

**Minutes of 993rd Meeting of the
Town Planning Board held on 30.9.2011**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Professor Edwin H.W. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.P. Lau

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

Deputy Director of Environmental Protection
Mr. Benny Wong

Assistant Director (2)(Atg.), Home Affairs Department
Mr. Frankie Chou

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

Deputy Director of Planning/District
Miss Ophelia Wong

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Rock C.N. Chen

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Dr. Winnie S.M. Tang

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board
Ms. Caroline T.Y. Tang

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 991st and 992nd Meetings held on 8.9.2011 and 9.9.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 991st and 992nd Meetings held on 8.9.2011 and 9.9.2011 were confirmed without amendments.

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) [Closed Meeting]

2. This item was recorded under confidential cover.

- (ii) Town Planning Appeal Decision Received

[Open Meeting]

Town Planning Appeal No. 8 of 2009

Temporary Warehouse and Workshop for Metal, Plastic and Construction Materials
for a Period of 3 Years in “Village Type Development” zone

Lots 93 (Part) and 94 (Part) in D.D. 127 and adjoining Government land,

Hung Uk Tsuen, Ping Shan, Yuen Long

(Application No. A/YL-PS/298)

3. The Secretary reported that the appeal was lodged by the appellant on 15.10.2009 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/YL-PS/298) for temporary warehouse and workshop for

metal, plastic and construction materials for a period of three years at a site zoned “Village Type Development” on the draft Ping Shan Outline Zoning Plan No. S/YL-PS/12.

4. The appeal was heard by the Town Planning Appeal Board (TPAB) on 17.5.2011 and dismissed by TPAB on 18.8.2011 on the following grounds:

- (a) there were a number of Small House applications in the vicinity of the application site. The applied use was not compatible with the surrounding residential developments. Besides, there were other plots of land designated for industrial use in Ping Shan area; and
- (b) approval of the application would set a bad precedent and it would be difficult for the Board to refuse similar future applications. Approving such applications would foul the planning intention of the area.

[Professor P.P. Ho arrived to join the meeting at this point.]

(iii) Abandonment of Town Planning Appeal

[Open Meeting]

Town Planning Appeal No. 11 of 2010

Proposed Temporary Container Tractor/Trailer Park for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 s.B RP (Part) and

1212 s.C ss.3 RP (Part) in D.D. 115,

Chung Yip Road, Nam Sang Wai, Yuen Long

(Application No. A/YL-NSW/189)

5. The Secretary reported that the appeal (No. 11/2010) had been abandoned by the appellant on his own accord. The subject appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 10.7.2010 against the decision of the Town Planning Board on 30.4.2010 to reject on review the planning application No. A/YL-NSW/189 for proposed temporary container tractor/trailer park for a period of three years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration

Area” zone on the Nam Sang Wai Outline Zoning Plan. On 15.9.2011, the appeal was abandoned by the appellant. On 19.9.2011, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

Town Planning Appeal No. 18 of 2010

Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles)

for Villagers of To Yuen Wai and Recreation and Village Affairs Centre

(with Ancillary Self-help Car Cleansing Facilities) for a Period of 3 Years

in “Village Type Development” zone and area shown as ‘Road’

Lots 538 s.B-L, 581, 586 s.A-C and 586 RP in D.D. 130,

To Yuen Wai, Lam Tei, Tuen Mun

(Application No. A/TM-LTYT/201)

6. The Secretary reported that the appeal (No. 18/2010) had been abandoned by the appellant on his own accord. The subject appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 21.12.2010 against the decision of the Town Planning Board on 8.10.2010 to reject on review the planning application No. A/TM-LTYT/201 for temporary private vehicle park (private cars and light goods vehicles) for villagers of To Yuen Wai and recreation and village affairs centre (with ancillary self-help car cleansing facilities) for a period of three years in “Village Type Development” zone and area shown as ‘Road’ on the Lam Tei and Yick Yuen Outline Zoning Plan. On 18.8.2011, the appeal was abandoned by the appellant. On 29.8.2011, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

Appeal Statistics

7. The Secretary reported that as at 30.9.2011, 23 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	27
Dismissed	:	118

Abandoned/Withdrawn/Invalid	:	151
Yet to be Heard	:	23
Decision Outstanding	:	4
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Total	:	323

[Mr. Benny Wong arrived to join the meeting at this point.]

(iv) Approval of Draft Plans

8. The Secretary reported that, on 5.7.2011, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance and the approval was notified in the Gazette on 23.9.2011:

- (a) Stonecutters Island Outline Zoning Plan (to be renumbered as S/SC/10);
- (b) Ting Kok Outline Zoning Plan (to be renumbered as S/NE-TK/17); and
- (c) Tai O Fringe Development Permission Area Plan (to be renumbered as DPA/I-TOF/2).

(v) Reference Back of Approved Plans

9. The Secretary reported that, on 5.7.2011, the Chief Executive in Council referred the following approved plans to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance and the reference back was notified in the Gazette on 23.9.2011:

- (a) Shek Kip Mei Outline Zoning Plan No. S/K4/25; and
- (b) Tuen Mun Outline Zoning Plan No. S/TM/28.

General

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Planning Study on Future Land Use at Anderson Road Quarry Bay – Feasibility Study
(TPB Paper No. 8916)

[The meeting was conducted in Cantonese.]

10. The Chairman informed Members that Professor S.C. Wong had declared interest on this item as he had current business dealings with Ove Arup & Partners Hong Kong Limited which was the Consultant of the subject Study. Members noted that Professor S.C. Wong had not yet arrived. As this was a briefing to Members on the initial land use options of the subject Study, Members agreed that Professor S.C. Wong should be allowed to join the meeting and participate in the discussion when he arrived.

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

Ms. Phyllis Li	- Assistant Director/Special Duties (AD/SD), PlanD
Mr. K.W. Ng	- Senior Town Planner/Special Duties 1, (STP/SD1), PlanD
Ms. Carmen Chu]
Ms. Theresa Yeung] Ove Arup & Partners Hong Kong Limited
Ms. Tracy Wong]
Ms. Betty Ho	- PlanArch Consultants Limited

Presentation Session

12. The Chairman extended a welcome and invited the study team to brief Members on the Study. Ms. Phyllis Li gave a brief introduction and said that the Anderson Road Quarry had started operation since 1956. Over the past 50 years, the mining operation was already finished and the quarry rehabilitation works would be completed in 2016. In January 2011, PlanD had commissioned a consultancy study

entitled the “Planning Study on Future Land Use at Anderson Road Quarry – Feasibility Study” (the Study) to examine the future land use and the potential of Anderson Road Quarry for residential and other uses. The Study was currently at Stage 1 Community Engagement (CE) which would last for three months from 30.8.2011 to 30.11.2011.

13. With the aid of a powerpoint presentation, Ms. Theresa Yeung made the following main points as detailed in the Paper:

Study Objective

- (a) the overall objective was to examine the future land use and the potential of Anderson Road Quarry for residential and other uses;

Study Site and Study Area

- (b) the Anderson Road Quarry site (the Study Site) was located on the southwestern slope of the Tai Sheung Tok Hill in East Kowloon. It included the existing Anderson Road Quarry which covered an area of about 86 hectares, out of which a platform of about 40 hectares would be formed under an on-going quarry rehabilitation contract managed by the Civil Engineering and Development Department. The works would be completed by mid-2016;
- (c) the Study Area had a total area of about 298 hectares, covering the Study Site, the Development at Anderson Road (DAR) for public rental housing with a planned population of about 48,300, and some nearby residential areas in Sau Mau Ping, including Shun Chi Court, Shun Lee Estate, Shun On Estate, Shun Tin Estate, Sau Mau Ping Estate, Sau Mau Ping South Estate, Po Tat Estate, Ma Yau Tong Village, etc.;

[Professor Paul K.S. Lam and Professor Edwin H.W. Chan arrived to join the meeting and Mr. Roger K.H. Luk returned to join the meeting at this point.]

Study Approach

- (d) the study process comprised three phases, namely the Inception Phase, Option Formulation Phase and Preferred Option Finalisation Phase. Since the first two phases had already been completed, the Stage 1 CE exercise was being conducted to collect public views on the planning concept and the initial land use options. The views collected would provide important inputs to the formulation of the preferred option and the Preliminary Outline Development Plan at the next phase of the Study.

[Professor S.C. Wong arrived to join the meeting at this point.]

