by the Board in the “REC” zone in Pui O (under “CPA” zone at the time of application). In one of the approved applications (No. A/SLC/173), an approval condition requiring the implementation of the accepted drainage proposal to the satisfaction of the DSD was imposed. Besides, relevant government departments would continue to exercise control under their jurisdictions, e.g. lease conditions by LandsD, building plan submission by the Buildings Department, licensing mechanism by the Home Affairs Department, food and beverage licence by the Food and Environmental Hygiene Department, etc. Relevant government departments would also act upon complaints under their own ambits. Regarding the impact on water quality, it was under the control of the Water Pollution Control Ordinance and relevant guidelines. To enhance water quality monitoring, the Ecological Study had recommended the installation of water quality monitoring stations in Pui O wetland as one of the conservation measures, which was pending further study.

62. In response to a Member’s question regarding the amendment item(s) objected by R8, Mr Tse Sai Kit, R8’s representative, clarified that Item A2 was the subject of objection by

R8. He also expressed concerns that the enforcement mechanism under land lease, the Buildings Ordinance and relevant environmental legislation were not effective in preventing unauthorized developments/operations in South Lantau, which could be demonstrated by the emergence of various brownfield operations in Pui O over the past years.

Public Consultation

63. In response to a Member's question on why a different practice was adopted to conduct public consultation exercise regarding amendments to the subject OZP, Mr Walter W.N. Kwong, DPO/SKIs, PlanD explained that with the Town Planning (Amendment) Ordinance 2023 coming into operation on 1.9.2023, areas covered by conservation zonings (i.e. "CA", "CPA" and "GB") in the subject OZP were designated as SLC RA by the Secretary for Development (SDEV) on the same date of the gazettal of the draft OZP for public inspection such that the Planning Authority was empowered to take enforcement action against unauthorized developments. Since premature release of such information might spur unauthorized developments to establish an unfavourable fait accompli before SLC RA's designation and hence defeating the purpose of nature conservation, it was inappropriate to consult the public prior to the gazettal of the draft OZP with amendments related to RA designation. Nevertheless, PlanD had followed the established practice and conducted statutory and administrative public consultation within the two-month statutory public inspection period of the OZP, including consultations with relevant parties such as HYK, Islands District Council, Tai O Rural Committee, South Lantao Rural Committee, green groups, local concern groups, etc.

Others

64. Some Members raised the following questions:

- (a) the distribution of private land and government land in the planning scheme area;
- (b) the purpose of including 'Hotel (Holiday House only)' as a Column 2 use in the Notes of the "V" zone; and

- (c) given that the “R(C)” zone in the uphill area of Shui Hau would cause potential pollution to the wetland in the downstream area of Shui Hau Wan, whether environmental impact assessment was required for residential development in the concerned “R(C)” zone.

65. With the aid of a visualiser and some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, made the following main points:

- (a) majority of the planning scheme area was government land, most of which fell within Country Parks;
- (b) ‘Hotel (Holiday House only)’ use was newly added as a Column 2 use of the “V” zone so as to enable such development through the planning permission system; and
- (c) the concerned “R(C)” zone was not the subject of any amendment item. Since the concerned site comprised some old schedule agricultural lots and government land, any residential development to implement the planning intention of the “R(C)” zone would necessitate land exchange and/or lease modification, whereby relevant government departments could assess the proposed development and impose relevant requirements (e.g. submission of relevant technical assessments) under the land administration regime. Besides, building plan submission under the Buildings Ordinance was required. In general, whether there was a need to submit an environmental impact assessment under the Environmental Impact Assessment Ordinance (EIAO) for a residential development would depend on its location, scale and the types of works involved. For the concerned “R(C)” zone, it seemed that the proposed residential development would not be a project of concern under the EIAO.

66. On the “R(C)” zone in the uphill area of Shui Hau, Mr Tse Sai Kit, R8’s representative, suggested rezoning it to “GB” to form part of a larger “GB”, thereby removing a potential source of pollution to the ecological area in the downstream area of Shui Hau Wan.

67. In response to a Member's question on whether there was any misinterpretation of R60's written representation, Mr Fung Kam Lam (R60) clarified with the aid of a visualiser that the issue of filling of land/pond was not a concern in his written representation but had been addressed in the Paper (paragraph 5.3.1(e)) as part of PlanD's responses to his written representation. Mr Walter W.N. Kwong, DPO/SKIs, PlanD explained with the aid of a visualiser that for the sake of conciseness, the grounds/views of all written representations had been suitably consolidated in the Paper. As such, the written representations of R59 (about various issues including the 'Zoo' use and filling of land/pond) and R60 (about the 'Zoo' use) and PlanD's corresponding responses had been consolidated in paragraphs 5.3.1(5) and 5.3.1(e) of the Paper respectively. Specific responses to R60 had also been detailed in Annex IV of the Paper, within which filling of land/pond had not been included. There was no misinterpretation of R60's written representation in the Paper.

[Miss Winnie W.M. Ng joined and Mr Wilson Y.W. Fung left the meeting during the Q&A session.]

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

Deliberation Session

69. A Member said that the major concern of most of the representers was whether there would be sufficient control in the "REC" zone given that it was not designated as part of the SLC RA with planning enforcement power. Consideration might be given to strengthening control such as incorporation in the Notes of the "REC" zone that planning permission would be required for filling of land/pond.

70. The Chairperson remarked that the legislative intent of the Town Planning (Amendment) Ordinance 2023 was to empower SDEV to designate rural areas of high ecological value and subject to development pressure to be a RA so as to enable the Planning

Authority to take enforcement and prosecution actions against unauthorized developments for the purpose of nature conservation and/or protecting certain areas from environmental degradation. Under the OZP covering about 2,400 ha, around 90% of the Area was under protection including Country Park (about 1,500 ha) and various conservation zonings such as “CA” (about 60 ha), “CPA” (about 90 ha) and “GB” (about 470 ha). Also, an area of about 620 ha comprising the conservation zonings of “CA”, “CPA” and “GB” had been designated as the SLC RA subject to planning enforcement action. In contrast, the “REC” zone only occupied about 6 ha, of which the majority had been developed/disturbed and occupied by small-scale developments serving the locals (e.g. car parks, car repair workshops, plant nurseries, etc.) while there were recreational uses (including two holiday camp sites with planning approvals covering a total area of about 1.48 ha). Particularly, the Item A2 site in Pui O was lower in ecological value according to the Ecological Study and hence it was suitable for rezoning from “CPA” to “REC” to facilitate low-impact recreational developments. Regarding the suggestion of including the “REC” zone in the SLC RA, she considered there was always a balance to be struck in face of resource constraints. Owing to limited resources, PlanD had been prioritising its enforcement actions to areas of high ecological value (e.g. “CPA”, “CA” and “GB” zones). Furthering enlarging the RA might thin out PlanD’s enforcement resources which should be deployed to areas of high ecological value for more effective enforcement outcomes. She then invited views from Members.

71. Members generally supported the amendment items and relevant Notes of the OZP, and welcomed the designation of SLC RA to enhance planning enforcement power. They also expressed the following views/observations:

Recreational Development in the “REC” Zone

- (a) identifying suitable areas in South Lantau for low-impact recreational uses in accordance with the Blueprint and the Masterplan was generally supported. Designation of “REC” zone in Pui O was appropriate given that most part of it were developed/disturbed. “REC” zoning with a clear planning intention and provisions for appropriate recreational uses could help reduce proliferation of unauthorized recreational developments within the conservation zonings in South Lantau and the associated adverse environmental impacts;

- (b) Pui O was already a recreation node in South Lantau. The “REC” zone in Pui O would open up an opportunity to encourage the local community to phase out existing brownfield operations, harness the recreational and tourism potential to strengthen the economic development at suitable locations while preserving the natural environment within the conservation zonings;