Vision and Guiding Principles

- (e) the vision of the Study was to reshape the Study Site into a green and livable community that met the territorial, district and local needs;
- (f) the guiding principles were as follows:

For the territory

- (i) to meet territorial housing demand;
- (ii) to explore economic and recreational opportunities;

For the district

- (iii) to diversify local housing choice;
- (iv) to complement existing local and district community facilities;
- (v) to respect transport and infrastructure constraints;
- (vi) to respond to the existing and planned built environment in the vicinity;

For the Study Site

- (vii) to create a green, sustainable and pedestrian-friendly environment and community; and

- (viii) to take advantage of the distinct landform on the Study Site;

Development Constraints

- (g) the Study Area was subject to the following major development constraints:
 - (i) road traffic – there was a lack of road capacity in the area. Some effective road improvement measures were required for any large-scale development at the Study Site;
 - (ii) sewerage – the existing and planned sewerage system in the area could only support a maximum population of about 30,000 at the Study Site;
 - (iii) protection of the ridgeline – in accordance with the Hong Kong Planning Standards and Guidelines, the highest 20% of the Tai Sheung Tok ridgeline should be designated as “building free zone” so as to protect the ridgeline;
 - (iv) drainage – there were two underground flood storage tanks in the platform area of the Study Site. No building would be allowed on and above the two tanks; and
 - (v) geology – there were some drop-cut areas (30m to 60m deep) and fault zones in the platform area of the Study Site. Deeper foundation works incurring higher construction cost might be required for any high-rise development in these areas and zones;

Development Opportunities

- (h) the Study Site provided the following major development opportunities:
 - (i) land supply – being located at the fringe of the urban Kowloon,

the 40-hectare platform within the Study Site provided good opportunity to meet territorial demand for housing land, to provide commercial and community facilities to meet the residents' needs and to increase employment opportunities;

- (ii) unique history – the Anderson Road Quarry had been in operation since 1956. Such unique history would be respected and the distinct landform would be fully utilised for recreational and rock cavern developments. Overseas examples were cited including the Cavern Restaurant in France, the Gjøvik Main Hall (Ice Hockey Rink for 1994 Olympic Winter Games) in Norway, the Holmlia Sports Hall, Oslo in Norway, and the Ice Hockey Field, Helsinki in Finland;
- (iii) vista – the Tai Sheung Tok Hill was one of the important ridgelines in East Kowloon which should be protected. There was a visual corridor between its summit and Jordan Valley. The unique benches on the rock faces were good locations for enjoying the grand views of East Kowloon and the Victoria Harbour; and
- (iv) landform – the Anderson Road Quarry site upon full rehabilitation would be a major landscape resource in urban Kowloon. In the planning and design of future developments, the existing landform of the Study Site could also be enhanced through greening so as to create a green and liveable community;

Planned Population

- (i) based on various preliminary technical assessments undertaken, it was estimated that the Study Site could accommodate a maximum population of approximately 30,000, with the implementation of appropriate road improvement measures. If more land was to be used for non-domestic

uses (such as commercial, government, institution and community (GIC), recreational, leisure, open space, etc.), the domestic component would have to be reduced accordingly so as to release sufficient infrastructural capacities for the non-domestic uses. It was therefore proposed to adopt a target population ranging from 22,000 to 30,000 for the Study Site;

Housing Mix

- (j) as the adjacent developments in DAR would be planned wholly for public rental housing, a private-to-subsidised housing ratio of 80:20 was proposed to improve the housing mix of the area;

[Mr. Felix W. Fong arrived to join the meeting at this point.]

Basic Planning and Design Components

- (k) the basic components in the planning and design concepts formulated for the future land uses of the Study Site were as follows:
 - (i) to have residential developments mainly in the northwestern and southeastern parts of the Study Site;
 - (ii) to provide sufficient GIC facilities to meet the needs of the new developments and to coordinate the provisions of such facilities with those planned for DAR;
 - (iii) to have low- to medium-rise non-domestic uses in the central part of the Study Site to avoid expensive deep foundation works in the drop-cut areas and preserve the visual corridor between the Tai Sheung Tok summit and Jordan Valley;
 - (iv) to provide a green promenade along the southwestern edge of the Study Site for enjoyment by the local residents while at the same time provide a relief to mitigate the visual impacts of DAR

on the Study Site;

- (v) to have some rock cavern developments at the rock faces in the northeastern part of the Study Site and to make use of the unique benches on the rock faces for hiking and other recreational uses. The feasibility of connecting the proposed hiking trails to the Wilson Trail Stage 3 in Sai Kung would also be examined; and
- (vi) to enhance the accessibility of the Study Site, particularly the pedestrian connections to DAR;

Initial Options

- (l) two initial land use options had been formulated by adopting different design concepts:

Initial Option 1

- (i) a Quarry Park of more than 15 hectares with different recreational and sports facilities and a green promenade along the southwestern edge of the Study Site would be the key feature of the area. The Park would provide a good leisure destination for the residents in Kwun Tong, Sai Kung or even the whole Territory during weekends and holidays;
- (ii) along the central axis of the Study Site and connected to the Quarry Park would be a leisure and entertainment centre with retail, dining and entertainment facilities. The area was proposed to be pedestrianised to avoid conflicts between the pedestrian and vehicular traffic;
- (iii) an elevated viewing deck with dining facilities would be constructed on the bench at the level of 250mPD to allow visitors to enjoy the spectacular view of East Kowloon and the

Victoria Harbour; and

- (iv) part of the residential development in the northwestern portion of the Study Site would be limited to medium-rise buildings to complement the open setting of the Quarry Park;

Initial Option 2

- (i) the central part of the Study Site would be mainly used for community facilities and open space, and two sites would be for commercial development. The open-air civic/event plaza at the centre would provide a gathering place for the local residents;
- (ii) the day-to-day shopping and community facilities would be incorporated within the residential developments for convenience of the local residents; and
- (iii) more land would be reserved for GIC facilities to meet the shortfalls in the district, apart from meeting the local needs;

Rock Cavern Development

- (m) noting the history and landscape of the Study Site, it was considered that part of the quarry site should have potential for rock cavern uses. As such, a rock face of no less than 300m frontage was reserved for future rock cavern developments. Based on the overseas experience, consideration might be given to using the rock caverns for wine cellar, restaurant, spa and local utility facilities, etc.;

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

Proposed Vehicular and Pedestrian Accesses

- (n) two vehicular accesses to the Study Site were proposed. The primary access would be at the southeastern end to connect with Po Lam Road while the secondary one would be in the southwest to connect with DAR;
- (o) to address the issue of insufficient road capacity, PlanD had been working closely with the Transport Department (TD). Based on the preliminary traffic assessment, it was considered that apart from the traffic improvement measures proposed in the Study on DAR, the following junction and road improvement measures would be required:
 - (i) to add free flow lanes to the signal junctions at Tseung Kwan O Road/Lin Tak Road and New Clear Water Bay Road/Lung Cheung Road; and
 - (ii) to widen part of the carriageway of New Clear Water Bay Road from three to four traffic lanes;
- (p) TD had no in-principle objection to the above road and junction improvement proposals. Before finalising the recommended details for implementation, a traffic impact assessment will be undertaken as part of the Study;
- (q) regarding pedestrian connections, new facilities were proposed to connect the Study Site to the Kwun Tong town centre downhill via the planned pedestrian connection facilities for DAR and the existing pedestrian network in the Sau Mau Ping area. The feasibility of including lifts and/or escalators would be explored at the next stage of the Study; and

Stage 1 Community Engagement

- (r) the three-month Stage 1 CE (late August to late November 2011) was in

progress to collect public views on the proposed planning concepts and initial land use options. From late August onwards, briefing sessions had been organised to relevant organisations and bodies including Sai Kung District Council, Kwun Tong District Council, Town Planning Board, Areas Committees and relevant professional institutions. Roving exhibitions would be staged at different venues in Kwun Tong and Tseung Kwan O. A public forum would also be held in mid-November 2011. A Consultation Digest was at Annex A of the Paper. The views collected would provide important inputs to the formulation of the preferred option at the next stage of the Study.

[Ms. Anita W.T. Ma arrived to join the meeting at this point.]

Question and Discussion Session

14. Members thanked the study team for providing the briefing. Pertaining to the specific issues, the following views and questions were expressed by Members:

Planned Population

- (a) what was basis for planning the target population at a range of 22,000 to 30,000 at the Study Site?

Housing Mix

- (b) the proposed private-to-subsidised housing ratio of 80:20 in the Study Site was generally supported as it would help balance the existing private-to-subsidised housing ratio of 30:70 in Kwun Tong. However, the traffic impact created by the higher car ownership of private housing should be carefully considered;
- (c) given that the population of 48,300 living in PRH in DAR, the overall private-to-subsidised housing ratio for the whole Study Area would be 30:70 (assuming a population of 22,000 in the Study Site) or 40:60

(assuming a population of 30,000 in the Study Site). In order to achieve a more balanced housing mix, the Study Site should be considered for private housing only;

Land Use Proposal

- (d) in view of the history and distinct landform of the Anderson Road Quarry, the Study Site could be designed to become a unique icon. Other than the Quarry Park, opportunity could be taken to highlight the special features of the rock faces which stretched across the Study Site. Activities such as rock climbing could be introduced. The inclusion of a museum to introduce the history of quarry in Hong Kong should be considered. The design should also consider the integration with the Ma On Shan Country Park to the northeast of the Study Site;
- (e) the quarry itself was an eyesore and the proposal to turn it into an icon/focal point of Hong Kong was supported;
- (f) the park in the Study Site could be a “theme” park reflecting the history of quarrying. A design competition was worth considering. Anderson Pass in Singapore as illustrated on page 11 of the Stage 1 CE Digest was a result of a design competition;
- (g) the rock cavern development should be planned comprehensively instead of in a piecemeal manner by proposing cafés and viewing platforms at different locations;
- (h) whilst DAR would have already accommodated a population of about 48,300, was it still necessary to maximise the use of the Study Site for residential development as high-rise development might block the view towards the rock faces which was a special icon in the area?
- (i) the surface of the underground flood storage tanks in this area should be open for public use as parks or sports grounds;

- (j) to improve the visual amenity, more trees and greenery should be provided in the Study Site;
- (k) the provision of GIC uses in the Study Site was supported as they could also serve the Kwun Tong district which had a total population of 650,000;

Transport/Accessibility

- (l) since the Study Site was located at higher platforms above the existing development at Sau Mau Ping and the traffic capacity was constrained by the availability of only two vehicular accesses, it was important that the vehicular and pedestrian access should be substantially improved in order to achieve a high utilisation of the facilities to be provided at the Study Site and to cater for the transport needs of the future population, especially the elderly. The poor traffic experience in Braemar Hill which took about 20 years to resolve should not be repeated in the Study Area;
- (m) with respect to the improvement of the road network system, the proposed addition of one traffic lane at New Clear Water Bay Road for going downhill would not be able to cope with the future traffic demand. The provision of an integrated road network to improve the accessibility to the MTR stations and/or other means of transportation should be considered. Light rail might be considered as a type of internal transport facilities in the area. Besides, other than the proposed junction and road improvement measures, the connection to Tseung Kwan O should also be considered; and
- (n) the vertical connection for pedestrians between the Study Site and the downhill area should be enhanced and the feasibility of providing different means of connection such as lifts, escalators and cable cars should be explored. This would allow the residents at the Study Site to make use of the public transport network in the downhill area, thus

helping to reduce the burden on road traffic. The Mid-Levels escalator in Central was a good example to demonstrate how the pedestrian connections could be improved with such facility provision.