- (c) while planning enforcement action might be one of the mechanisms against unauthorized developments, other mechanisms under the purview of relevant government departments, including licensing, enforcement and prosecution actions against illegal discharges and operations that would cause degradation to the natural environment, were also important. To facilitate the implementation of the “REC” zone, some enabling mechanisms such as an authority might be established such that clear guidelines could be provided for the operators and the recreational developments/facilities could be provided in a co-ordinated and sustainable manner. If a successful development model could be established in the “REC” zone in Pui O, it could be taken as a showcase to encourage more recreational uses in South Lantau for public enjoyment, and replacing the temporary recreational uses with long-term developments for better management and monitoring. It was also suggested that the Board might be informed regarding the progress on the development and implementation of the “REC” zone in Pui O regularly;

Nature Conservation

- (d) Pui O and Shui Hau were two ecologically important habitats but their ecological values were deteriorating due to various activities that were detrimental to the natural environment (e.g. land filling). Apart from appropriate zonings in the planning regime, the Government should pay extra efforts to formulate active conservation policies and measures to manage the ecological resources in these two areas with a view to realising the conservation objectives; and

“R(C)” Zone in the Uphill Area of Shui Hau

- (e) given that residential development in the “R(C)” zone in the uphill area of Shui Hau might adversely affect the wetland in the downstream area, appropriate mechanism should be formulated to ensure that the ecological value of the wetland in Shui Hau would not be affected by such development.

72. Regarding the environmental concern on possible residential and/or Small House developments near stream courses in Pui O and Shui Hau, Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), advised that:

- (a) for Small House development near stream courses (e.g. the Pui O EIS), the applicant had to demonstrate that the associated soakaway pit system was designed with sufficient filtration capacity and was located at least 15m away from stream courses to ensure that the stream would not be impacted. Besides, a sewerage improvement scheme near Ham Tin San Tsuen, which was under implementation by EPD and DSD, was scheduled for completion in 2026. With this system, it was expected that the water quality in Pui O area would be improved; and
- (b) the sewerage improvement scheme would cover the Shui Hau area and might also serve the residential development in the “R(C)” zone in Shui Hau.
[Post-meeting Note: The proposed sewerage system at Shui Hau area would have sufficient capacity to handle the sewage generated from the concerned “R(C)” zone.]

73. The Chairperson concluded that the “REC” zone in Pui O was the first and an important step in regularising the prevailing haphazard proliferation of recreational developments in South Lantau through statutory planning work. Under the new “REC” zone, some recreational uses (e.g. holiday camp) were always permitted without the need for planning permission. On implementation, the SLO, CEDD was a one-stop office responsible for implementing various conservation and recreational initiatives in Lantau in an integrated manner. The Lantau Conservation Fund under SLO’s management was set up to provide

financial support to eligible non-government organisations for implementation of conservation and recreation projects in rural Lantau. The SLO also provided professional and technical support (e.g. advice on various licensing requirements to set up holiday camps or food business) to facilitate better co-ordination among government bureaux/departments in taking forward those projects. At the same time, enforcement actions against unauthorized developments and activities by relevant government departments including PlanD, LandsD and EPD would also be strengthened and implemented in a coordinated manner.

74. After some discussions, Members considered that the amendments to the OZP, including the zonings and development restrictions, were appropriate. The OZP should not be amended to meet the representations and all grounds of the representations had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

75. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1(part), R2, R3, R4 (part) to R7(part), R10 to R16, R17(part) to R21(part) and R61(part)** and the views of **R22**, decided not to uphold **R1(part), R4(part) to R7(part), R8, R9, R17(part) to R21(part), R23 to R60, R61(part) and R62 to R730** and agreed that the draft South Lantau Coast Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Nature Conservation and Environment