[Dr. W.K. Yau arrived to join the meeting at this point.]

15. In response, Ms. Phyllis Li and Ms. Carmen Chu made the following main points:

Planned Population

- (a) the Study Area had included a planned population of 48,300 in DAR for PRH. The planned population for the Study Site was designed based on the capacity of the sewerage system. On the traffic capacity, further improvement to New Clear Water Bay Road and the nearby junctions had to be considered;

Housing Mix

- (b) regarding the proposed housing mix of 80:20, the 20% was for subsidised housing and not necessarily PRH. The proposed mix was intended to satisfy the needs of the different sectors in the community;

Land Use Proposal

- (c) the study had taken into account the history and unique character of the quarry as a basis in drawing up the proposals for the area. Special features such as the underground flood storage tanks, the rock faces and their unique benches as well as rock cavern would be incorporated into the overall design. Members' suggestions on rock climbing activities and hiking trails connecting to the Wilson Trail Stage 3 in Sai Kung would be taken into consideration;
- (d) the Anderson Road Quarry was an eyesore. The rehabilitation works

proposed were intended to introduce a high level of greening so that an eyesore could finally be turned into a green and sustainable community;

Transport/Accessibility

- (e) a baseline transport assessment and a preliminary traffic impact assessment had been carried out. Having consulted TD, some major traffic improvement measures on junction and road improvement would be required. The New Clear Water Bay Road had to be widened and the junction at New Clear Water Bay Road/Lung Cheung Road would have to be improved. Similar traffic improvement at the signal junction at Tseung Kwan O/Lin Tak Road was being considered in order to divert the traffic flows;
- (f) regarding the pedestrian network, it was noted that some improvement works had been carried out by the District Council. The Housing Department was also considering the provision of linkages. The issue of pedestrian connection between the Study Area and the development downhill was under review and mechanical means such as the provision of lifts and escalators to connect the development at different height levels would be considered, though it might be difficult to make connections through the existing development; and
- (g) public consultation was being conducted. Improvement to the vertical circulation for pedestrians between the Study Site uphill and the area downhill would be considered in the Study at the next stage. Owing to the major topographical constraint of having a 30m to 50m level difference at different platforms, the Consultants had been examining the technical feasibility of different options with a view to coming up with an integrated pedestrian network to resolve the vertical connection problem in the area.

16. The Chairman concluded that Members generally supported the Study to explore the development potential of Anderson Road Quarry which would help meet the

development needs of Hong Kong especially our need for housing land. The study team was asked to take into account Members' views, including in particular their suggestions about the development of a park with special character and the provision of vehicular and pedestrian connections between the Study Site and the surrounding areas. The Chairman thanked the representatives of PlanD and the Consultants for attending the meeting. They left the meeting at this point.

[Mr. K.Y. Leung and Mr. Frankie Chou left the meeting at this point.]

[The meeting adjourned for a short break of 5 minutes.]

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the
Draft Sha Tin Outline Zoning Plan No. S/ST/24
(TPB Paper No. 8917)

[The hearing was conducted in Cantonese.]

17. The Secretary said that the representations were related to a site at Shui Chuen O for public rental housing (PRH) by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests on this item:

- | | |
|---|---|
| Mr Jimmy Leung
as Director of Planning | - being a member of the Building Committee (BC) and Strategic Planning Committee (SPC) of HKHA |
| Mr. Frankie Chou
as Assistant Director (2)
(Atg.) of the Home Affairs
Department | - being a representative of the Director of Home Affairs who was a member of the SPC and Subsidised Housing Committee of HKHA |
| Miss Annie Tam
as Director of Lands | - being a member of HKHA |
| Mr. Stanley Y.F. Wong | - being a member of HKHA |

- Professor Edwin H.W. Chan - being a member of the BC of HKHA
- Dr. W.K. Lo - being a member of the BC of HKHA, being a Sha Tin District Councillor and owned an industrial unit in Tai Wai
- Mr. Stephen M.W. Yip - being a former member of HKHA
- Mr. Raymond Y.M. Chan - had business dealings with HKHA and spouse owned a residential unit in Sha Tin
- Mr. Y.K. Cheng - spouse being Assistant Director (Development and Procurement), Housing Department
- Mr. Benny Wong as Deputy Director of Environmental Protection - owned a flat in Sha Tin
- Professor C.M. Hui - owned a flat in Sha Tin
- Mr. Clarence W.C. Leung - owned a flat in Fotan

18. Members noted that Mr. Stanley Y.F. Wong, Dr. W.K. Lo, Mr. Stephen M.W. Yip and Mr. Clarence W.C. Leung had tendered apologies for being unable to attend the meeting, Miss Annie Tam had not yet arrived, Mr. Frankie Chou had already left the meeting, and Mr. Jimmy Leung, Professor Edwin H.W. Chan, Mr. Raymond Y.M. Chan and Mr. Y.K. Cheng left the meeting temporarily at this point. Members agreed that as the properties of Mr. Benny Wong and Professor C.M. Hui would not be affected by the representation sites, they could stay at the meeting.

Presentation and Question Session

19. The following representatives of the Planning Department (PlanD), the representers and the representers' representatives were invited to the meeting at this point:

- Mr. W.K. Hui - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD
- Mr. Anthony Luk - Senior Town Planner/Shan Tin (STP/ST), PlanD

R1 – Tse Kam Wing (Village Representative of Sha Tin Wai Village)

Mr. Tse Kam Wing	-	Representer
Mr. Lam Hong Wah]	
Mr. Lau Tak Cheung]	
Ms. Choi Jenny]	
Mr. Tse Chi Ling]	
Mr. Tse Man Sang]	
Mr. Tse Ming Kwong]	
Mr. Tse Chi Chiu]	
Mr. Tse Kwai Yau]	
Mr. Tse Kwok On]	
Mr. Tse Man Kei]	
Mr. Tse Kin Sun]	
Mr. Tse Kwok Yuen]	Representer's representatives
Mr. Tse Yau Ling]	
Mr. Tse Wai Kok]	
Mr. Tse Kin Sang]	
Mr. Tse Tim Yau]	
Mr. Mok Kam Kwai]	
Ms. Li Ting Ting]	
Ms. Pang Wong Ying]	
Mr. Tse Hon Hing]	
Mr. Tse Koon Fat]	
Mr. Tse Yee Ping]	
Mr. Tse Wai Sang]	

R2 – Tse For Sang and Tse Leung Hing (Village Representatives of Fui Yiu Ha Village and Tse Uk Village)

Mr. Tse Leung Hing	-	Representer
Mr. Tse Leung Yau	-	Representer's representative

20. The Chairman said that sufficient notice had been given to invite the representers to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient

notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

21. The Chairman extended a welcome and explained the procedures of the hearing to the representers and the representers' representatives. He then invited the representatives of PlanD to brief Members on the representations.

22. With the aid of a powerpoint presentation, Mr. Anthony Luk made the following main points as detailed in the Paper:

Background

- (a) On 11.2.2011, the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/24, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Details of the amendments were at Annex VI of the Paper;
- (b) during the two-month exhibition period which ended on 11.4.2011, a total of 36 valid representations objecting to the rezoning of a site at Shui Chuen O to "Residential (Group A)1" ("R(A)") for proposed public rental housing (PRH) development under Amendment Item A were received. Among the 36 representations, one representer also objected to the rezoning of a site to "Government, Institution or Community" ("G/IC") under Amendment Item B1. No representation was received for other amendments (i.e. Items B2, C and D). On 6.5.2011, the representations were published for three weeks for public comments until 27.5.2011. No comment was received during the publication period;
- (c) on 12.8.2011, the Town Planning Board (the Board) decided to consider all the representations collectively as they were similar in nature;
- (d) Shui Chuen O was located in Sha Tin Area 52 which was formerly a borrow area and there were 13 pieces of flat land. The PRH

development, including the government, institution and community (GIC) facilities and roads, covered an area of about 13 hectares. In 1998, the then Territory Development Department conducted a feasibility study for housing site in the Sha Tin district and recommended that the sites at Shui Chuen O could be developed for private housing and Home Ownership Scheme to accommodate about a population of about 16,800. Subsequently, the planned infrastructure was reviewed by the Housing Department (HD) for PRH development to accommodate up to a population of 30,000. The proposed PRH development was subject to a maximum total gross floor area of about 501,800m² and a maximum building height of 150mPD – 205mPD. The development would be completed in 2015/2016;

The Representations

- (e) the representations (R1 to R36) were at Annex I of the Paper. R1 and R3 to R36 were submitted by the village representative of Sha Tin Wai Village, representative of Tse Suen Fat Tso and villagers of Sha Tin Wai Village/Shu Tin Wai New Village while R2 was submitted by the village representatives of Fui Yiu Ha Village and Tse Uk Village. All of the 36 representations (R1 to R36) objected to the proposed PRH at Shui Chuen O and R2 also objected to the GIC development;

Grounds of Representations

Oppose to the proposed PRH development in Shui Chuen O under Amendment Item A

The PRH site should be used for Small House development

- (f) there was insufficient land for Small House development. Part of the village areas was used for the construction of Ma On Shan Rail, other infrastructures and a football field. The subject site was geographically close to Tsok Pok Hang Village, Fui Yiu Ha Village and Tse Uk Village and should be reserved for Small House development of these villages.