- (a) the object of the OZP is to indicate the broad land use zonings so that development and redevelopment of land can be put under statutory planning control. In formulating the zoning proposal, a balance has been struck between nature conservation and development, taking into account all relevant factors including the ecological impact of individual site. Environmentally sensitive areas are generally zoned as conservation zonings on the OZP including “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) zones, and only sites that are on development/disturbed areas have been designated as “Recreation” (“REC”) zone (**R1, R5, R7 to R9, R17 to R20, R23 to R30, R31, R33, R35, R36, R38 to R56, R58, R59, R63 to R65 and R233 to R326**);

- (b) for any developments in areas falling within “GB”, “CPA” or “CA” zones, if diversion of stream, filling of land/pond or excavation of land are involved, permission from the Board is required. Unauthorized developments in the Regulated Area are subject to enforcement under the Town Planning Ordinance (the Ordinance) (**R59 and R60**);
- (c) Country Park is designated under the Country Parks Ordinance (Cap. 208). The “Country Park” (“CP”) zone on the OZP covers areas which fall within the boundaries of Country Park. As the “CPA” zones fall outside Country Park, rezoning the “CPA” to “CP” is not appropriate. The designation of Country Park should be separately considered by the Country and Marine Parks Authority (**R21 and R47**);
- (d) the “Village Type Development” (“V”) zone of Ham Tin San Tsuen is not the subject of any amendment item. The concerned section of the Pui O Ecologically Important Stream is on government land and the Lands Department (LandsD) will take enforcement action against any unlawful activities and/or development on government land if appropriate. The remaining portion of the concerned “V” zone is mainly levelled vacant private land with sparse vegetation. It is located at the fringe of the existing village cluster and is considered suitable for village type development. For any Small House development, sewage disposal arrangement should comply with the relevant government requirements. LandsD would assess Small House applications based on individual circumstances and comments from government bureaux and departments (**R4 and R19**);
- (e) the majority of the coastline is zoned “CPA” which is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. As the concerned area is a natural coastline, the “CPA” zone is considered appropriate. The development restrictions of “CA” and “CPA” zones are similar (**R6**);

- (f) there is insufficient information in the representation for the proposed water buffalo park. Any proposal could be pursued in accordance with the OZP provision and would be subject to the considerations and assessments by relevant government bureaux and departments (**R6**);

“REC” Zone and Recreational Uses

- (g) the current “REC” and “V” zones and their planning control are appropriate. Passive recreation uses such as ‘Barbecue Spot’, ‘Field Study/Education/Visitor Centre’, ‘Holiday Camp’ and ‘Place of Recreation, Sports or Culture’ are in line with the planning intention of the “REC” zone. The “REC” zones in Pui O and Mong Tung Wan are on development/disturbed areas. As the “REC” zone is a development zoning intended primarily for recreational developments for the use of the general public, requirement for planning permission for diversion of stream, filling of land/pond and excavation of land is not necessary. The Notes for the “REC” zone of the OZP are in line with the latest Master Schedule of Notes to Statutory Plans (MSN) adopted by the Board and similar to most of the “REC” zones in other OZPs, and there is no strong justification in the representations to support imposing more stringent control in the “REC” zone (**R5, R7 to R9, R17 to R19, R21, R24 to R27, R29, R31 to R33, R35, R39, R41, R43, R45 and R59**);
- (h) the annual average daily traffic of roads in South Lantau is currently less than half of their design capacities. It is anticipated that the roads in South Lantau will have sufficient capacity to cope with the traffic demand arising from the proposed amendment(s). The Transport Department has closely monitored passenger demand and liaised with the public transport operator to adjust the service as appropriate. The section of Tung Chung Road (south of Shek Mun Kap Road) and all roads at South Lantau are designated as closed roads. Access to these roads requires a valid Lantau Closed Road Permit (LCRP) and only the residents and business operators at South Lantau and those with genuine operation and business needs may apply for a non-temporary or temporary LCRP (**R28 and R42**);