There was also no/insufficient public consultation conducted on the proposed PRH development;

Impacts of large scale PRH development

- (g) the proposed PRH development would affect the environment, daily life of the villagers and the fung shui of the ancestors' graves;

Oppose to the "G/IC" zone for the site in Shui Chuen O under Amendment Item B1

- (h) R2 objected to the "G/IC" zone but did not put forward any specific argument;

Representers' Proposals

- (i) the representers' proposals were summarised below:
 - (i) to rezone the site to "Village Type Development" ("V") or use part of the site for Small House development;
 - (ii) to use the existing football field in Sha Tin Wai for Small House development; and
 - (iii) to expedite the approval of Small House applications and to account for using the village land area for infrastructural development without compensation;

PlanD's Responses to the Representations and Representers' Proposals

The PRH site should be used for Small House development

- (j) since the representation sites were completely outside the village 'environs' ('VE') of the surrounding villages, Small House applications within the subject area would likely be rejected by the Lands Department

(LandsD) even though it was rezoned to “V”;

- (k) since 1978, the whole Shui Chuen O areas had already been zoned to “Residential (Group B)” (“(R(B))”) for medium- to high-density residential development. There was no record on any Government commitment that part of the Shui Chuen O areas would be used for Small House development;
- (l) as confirmed by the feasibility study conducted in 1998 and the infrastructure review undertaken in 2009, the Shui Chuen O areas had long been rezoned for residential use with specified development parameters;

Impacts of large scale PRH development

- (m) visual impact assessment (VIA), air ventilation assessment (AVA), traffic impact assessment (TIA) and environmental impact assessment (EIA) conducted by the HD concluded that the PRH development would not generate any significant impacts on the surrounding environment;

Public Consultation

- (n) the Development and Housing Committee of the Sha Tin District Council (DHC/STDC) was consulted on 2.7.2009 about the PRH development at Shui Chuen O. DHC/STDC supported the proposed PRH development;

“G/IC” zone under Amendment Item B1

- (o) the “G/IC” site was reserved for a public transport terminus which was essential to allow the provision of public transport services to support the PRH development;

Representers' proposals

- (p) on the proposal to rezone the site to "V", since the representation sites were completely outside the 'VE' of the surrounding villages, Small House applications within the subject area would likely be rejected by LandsD even though it was rezoned to "V";
- (q) regarding the proposal to use the existing Sha Tin Wai football field for Small House development, the Director of Leisure and Cultural Services had reservation on the proposal because a large part of the football field had been zoned "G/IC" since 1978 and was outside the 'VE' of the adjoining Sha Tin Wai Village; and
- (r) issues on fung shui, processing time of Small House applications and compensation were either not planning considerations or not under the purview of the Board.

23. The Chairman then invited the representers and the respresenters' representatives to elaborate on their submissions.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

R1 – Tse Kam Wing (Village Representative of Sha Tin Wai Village)

24. Mr. Tse Kam Wing made the following main points:

- (a) in the 1970s/80s when the Government resumed some of the land in Sha Tin Wai Village for the construction of Sha Tin Wai Road, the villagers were compensated. At that time, a total of 24 Small Houses for the indigenous villagers had been approved as the first batch and Mr. Ma Lik had promised that the second batch of Small Houses would be approved in six months' time. However, the promise was never realised;
- (b) between 2005 and 2009, the villagers had written to the District Lands

Officer/Shu Tin, Lands Department (DLO/ST, LandsD) requesting him to allocate a small piece of land in Shui Chuen O for Small House development. Since then, there had been correspondences between DLO/ST, LandsD and the villagers about the identification of suitable land for Small House development;

- (c) in March 2011, he was disappointed to learn that the Government had decided to develop Shui Chuen O for PRH without consulting the villagers;
- (d) since Sha Tin New Town had started development in the 1980's, the Sha Tin Wai Village was surrounded by public roads, with no room for its expansion. The burial grounds were removed to Shui Chuen O, which was three miles away from the village. He could not understand why land outside the 'VE' could be used for burial grounds but not for Small House development; and
- (e) though the Sha Tin Wai football field was a popular playground in the area as claimed by PlanD, it fell within the 'VE' of Sha Tin Wai. The interest of the villagers should not be sacrificed for providing a playground for use of the public. If that had to be done, the Government should identify another piece of land for "V" zone to compensate for the loss of the village area;

[Mr. Fletch Chan and Mr. B.W. Chan left the meeting at this point.]

25. Mr. Tse Chi Chiu made the following main points:

- (a) it was noted that technical assessments had been conducted by the Government to assess the impact of the proposed PRH development on the surrounding areas. Both PRH and Small House development should be included to achieve a sustainable environment in Sha Tin;
- (b) half of the football field in Sha Tin Wai Village fell with the 'VE'. The

same amount of land should be returned to the villagers to compensate for the loss;

- (c) the Mass Transit Railway Corporation Limited railway protection area along the Ma On Shan Rail also encroached upon the 'VE' and buildings were not allowed within an area at a distance of 30m from the railway line. The land within the railway protection area should be compensated; and
- (d) in the past 30 years, no new Small Houses had been built within the village. Small House applications submitted by the villagers in the past few years were all rejected.

26. Mr. Tse Yee Ping made the following main point:

- (a) it was not understood how the boundary of the "V" zone was drawn up. The village was surrounded by Sha Tin Wai Road, Sha Kok Street and Shui Chuen Au Street. The village development was severely constrained by the topography, the surrounding public roads and other infrastructural works. The living environment of the villagers was not taken care of by the Government. The Board should identify some land for the Small House development of the villagers.

27. Mr. Tse Koon Fat made the following main points:

- (a) the Government had once agreed to allocate one or two sites at Shui Chuen O for Small House development when the land in Shui Chuen Au Street at Pine Hill was resumed but the promise was not fulfilled; and
- (b) it was hoped that some land could be designated for Small House development in Sha Tin Wai Village.

28. Mr. Mok Kam Kwai made the following main point:

- (a) noting that there were a number of villages in the area, the proposal at Shui Chuen O had not included any “V” zone. The need for village development was not taken into account in drawing up the plan.

29. Mr. Tse Hon Hing made the following main points:

- (a) given that part of Shui Chuen O would be used for residential development, it was not clear whether some other parts of it would be reserved for Small House development; and
- (b) while some of the land in Shui Chuen O was government land, it was not sure if the private land would be resumed by the Government.

30. Mr. Tse Wai Sang made the following main point:

- (a) some of the ancestors were buried in Shui Chuen O and thus this area should fall within the ‘VE’.

R2 – Tse For Sang and Tse Leung Hing (Village Representatives of Fui Yiu Ha Village and Tse Uk Village)

31. Mr. Tse Leung Hing made the following main points:

- (a) the Government did not take care of the villagers of Sha Tin Wai. As Sha Tin Wai was surrounded by roads, with the additional development of about 30,000 people in Shui Chuen O, heavy traffic would be generated on the surrounding roads and hence resulted in adverse environmental impact, in particular air and noise, on the villagers; and
- (b) the villagers were previously given the promise that land at Shui Chuen O would be reserved for Small House development. He urged the Government to keep the promise by allocating a piece of land there for Small House development.

[Professor P.P. Ho left the meeting at this point.]

32. Mr. Tse Leung Yau made the following main points:

- (a) PlanD rejected his representation only on the ground that Shui Chuen O was outside the 'VE' and hence rezoning to "V" was not appropriate. In fact, 'VE' could be changed in the same way as the current amendment to the land use zoning;
- (b) the absence of 'VE' for Tse Uk Village was due to the negligence of the Government. As such, it was not a valid ground for rejecting the proposal to use land at Shui Chuen O for Small House development;
- (c) PlanD's argument that Shui Chuen O had been zoned as a residential area since 1998 and hence should not be used for Small House development was considered unacceptable. The indigenous villagers were not consulted on the previous zoning of Shui Chuen O. The current consultation indicated that zoning amendment could be made.
- (d) it was not understood why Shui Chuen O was suitable for PRH as no other PRH in Sha Tin was developed on hill slopes. Since Shui Chuen O was in close proximity to the indigenous villages, it was considered more suitable for Small House development;
- (e) the Sha Tin Rural Committee and the Sha Tin District Council did not object to PRH development as a whole did not mean that they supported using all the area at Shui Chuen O for PRH development. There should be a balance in the use of land resources;
- (f) although technical assessments had been conducted for the PRH development at Shui Chuen O, the indigenous villagers were not consulted at that stage. Besides, the conclusion that the PRH development would not generate any significant impacts to the surrounding environment was misleading as it implied that there would

still be impacts, though they might not be significant; and

- (g) the land use of Shui Chuen O should be reviewed, taking into account the needs of the villagers.

33. As the representer and the representers' representatives had completed their presentations, the Chairman then invited questions from Members.

34. By referring to the resite area of Sha Tin Wai and Fui Yui Ha as indicated on Plan H-2 of the Paper, a Member asked whether the villages were relocated from other areas and how the compensation arrangement was made when the land was resumed for public works. With the aid of an overlay of the Sha Tin OZP No. LST/47 gazetted in June 1967 on the current Sha Tin OZP, Mr. W.K. Hui explained that the locations of the railway alignment, part of the "G/IC" zone and the "Local Open Space" were reclaimed land. Sha Tin Wai, Fui Yiu Ha and Tsok Pok Hang were originally located close to the shore and later resited/expanded in the vicinity. Mr. Anthony Luk pointed out that as shown on the next version of Sha Tin OZP No. LST/69 gazetted in August 1978, all the land use zonings and road/railway alignments in the area were more or less fixed and similar to the current OZP, e.g. a large part of the football field was zoned "G/IC", Shui Chuen O was zoned "R(B)" and the alignment of Ma On Shan Rail reserve had been indicated on the plan. The Chairman said that compensation had been made in accordance with established policy to resume the land for public works projects.

35. However, Mr. Tse Kam Wing said that the land covered by the football field was once proposed for resiting of Wong Uk Village but the proposal was dropped as a result of objections from the villagers. Mr. Tse Wai Kwok further explained that many years ago, the Government intended to resume land of Fui Yiu Ha New Village, Pok Hong Village and Tsang Tai Uk for the development of Sha Tin New Town. As the villagers of Tsang Tai Uk objected to the proposal, only Tsang Tai Uk was not included in the resumption. Some land was also resumed for the construction of Sai Sha Road. The land occupied by the football field, roads and railway line was not used for Small House development because it was in a low-lying area subject to the risk of flooding. As a result, the village area was reduced and there was no land for Small House development.

36. In response to a Member's question, Mr. W.K. Hui said that the village area in question was an indigenous village and according to the information from DLO/ST, the 10-year Small House demand forecast of the four indigenous villages including Sha Tin Wai, Sha Tin Wai New Village, Fu Yiu Ha and Tse Uk Tsuen was about 180. As the "V" and 'VE' were surrounded by roads, the land within the "V" zone might not be able to meet the demand of 180 Small Houses according to the criteria adopted in drawing up the "V" zone boundary. The area of a "V" zone would not normally exceed that of 'VE' and given that the "V" zone in the subject case was almost equivalent to the 'VE' in terms of the area, there was no scope to further expand the "V" zone. For the part of the "V" zone being used as a football field, it should be noted that the area had been designated as a local open space in the village layout to serve the villagers.

37. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and the representers' representatives. The representers would be informed of the Board's decision in due course. The Chairman thanked the representatives of PlanD, the representers and the representers' representatives for attending the meeting. They all left the meeting at this point.

[The meeting adjourned for a short break of 5 minutes.]

[Dr. James C.W. Lau and Mr. Laurence L.J. Li left the meeting at this point.]

Deliberation Session

38. A Member said that there seemed to be no evidence to support that some land at Shui Chuen O would be reserved for Small House development. Another Member also pointed out that according to the representations, the Government had made the necessary arrangement to compensate and resite the villages affected by public works. Both of them considered that the current zoning for Shui Chuen O was appropriate.

39. The Chairman said that there was no record that the Government had committed to provide land at Shui Chuen O for Small House development for the villagers. In fact, when the Government resumed private land from the villagers for public works projects or when land was provided for village resite, the matter had been settled as the

villagers were compensated and hence no new land should further be granted to make up for the resumed land area.

40. After further deliberation, the Chairman concluded that the representers' proposals were not acceptable as Shui Chuen O had been zoned "R(B)" on the Sha Tin OZP since 1978 and various impact assessments including AVA, TIA and EIA had been conducted to demonstrate that the PRH development would not generate significant impact on the surrounding areas. The zoning of Shui Chuen O was considered appropriate.

41. The Secretary said that in connection with the representers' proposal to rezone the football field in Sha Tin Wai to "V", Members should note that the "G/IC" zoning of the football field was not a subject of amendment under the current OZP.

Representation Nos. R1 and R3 to R36

42. After further deliberation, the Board decided not to uphold Representation Nos. R1 and R3 to R36. Members then went through the reasons for not upholding the representations as detailed in paragraph 7.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were:

- (a) the Shui Chuen O areas had long been reserved for residential development. Relevant feasibility study and impact assessments had demonstrated that the site was suitable for high-density residential development;
- (b) the subject site was outside the village 'environs' of Sha Tin Wai, Sha Tin Wai New Village, Fui Yiu Ha Village and Tsok Pok Hang Village and Tse Uk Village was not covered by any village 'environs'. Hence, rezoning the site for 'village type' development was inappropriate; and
- (c) the Government, Institution or Community" zoning of the football field in Sha Tin Wai was not an amendment item under the draft Sha Tin Outline Zoning Plan No. S/ST/24. Besides, the football field was

popular to the public and a large part of it was outside the village 'environs' of the adjoining Sha Tin Wai Village. It was inappropriate to rezone the site for Small House development.

Representation No. R2

43. After further deliberation, the Board decided not to uphold Representation No. R2. Members then went through the reasons for not upholding the representations as detailed in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

- (a) the Shui Chuen O areas had long been reserved for residential development. Relevant feasibility study and impact assessments had demonstrated that the site was suitable for high-density residential development;
- (b) the subject site was outside the village 'environs' of Sha Tin Wai, Sha Tin Wai New Village, Fui Yiu Ha Village and Tsok Pok Hang Village and Tse Uk Village was not covered by any village 'environs'. Hence, rezoning the site for 'village type' development was inappropriate; and
- (c) a range of government, institution and community facilities would be provided to support the public rental housing development that accommodated 30,000 persons. The "Government, Institution or Community" site of Amendment Item B1 was reserved for a public transport terminus which was essential to allow the provision of public transport services to support the public rental housing development.

[Mr. Jimmy Leung, Professor Edwin H.W. Chan, Mr. Raymond Y.M. Chan and Mr. Y.K. Cheng returned to join the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/743

Proposed House (Private Garden Ancillary to House) in “Green Belt” zone, Government Land Adjoining Lot 325 in D.D. 187 (Garden Villa), Tai Po Road, Sha Tin (TPB Paper No. 8918)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

44. The Chairman informed Members that sufficient notice had been given to invite the applicant to attend the hearing but the applicant had indicated not to attend the hearing. Members agreed to proceed with the hearing in his absence. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- | | |
|-----------------|---|
| Mr. W.K. Hui | - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD |
| Mr. Anthony Luk | - Senior Town Planner/Shan Tin (STP/ST), PlanD |

45. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

[Professor S.C. Wong left the meeting at this point.]

46. With the aid of a plan, Mr. W.K. Hui presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for proposed house (private garden ancillary to house) on a piece of government land at a site zoned “Green Belt” (“GB”) on the draft Sha Tin Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning

Committee (RNTPC) on 15.4.2011 for the following reasons:

- (i) the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
 - (ii) the proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the development would have affected the natural landscape; and
 - (iii) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area;
- (c) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper, which mainly stated that as the application site was too small to provide opportunities for passive recreational use, using the site for private garden would not jeopardise the planning intention of the “GB” zone;
- (d) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD objected to the application mainly on the ground that no information was submitted to demonstrate that the proposed private garden was compatible to the landscape character of the “GB” zone. Other relevant government departments had no objection to or adverse comments on the review application;

- (e) public comments – one public comment from the Chairman of the Shatin Rural Committee was received. He objected to the application on the grounds that there was a lack of transparency of the application, making it difficult to determine the intended use of the application, and there was no impact assessment conducted for the proposed development;
- (f) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 8 of the Paper and summarised below:
 - (i) the planning intention of the “GB” zoning in the area was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. The application site was a piece of government land which could be accessed by the public. The conversion of the site into a private garden would restrict access of the public to the site and was not in line with the planning intention of “GB” zone. No strong planning justifications had been provided for a departure from the planning intention;
 - (ii) although the applicant claimed that all natural landscape on the application site would be preserved, no tree survey or landscape proposal was submitted to demonstrate that the proposed private garden would be compatible with the landscape character of the “GB” zone; and
 - (iii) there were other residential developments nearby which were adjacent to or surrounded by land zoned “GB”. Approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such proposal would result in a general degradation of the

environment. The planning permission for Application No. S/ST/633 mentioned by the applicant was not a relevant precedent case as that application site involved private land whilst the subject application site was located on government land.

47. As Members had no question on the application, the Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

48. The Chairman said that the proposed development involved fencing off of a part of the “GB” zone for the applicant’s private use. The applicant also failed to demonstrate that the proposed development would not generate adverse impact on the natural landscape. As such, it did not comply with the Town Planning Board Guidelines No. 10. Since the applicant did not submit further justifications to support the review application and there was no change in the planning circumstances, RNTPC’s decision to reject the subject application should be upheld. Members agreed.

49. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) there was insufficient information in the submission to demonstrate that the natural landscape of the application site and its surrounding area would not be affected; and

- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

Sai Kung and Islands District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/I-CC/10

Proposed Columbarium in “Government, Institution or Community (4)” zone, 15 Fa Peng Road, Cheung Chau (Cheung Chau Inland Lot 11 (Part))

(TPB Paper No. 8918)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Ivan Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr. Siu See Chun]	
Mr. Siu See Kong]	Applicant’s representatives
Mr. Yung Chiu Wing]	

51. The Chairman extended a welcome and explained the procedures of the review hearing to the applicant’s representatives. He then invited DPO/SKIs to brief Members on the review application.

[Miss Annie Tam arrived to join the meeting at this point.]

52. With the aid of a plan, Mr. Ivan Chung presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed two-storey columbarium for accommodating a total of 21,355 niches which involved partial conversion of an existing single-storey Taoist Temple (named 歸元精舍) (about 168m²) with the construction of one additional floor (about 68m²) on top at a site zoned “Government, Institution or Community (4)” (“G/IC(4)”) on the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/5;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 8.7.2011 for the following reasons:
 - (i) the proposed development did not comply with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance’ in that it was not compatible with the land uses in the surrounding areas which were mainly low-rise, low-density residential and recreational developments;
 - (ii) the proposed columbarium involving 21,355 niches was only served by an existing 1.5m wide footpath, which was too narrow to accommodate the large number of visitors during Ching Ming and Chung Yeung Festivals causing potential pedestrian safety problems. There was no traffic impact assessment in the submission to demonstrate that the proposed development would not adversely affect pedestrian safety and would not cause adverse traffic impact on the surrounding areas; and
 - (iii) approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC” zone on the

OZP. The cumulative impact of approving such similar applications would result in pressure on the pedestrian and infrastructure facilities and degradation of the character of the Fa Peng area of Cheung Chau;

- (c) the applicant applied for a review of the RNTPC's decision on 26.7.2011. In the review application, the applicant proposed to reduce the total number of niches from the original scheme of 21,355 to 1,000. The floor layout, niches layout plan and other development parameters remained unchanged. The 1,000 niches would likely be accommodated at G/F while the remaining areas (including G/F and 1/F) would be used as church. The applicant was of the view that there should be no extra burden on police traffic control as the existing 1,000 ancestral tablets inside the Taoist Temple would be removed and replaced by the proposed 1,000 niches.
- (d) according to the applicant, if the application was approved, the Board should not impose conditions other than those listed in paragraph 2.3 of the Paper and below:
 - (i) the number of niches/urns should be limited to not exceeding 1,000;
 - (ii) the existing ancestral tablets currently in the application premises shall all be removed out of Cheung Chau;
 - (iii) the columbarium should be managed by the Association of Chinese Evangelical Ministry Limited or any person/entity appointed by this Association or another entity approved by the Board; and
 - (iv) no non-Protestant rituals including but not limited to Ta Chai, burning of joss papers, joss sticks and other noisy activities should be conducted in the application premises;

- (e) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper. In particular, the applicant claimed that the proposed 1,000 niches in replacement of the existing 1,000 ancestral tablets would not have adverse impacts on the surrounding areas and the applicant also alleged that the comments from the Transport Department on the application might infringe Articles 115 and 118 of the Basic Law;
- (f) the site was occupied by a single-storey Taoist Temple which was located at the upland area on the eastern part of Cheung Chau. It was not accessible by public transport nor motor vehicles except via a footpath of about 1.5m wide named Fa Peng Road which also served the nearby residential and recreational developments;
- (g) there were mainly residential and recreational uses in the surrounding areas. To the east and north of the Site were predominately low-rise, low-density residential developments among hill slopes and covered by trees and shrubs. Further north were some sites zoned "Recreation" occupied by youth camps. To the south was mainly hill slope covered by trees and shrubs and zoned "GB". To the west was hill slope area with shrubs zoned "Open Space";
- (h) departmental comments were summarised in paragraph 5 of the Paper. The District Lands Officer/Islands, Lands Department (DLO/Islands, LandsD) stated that the proposed use of columbarium was permitted under the government lease under which Cheung Chau Inland Lot No. 11 was held. The Commissioner for Transport (C for T) said that though the applicant proposed to reduce the number of niches from the originally proposed 21,355 to 1,000, the proposed columbarium could still attract/generate considerable pedestrian traffic, especially on festive days. The applicant should carry out a traffic impact assessment (TIA) to address the issues concerning peak pedestrian flow on festive days, impact on existing road network, demand and adequacy of ferry services

and accessibility of the site, etc.. The Commissioner of Police (C of P) objected to the application on the grounds that the footpath accessing to the application site was so narrow that it could not afford to accommodate a large number of people especially during Ching Ming and Chung Yeung Festivals and it would also cause danger to the pedestrians. The Director of Food and Environmental Hygiene stated that in accordance with the current departmental policy on the allocation of burial grounds in the public cemetery and niches in the public columbarium in Cheung Chau Island which was inherited from the former Regional Council, the deceased should be either an indigenous villager of the Islands District, or a bona fide resident of Cheung Chau for a continuous residing period of not less than 10 years, or a child of such a person, certified by the Cheung Chau Rural Committee. Other relevant government departments including Water Supplies Department, Drainage Services Department, Antiquities and Monument Office, Commissioner for Heritage and Agricultural, Fisheries and Conservation Department had no objection to or adverse comments on the review application;

[Dr. C.P. Lau left the meeting at this point.]

- (i) public comments – a total of 26 public comments were received. 20 commenters (including an Islands District Councillor, a Kai Fong representative of Cheung Chau Rural Committee, 18 individuals (with a total of 11 signatures from individuals)) objected to the review application because of inadequate pedestrian access, public safety problem as a result of inconvenient transportation, air and noise pollution problems, adverse impact on local people's livelihood, creation of serious pressure on existing transport facilities, violation of burial tradition in Cheung Chau and there were already public columbaria in Cheung Chau as well as deprivation of Cheung Chau Rural Committee's authority to vet the applications for columbarium in Cheung Chau. Some pointed out that the subject site was a tranquil area of Cheung Chau and should be maintained for the benefit of the residents,

columbarium should not be run as opportunistic businesses taking the advantage of cheap land cost in Cheung Chau, and columbarium should be mainly located in the urban area instead of rural area. Six commenters (including the Chairman of Cheung Chau Rural Committee and five individuals (with a total of 52 signatures from individuals)) expressed concerns that the narrow pedestrian access was not suitable for frequent pedestrian circulation, there was no need for private columbarium because there were public columbaria in Cheung Chau, the approval of the application would lead to other similar applications in Cheung Chau and the proposed columbarium would destroy the quiet environment in Cheung Chau;

- (j) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:
 - (i) the application site was located at the upland area on the eastern part of Cheung Chau. The surroundings were characterized by low-rise, low-density residential developments and recreational uses which were all served by a narrow footpath, i.e. Fa Peng Road of about 1.5m wide. Although the applicant currently proposed to reduce the number niches to 1,000, it did not change the proposed columbarium use under application. The proposed development was not in line with the Town Planning Guidelines No. 16 in that the proposed columbarium was not compatible with the surrounding land uses which were mainly residential and recreational developments;
 - (ii) the application site was accessible by a 1.5m wide footpath and not served by any vehicular access or emergency vehicular access. Though the scale of the development had been reduced, the applicant was still required to provide sufficient information or technical analysis to demonstrate that the proposed development would not create adverse pedestrian traffic impact

on the surrounding areas. C for T said that a TIA was required to address the traffic issues. C of P objected to the application on the grounds that the footpath was too narrow and the proposed development would cause danger to the pedestrians;

- (iii) the applicant pointed out that due to the unique history of the site (i.e. the existence of 1,000 ancestral tablets in the Taoist Temple), the approval of the application would not set a precedent for other similar applications. In this respect, it should be noted that, unlike ancestral tablets, columbarium is a Column 2 use under “G/IC” zone and planning permission was required for such development. Given the land use planning considerations and pedestrian and traffic safety concerns as explained above, the approval of the subject application would set a precedent for other similar applications. The cumulative impact of approving such similar applications would result in pressure on the infraststructure and degradation of the character of the Fa Peng area of Cheung Chau; and
- (iv) regarding the applicant’s comments on the Basic Law aspect, the Department of Justice (D of J) was of the view that the comments from C for T on the requirement for a TIA were unlikely to infringe Articles 115 and 118 of the Basic Law.

53. The Chairman informed Members that a letter from the applicant dated 27.9.2011 enclosing a written submission of the applicant was tabled at the meeting for Members’ information. He invited the applicant’s representatives to elaborate on the review application.

54. Mr. Siu See Chun said that as the written submission was already submitted, he would not read out the content at the meeting but would like to invite Members to go through the document in detail. Mr. Siu See Chun emphasised that he would be prepared to reduce the number of niches to 100 and any increase over this number of niches could be considered in the future.

55. Mr. Siu See Kong made clarifications on two points. Firstly, apart from residential and recreational developments, there was also a drug rehabilitation centre in the vicinity of the application site. Secondly, if only Cheung Chau residents were entitled to use niches in Cheung Chau, then arrangement could be made to meet such a requirement. This should not be a concern of the Board.