- (i) the eight concerned Vacant Government Sites are available for short-term tenancy application for community, institutional or non-profit-making purposes. Recreation use can be pursued by the project proponent as appropriate under the established mechanism (**R44**);
- (j) taking into account the previous use and site conditions, the current “REC” zone of the representation site under Amendment Item A4 is considered appropriate and is in line with the Sustainable Lantau Blueprint and the Lantau Conservation and Recreation Masterplan that low-impact leisure and recreational uses would be developed for public enjoyment where appropriate in South Lantau while its natural and cultural resources would be conserved. There is no strong justification to support rezoning of the site occupied by existing buildings to “GB” (**R17, R23, R31 and R33**);

Village Development

- (k) the rezoning of areas in Pui O and Mong Tung Wan to “REC” zone (about 6.38 ha in total) has struck a balance between the conservation of natural habitat with high ecological value and the reservation of land for low-impact recreational developments, which is in line with the initiatives in the Sustainable Lantau Blueprint and the Lantau Conservation and Recreation Masterplan that low-impact leisure and recreational uses would be developed for public enjoyment where appropriate in South Lantau while its natural and cultural resources would be conserved. Suitable sites which are development/disturbed areas are rezoned to “REC” zone. Holiday camp sites in Pui O with planning permissions have been included in the “REC” zone (**R62, R66, R718 to R727 and R729**);
- (l) review of “V” zone is not part of the current round of OZP amendment. Suitable land has already been designated within “V” zone for village expansion of the recognised villages on the OZP. According to the current Small House Policy, the right to apply for or build a Small House is a personal right enjoyed by the indigenous inhabitant himself, but not attached to the

land that he owns. Planning controls on the use of land would not affect the indigenous inhabitant's right to apply for or build a Small House per se. On this basis, the planning controls of the OZP would not engage Article 40 of the Basic Law (**R62, R63 to R66, R233 to R326 and R718 to R729**);

- (m) the OZP amendment would not affect any land owner to transfer or assign his/her interest of land, nor would it leave the land concerned without any meaningful use or economically viable use. The land concerned could be put to "always permitted uses" and uses that may be permitted with or without conditions on application to the Board. It would unlikely constitute deprivation of property requiring payment of compensation (**R327 to R347**);
- (n) the addition of a set of Notes for "CA" zone corresponds to the Amendment Items A1 and A3 which is formulated based on the latest MSN adopted by the Board. Both representation sites are mainly rezoned from "CPA" to "CA" which is a more appropriate zoning to reflect the inland natural habitats with conservation importance where "CPA" and "CA" zones have similar Schedule of Uses and development restrictions (**R63 to R65, R67 to R69 and R233 to R347**);
- (o) areas to the north and south of the Mong Tung Wan Village are generally wooded in nature. Taking into account the various planning considerations, the current "GB" zone for the concerned areas is considered appropriate. Furthermore, there is currently no Small House application at Mong Tung Wan under processing (**R348 to R376**);
- (p) Lots 2402 and 2406 in D.D. 316L have been filled and occupied by holiday camps without planning permission. Furthermore, the sites are located amidst Pui O Wetland zoned "CA". According to The Ecological Study for Pui O, Shui Hau and Tai O and Neighbouring Areas – Feasibility Study, the concerned lots together with adjoining seasonally wet grassland falls within the Core Conservation Zone in Pui O which covers habitats of high ecological value. They are zoned "CA" with the intention to conserve the wetland habitats which is considered appropriate (**R730**);

Reflecting As-built Conditions, Rationalising Zoning Boundaries and Incorporation of New Area to the Area

- (q) some existing recreational facilities and holiday camps in “GB”, “CPA” and “CA” zones are operating without any planning permission. It is inappropriate to rezone these non-conforming uses to “REC”. Notwithstanding the above, planning applications with relevant supporting technical assessments can be submitted in accordance with sections 12A or 16 (where appropriate) of the Ordinance for the Board’s consideration if necessary (**R174 and R377 to R482**);
- (r) Amendment Items B1 to B21 reflect the as-built conditions and/or planned government, institution and community facilities, open spaces, road alignments, transport infrastructures and other developments which conform to the OZP. It is considered that the current zonings of the representation sites are appropriate (**R17, R21, R30, R34, R57, R59 and R526**);

The OZP and the Notes

- (s) the Schedule of Uses of the respective zonings in the OZP is in line with the latest MSN adopted by the Board. For Column 2 uses, planning permission from the Board is required. The Board would assess each development proposal on its individual merits in accordance with the relevant guidelines of the Board. Review on MSN will be separately considered (**R7, R59 to R61 and R481**);
- (t) for any developments in areas falling within “GB”, “CPA” and “CA” zones including erection of chain link fence and walled enclosures, if diversion of stream, filling of land/pond or excavation of land are involved, permission from the Board is required (**R7**);
- (u) planning permission is required for Column 2 uses in respective zones. Any related development proposal is subject to the scrutiny of relevant

government bureaux and departments and the Board under the planning application mechanism (**R41, R59, R63 to R65 and R233 to R326**); and

Public Consultation

- (v) the established practice for conducting both statutory and administrative public consultation of statutory plan has been followed in the publication of the draft OZP. Consultations with relevant parties were conducted during the statutory public inspection period of the draft OZP. To allow efficient enforcement action, South Lantau Coast RA's designation and draft OZP publication are set to be on the same date. To minimise the risk where someone would try to evade the enforcement regime by forming or destroying the land with conservation value before RA's designation, it is inappropriate to consult public prior to the gazettal of the draft OZP involving enforcement provision in tandem with the South Lantau Coast RA's designation (**R9, R25 to R27, R34, R36 to R42, R62 to R232, R483 to R717, R728 and R729**)."

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

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting (Presentation and Questions only)]

Consideration of Representations in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/27

(TPB Paper No. 10953)

[The item was conducted in Cantonese and English.]

Presentation and Question Session

77. The Chairperson said that notifications had been given to the representers 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, Members agreed to proceed with the hearing of the representations in their absence.

78. The following government representatives and representer were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

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

Representer

R5 – Mary Mulvihill

- | | |
|-------------------|---------------|
| Ms Mary Mulvihill | - Representer |
|-------------------|---------------|

79. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations. The representer would then be invited to make oral submission. There was only one representer making the oral presentation and a total of 10 minutes would be allotted for making the presentation. There was a timer device to alert the representer 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 had completed the oral submission. Members could direct their questions to the government representatives or the representer. After the Q&A session, the government representatives and the representer would be invited to leave the meeting. The Town Planning Board (the Board/TPB) would then deliberate on the representations in their absence and inform the representers of the Board's decision in due course.

80. The Chairperson invited PlanD's representative to brief Members on the representations.

81. With the aid of a PowerPoint presentation, Ms Hannah H.N. Yick, STP/STN, PlanD briefed Members on the representation, including the background of the draft Draft Ma On Shan Outline Zoning Plan No. S/MOS/27 (the OZP), the grounds/views of the representers and PlanD's views on the representations as detailed in TPB Paper No. 10953 (the Paper). The amendments mainly involved (i) rationalising the boundary of "GB" zone near Mui Tsz Lam Village by incorporating strips of land (about 1.94 ha) into the planning scheme area of the OZP and designating them as "Green Belt" ("GB"); (ii) revision to the remarks of "Conservation Area" ("CA"), "Site of Special Scientific Interest" ("SSSI") and "GB" zones to incorporate '(except public works co-ordinated or implemented by government, and maintenance, repair or rebuilding works)' (the Exemption Clause); and (iii) moving 'Government Refuse Collection Point' and 'Public Convenience' from Column 2 to Column 1 under "Village Type Development" ("V") zone.