56. The Chairman requested Mr. Siu See Chun to explain why the impact of 1,000 existing ancestral tablets and 1,000 proposed niches could be regarded as the same. Mr. Siu See Chun admitted that ancestral tablets and niches were not the same as the tablets were for the worship of ancestors. Mr. Siu See Kong supplemented that there were 1,000 ancestral tablets inside the existing Taoist Temple and they would be replaced by 1,000 niches as all the ancestral tablets would be relocated to the headquarters of the Taoist Temple in Mongkok. Since ancestral tablets involved a few generations of descendants, it was expected that there would be more visitors for the 1,000 ancestral tablets than the 1,000 niches. The existing 1,000 ancestral tablets had not given rise to any complaint on adverse traffic impact so far and hence, there should not be any problem for the 1,000 niches proposed. Alternatively, reference could be made to Po Fook Hill Columbarium in Sha Tin which had accommodated over 50,000 niches but was only served by a one-way escalator, a narrow footpath and cable cars. Given the number of niches involved in the subject application was very small and the existing footpath, i.e. Fa Peng Road, was a circular road, the proposed columbarium at the application site would not cause adverse traffic impact on the surrounding areas.

57. The Chairman invited the Secretary to explain the procedures in handing the applicant's request to further reduce the number of niches at the meeting. The Secretary advised that in the s.16 application, the proposed columbarium involved a total of 21,355 niches. In the s.17 review application, the applicant proposed to reduce the number of niches to 1,000. The revised proposal had been published for public comments and was circulated to relevant government departments for comments. At this hearing, the applicant proposed to further reduce the number of niches from 1,000 to 100. There was no chance for the Board to publish the revised proposal for public comments and to consult the relevant government departments. It would be difficult for Members to decide if the revised proposal was acceptable. As such, Members might wish to decide if a decision on the subject application should be deferred.

[Professor Eddie C.M. Hui and Ms. Pansy L.P. Yau left the meeting at this point.]

58. As requested by the Chairman, Mr. Siu See Kong confirmed that the number of niches under application remained at 1,000. He explained that if Members were concerned about the traffic impact generated by the proposed number of niches, the Board could consider to impose an approval condition restricting the number of niches to 100 so that the applicant could collect the actual traffic data after the commencement of the operation of the columbarium with 100 niches at the application site. The data collected could then be used for undertaking a TIA in support of an application for more niches for the Board's consideration.

[Professor Paul K.S. Lam left the meeting at this point.]

59. To facilitate Members' understanding, a Member suggested inviting the applicant's representatives to briefly introduce their written submission. Mr. Siu See Kong subsequently made a presentation and covered the following main points as detailed in the written submission:

- (a) all government departments were under an onerous duty to support and give effect to Articles 115 and 118 of the Basic Law to provide a good investment environment;
- (b) as the applicant's Counsel was not allowed to attend the meeting at the time when the s.16 application was considered by the Board, the Board was, to a certain extent, misled by the materials presented at the meeting on the following aspects:
 - (i) the surrounding land uses were not truly reflected, including the proposed redevelopment of the Christian Zheng Sheng Drug Rehabilitation Centre and Bethany Lodge in the vicinity;
 - (ii) the comment that there was no TIA to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas was made due to inadequate or

misleading guidance. In fact, there were already 1,000 ancestral tablets in the existing Taoist Temple. Besides, people visiting the proposed columbarium which was run under a Protestant Church would normally not be concentrated in Ching Ming and Chung Yeung Festivals. Po Fook Hill Columbarium was quoted as an example to demonstrate that the traffic impact to be generated from the proposed columbarium should not be a problem; and

- (iii) the Board had been misled by bias of the government departments in suggesting that the proposed columbarium would set an undesirable precedent for similar applications. There was no similar use in the surrounding area. Also, the existence of 1,000 ancestral tablets at the application site was a unique situation which could not be found elsewhere. The Board should not be concerned about setting a precedent;
- (c) there were public comments relating to fire safety and noise pollution concerns. As non-Protestant rituals would not be allowed, there was no fire risk and noise pollution at all;
- (d) the opinion of D of J on the Basic Law issue had no binding effect and it was for the court to rule on such issue ultimately;
- (e) the imposition of an approval period up to 30.9.2015 was too stringent. The Board should not impose a time limit upon approval;
- (f) the proposed number of niches under application was 1,000. However, the Board might impose an approval condition to provisionally limit the number of niches to not exceeding 100. As such, the review hearing should be adjourned for a pilot test based on the operation of a columbarium with a maximum number of 100 niches for the purpose of conducting a TIA. If the results of the TIA proved that 1,000 niches were acceptable, then the applicant would request the review hearing be

resumed for the consideration of 1,000 niches; and

- (g) the approval conditions as listed out in the last paragraph of the written submission were suggested to the Board for consideration.

60. A Member asked why the applicant did not submit a TIA to support the proposed columbarium. Mr. Siu See Kong told the Board that he had worked in the Mass Transit Railway Corporation Limited and had experience in handling TIA. He opined that if no actual traffic data was collected, then the TIA was purely a piece of guesswork. The TIA which was based on data collected from other similar developments would not be accurate. When comparing Po Fook Hill Columbarium to the subject application, the two cases were different in many aspects and hence the Po Fook Hill Columbarium experience was not applicable to the subject application. For example, the pedestrian flows at the application site would be better than Po Fook Hill Columbarium as Fa Peng Road was a circular road and they would appoint at least 10 people to manage the pedestrian traffic flow during Ching Ming and Chung Yeung Festivals. Mr. Siu See Kong said that a pilot should be run so that more accurate data could be collected for conducting the TIA. He further said that the proposed columbarium with 1,000 niches would not create traffic problem as there were already 1,000 ancestral tablets there which had never generated any adverse traffic impact on the surroundings.

61. Miss Annie Tam asked what was the basis for the applicant to claim that 1,000 ancestral tablets would generate more traffic than 1,000 niches; and why there would not be a problem on fire safety and noise pollution. Mr. Siu See Kong replied that it was not the custom for Protestants to visit columbaria at Ching Ming and Chung Yeung Festivals. In this regard, the number of people visiting the proposed columbarium during the two festivals would be few. Regarding the fire risk and noise problems, Mr. Siu See Kong explained that since non-Protestant rituals such as Ta Chai, burning of joss papers, joss sticks and other noisy activities would not be allowed, the proposed columbarium would not cause any such problems.

62. Miss Annie Tam further asked if the number of visitors for the ancestral tablets would be less as the ancestors should have passed away long time ago. She asked if the applicant had conducted a survey to support his view that the niches would attract less

traffic/pedestrian flows than the ancestral tablets and how long had the ancestral tablets been placed in the Taoist Temple for and who would pay visit to the tablets. Mr. Siu See Kong replied that they had not conducted any survey on the traffic/pedestrian flows due to limited resources. Besides, he had no information about when the ancestral tablets were placed there and who were the visitors.

63. In response to a Member's concern about the removal of the existing ancestral tablets, Mr. Siu See Kong said that the existing 1,000 ancestral tablets would be removed to the headquarters of the Taoist Temple in Mongkok as claimed by the responsible person of the temple. The applicant would monitor the whole removal process so as to ensure that the removal was carried out properly.

[Mr. Walter K.L. Chan left the meeting at this point.]

64. In response to the Chairman's enquiry, Mr. Siu See Kong said that if a columbarium with 100 niches was found infeasible, then they would close the business. They would include an exit clause in the contract to alert the prospective buyers of the niches.

65. Noting DLO/Islands, LandsD's comment that columbarium use was permitted under the government lease, a Member asked if the number of niches permitted was specified on the lease. The Chairman said that this was not a relevant planning consideration and would be dealt with by LandsD.

66. In response to some Members' questions on the relationship between the Association of Chinese Evangelical Ministry Limited (the Church), the Taoist Temple (the existing Temple) and Sino Moral Limited (the Applicant), Mr. Siu See Kong replied that these three organisations and/or their responsible persons were not related. A contract was signed between the applicant and the Church and it was agreed that the proposed columbarium would be managed by the Church and one-third of the profits would be donated to the Church for charity.

67. In response to a Member's enquiry on the letter dated 23.5.2011 at Annex 1d of the Paper, Mr. Siu See Kong confirmed that the said letter was signed by himself. Mr.

Siu went on to say that all the submitted documents were either signed by him or Mr. Yung Chiu Wing.

68. Mr. Siu See Kong said that many people supported his proposal but the TPB Paper only mentioned it as one letter of support with a number of signatures. He said that PlanD had not presented the situation to the Board clearly. A Member said that the comments received were all made available to Members in the TPB paper. This Member asked if the applicant had communicated with the local residents in order to get their support to the application. Mr. Siu See Kong said that they could not contact the local residents because their addresses were not available. Besides, as the two Islands District Councillors had raised objection to the application, it was meaningless to contact them.

69. By referring to Appendix V of RNTPC Paper attached to Annex A of the Paper, a Member noticed that the Cheung Chau Kai Fong Society had mentioned that the people visiting the proposed columbarium would be about 20,000 during Chung Ming and Chung Yeung Festivals. The number of visitors was rather different from what the applicant proposed. This Member asked if the applicant would explain his proposal to the local residents clearly. Mr. Siu See Kong said that while the number of niches under application was only 1,000 at this stage, the applicant would apply to increase the number to 21,000 niches in future if the current application was proved acceptable.