82. The Chairperson then invited the representer to elaborate on her representation.

R5 – Mary Mulvihill

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

Item A

- (a) she objected to Item A. The “GB” zoning offered no protection to trees since the Board would approve rezoning proposals in “GB” despite massive felling of trees was involved. For example, the Board agreed to the proposed amendments to the approved Ma On Shan OZP No. S/MOS/22 in August 2021 to facilitate public housing developments in the “GB” zones in Cheung Muk Tau Village and Ma On Shan Tsuen Road despite that massive felling of about 3,000 trees was involved;
- (b) the designation of Mui Tsz Lam Regulated Area (MTL RA) was welcome if the enforcement power conferred would be utilised. However, one could observe from the media that the Government would not take enforcement action against illegal filling of pond in the “CA” zones in the New Territories or would only take selective actions;
- (c) the concerned strips of land should be incorporated into the “CA” zone rather than the “GB” zone;

Covering Notes

- (d) she supported the introduction of the ‘two-part’ covering Notes, despite having doubts about its effectiveness in protecting ecologically sensitive areas;

Exemption Clauses in “CA”, “SSSI” and “GB” Zones

- (e) she objected to the Exemption Clause for public works co-ordinated or implemented by the Government. The climate change issue indicated that there should be more stringent control in particular on works related to water courses;

- (f) whilst the incorporation of the Exemption Clause was claimed to be in the spirit of streamlining, such arrangement was actually an abuse of streamlining. Public works in ecologically sensitive areas should be properly monitored;

“CA” Zone

- (g) she objected to subsuming ‘Agricultural Use (other than Plant Nursery)’ under Column 1 and counter-proposed that all agricultural uses should put under Column 2; and

“V” Zone

- (h) she objected to moving ‘Government Refuse Collection Point’ and ‘Public Convenience’ from Column 2 to Column 1 as the right of the public to make comments on planning applications would be deprived.

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

85. As Members had no question 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 in closed meeting and inform the representers of the Board’s decision in due course. The Chairperson thanked the representer and the government’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

86. The Chairperson recapitulated that in considering the designation of the MTL RA to cover the “GB” zone, the concerned strips of land in Item A were found not covered by the OZP nor the Ma On Shan Country Park. The current OZP amendments were to rationalise the “GB” boundary by incorporating those residual lands into the OZP to form a larger “GB”, as

well as amendments to the Notes of the OZP to reflect the latest planning intention. She then invited views from Members.

87. Members generally supported the OZP amendments. A Member commented that refuse collection points and public conveniences were usually found at the entry of villages in the rural areas. Some of those facilities were designed sympathetically with the surroundings while some would create environmental nuisances to the local residents. Moving those two uses from Column 2 to Column 1 would remove the channel for the public to raise their concerns. Consideration might be given to including some design requirements for those facilities to ensure that they would be compatible with the surrounding environment. The Chairperson responded that Member's views on the design matters would be relayed to the Food and Environment Hygiene Department and the Architectural Services Department as appropriate.

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

89. After deliberation, the Town Planning Board (the Board) noted the (supportive) views of **R1 to R4, R5 (part) and R6**, decided not to uphold R5 (part) and agreed that the draft Ma On Shan Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

- “(a) the “Green Belt” (“GB”) zoning for areas under Amendment Item A which is similar in character with the adjoining “GB” zone is considered appropriate to ensure development control to conserve the natural landscape resources and habitats of the area;
- (b) agricultural use is not incompatible with the planning intention of “Conservation Area” (“CA”) zone. Amendments to the Notes for “GB”, “CA”, and “Sites of Special Scientific Interest” zones are in line with the latest Master Schedule of Notes agreed by the Board. The exemption clause for public works co-

ordinated or implemented by Government could help streamline minor government works with no major adverse impact; and

- (c) including ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the “Village Type Development” zone will streamline the provision of these common and essential facilities in village areas and such provisions will have to follow relevant design guidelines.”

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

Agenda Item 5

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

91. There being no other business, the meeting was closed at 5:05 p.m.