70. A Member asked the applicant regarding the price and tenure of the niches for the proposed columbarium. Mr. Siu See Kong replied that the current niches in Cheung Chau were sold at about \$3,000 while the price of their niches would range from \$20,000 to \$100,000; and the tenure would tally with the government lease term, with provision for renewal. However, if niches were to be sold to the Cheung Chau residents, the price would have to be competitive.

71. Upon the Chairman's request, Mr. Ivan Chung clarified that the date as stated in paragraph 8.2 of the Paper was a four-year time limit governing the commencement of the development if permitted. It did not mean that the planning permission was only granted for four years. In other words, the development if permitted should have been commenced or the permission should have been renewed before the said date. Otherwise, the permission would lapse.

72. As the applicant's representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/SKIs and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

73. The Chairman said that as confirmed by the applicant, the number of niches under application was 1,000. Although the Board could impose an approval condition to reduce the number of niches to 100, there was no basis to consider the acceptability of the 100 niches as no TIA was conducted by the applicant. TIA, conducted in accordance with established methodology, was an established way to assess the potential traffic impact generated by a proposed development.

74. The Chairman continued to say that the RNTPC decided to reject the application mainly on the grounds that the proposed development was not compatible with the surrounding land uses and the footpath leading to the application site was too narrow to accommodate a large number of visitors. He further said that the traffic impact generated by ancestral tablets should be quite different compared with niches.

75. Mr. Jimmy Leung said that apart from the concern on traffic impact, land use compatibility was also an important consideration in assessing the subject application. Whilst GIC use was considered not incompatible with the residential uses in the area, not all types of GIC uses would be suitable in a residential area. As shown on Plan R-4, the two existing public columbaria were located at other parts of Cheung Chau. It would be considered more appropriate that new columbaria, if required, should be located near to the existing public columbaria save for other locations that were suitable.

76. A Member shared the same view that land use compatibility was an important consideration in this case. This Member also considered that ancestral tablets and niches were different in nature. The former was mainly for descendants to pay respect to their ancestors who might be local heroes or had died a long time ago while the latter was

mainly for worshipping by family members and relatives particularly at Ching Ming and Chung Yeung Festivals. The proposed columbarium would generate significant traffic impact at such peak periods. As the applicant had not provided a TIA on the proposed use, the subject application should not be approved.

77. A Member noted that a number of relevant government departments had considered the proposal of 1,000 niches not acceptable and there was no basis to support that a reduction to 100 niches at the application site would be acceptable. Therefore, the subject application should be rejected. This Member said that the applicant could always submit a fresh application for 100 niches at the application site if he so wished.

78. A Member said that according to the applicant, the niches were to be sold to the Cheung Chau residents at a competitive price. As such, the columbarium might be popular to the Cheung Chau residents. The Chairman said that the issue regarding potential customers of the columbarium was not a relevant planning consideration.

79. To conclude, the Chairman said that Members agreed not to support the application for a proposed columbarium of 1,000 niches at the application site noting the concerns raised by relevant government departments on the traffic impact and pedestrian safety, as well as its incompatibility with the surrounding land uses. Even though the applicant proposed that the Board could impose an approval condition to restrict the maximum number of niches to 100, there was no basis for the Board to consider this proposal presented at the hearing.

80. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development did not comply with the Town Planning Board Guidelines No. 16 in that it was not compatible with the land uses in the surrounding areas which were mainly low-rise, low-density residential and recreational developments;
- (b) the proposed columbarium was only served by an existing 1.5m wide

footpath, which was too narrow to accommodate the large number of visitors during Ching Ming and Chung Yeung Festivals causing potential pedestrian safety problems. There was no traffic impact assessment in the submission to demonstrate that the proposed development would not adversely affect pedestrian safety and would not cause adverse traffic impact on the surrounding areas; and

- (c) approval of the proposed development would set an undesirable precedent for similar applications within the “Government, Institution or Community” zone on the Cheung Chau Outline Zoning Plan. The cumulative impact of approving such similar applications would result in pressure on the infrastructure and degradation of the character of the Fa Peng area in Cheung Chau.

Tuen Mun and Yuen Long District

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/218

Public Vehicle Park (excluding Container Vehicle) in “Recreation” zone, Lot 2206 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(TPB Paper No. 8920)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long
(DPO/TMYL), PlanD

Ms. Cheung Shuk Yin] Applicant's representatives
Ms. Cheung Suk Fun]

82. The Chairman extended a welcome and explained the procedures of the review hearing to the applicant's representatives. He then invited DPO/TMYL to brief Members on the review application.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

83. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a public vehicle park (excluding container vehicle) with 10 lorry parking spaces and four light goods vehicle parking spaces for 24 hours operation daily at a site zoned "Recreation" ("REC") on the approved Lau Fau Shan Outline Zoning Plan (OZP) No. S/YL-LFS/7;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 3.6.2011 for the following reasons:
 - (i) the applicant failed to demonstrate how the proposed development could support the recreational uses in the vicinity of the application site and that the adverse environmental, landscape and drainage impacts could be adequately addressed; and
 - (ii) the approval of the application would set an undesirable precedent for similar applications within the "REC" zone. The cumulative impact of approving such applications would overload the capacity of Deep Bay Road;
- (c) the application site, covering an area of about 555m², was currently vacant and was directly abutting Deep Bay Road. There were six

vehicles parks in the vicinity which were “existing uses”;

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

- (d) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and below:
 - (i) “public vehicle park” was a Column 2 use. There was a need for parking service for fish trucks;
 - (ii) if approval of the application would set an undesirable precedent, many uses on the OZP requiring planning permission should be deleted to avoid giving the public false hope;
 - (iii) the application site had been used for parking over 20 years, departmental concerns/objections were unfounded and hypothetical;
 - (iv) the applicant committed not to use the site for any use other than the applied use;
 - (v) with inadequate parking facilities, the fish trucks were illegally parked on the narrow Deep Bay Road;
 - (vi) the proposed public vehicle park would generate an extremely low volume of traffic. The maximum number of vehicles entering/leaving the site was about three to four per hour, mainly in the morning;
 - (vii) the applicant would provide additional potted plants on site to improve the landscape; and
 - (viii) the application site had a locational advantage of being about 30m from the township of Lau Fau Shan, Hang Hau and Lau

Fau Shan Main Street;

- (e) the departmental comments were detailed in paragraph 5 of the Paper. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application on the grounds that provision of potted plants on site with little landscape merits was not acceptable, and approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving similar applications would result in a general degradation of the environment;
- (f) public comments – one public comment from the Designing Hong Kong Limited was received. The commenter objected to the application on the grounds that there were adequate parking facilities in the area and if the application site was used for open storage, it would be a blight on the environment;
- (g) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:
 - (i) the site was zoned “RCE” and the planning intention was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments might be permitted upon application. ‘Public vehicle park (excluding container vehicle)’ was a Column 2 use which required planning permission from the Town Planning Board (the Board). Although public vehicle parks could generally be regarded as uses in support of recreational developments, the proposed development was for the parking of lorries and light goods vehicles, and the applicant indicated that it was meant for the parking of the fish trucks for the nearby seafood restaurants as well as vehicles of local residents. While the intention to

provide parking spaces for fish trucks/vehicles of local residents was not unreasonable, it was considered that such a facility, if to be provided on a permanent basis, should be properly planned. The applicant had neither submitted a layout of the proposed vehicle park nor any associated technical proposal but claimed that the site had been used for parking for over 20 years. It was, however, noted that the application site was still fallow agricultural land back in 1990. It was subsequently formed in 1996 and intermittently used for open storage and parking purposes without valid planning permission;

- (ii) the Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application on the grounds that the proposed permanent use would reduce the amount of potential recreation area in the district and that the proposed provision of plotted planting with little landscape merits to the site was considered not acceptable;
- (iii) the Commissioner for Transport was concerned about the cumulative adverse traffic impact of approving such similar applications;
- (iv) the Director of Environmental Protection did not support the application because there were residential dwellings in the vicinity of the site (the closest one being less than 50m away) and along Deep Bay Road;
- (v) the Chief Engineer/Mainland North, Drainage Services Department advised that drainage proposals were required but were not provided in the submission;
- (vi) the Commissioner of Police commented that regular police patrol would be conducted and enforcement actions against illegal parking would be taken. Illegal parking along Deep Bay

Road was not considered a serious problem; and

- (vii) the RNTPC had rejected all four similar applications. There had been no material change in the planning circumstances since the rejection of these applications.

84. The Chairman then invited the applicant to elaborate on the review application. With the aid of some photos, Ms. Cheung Suk Fun made the following main points:

- (a) the application site had been used as a vehicle park for over 10 years. A number of vehicle parks were found in the area, some being used for parking of vehicles while others were vacant;
- (b) although a nearby car park company objected to the application on the ground that the vehicle park under application would affect their business, this objection reason should not be supported in a free economy;
- (c) so far, no complaint had been received from the relevant government departments with respect to environmental hygiene, drainage and air pollution problems;
- (d) there was demand for vehicle park in the area, as revealed by the illegal parking of vehicles along Deep Bay Road and requests from the local people;
- (e) after receiving a warning letter from PlanD, the applicant had stopped operation of the vehicle park and immediately submitted a planning application for the vehicle park use at the application site;
- (f) the applicant noted that concerned government departments had certain requirements on the application. The applicant would try her best to comply with the requirements;

- (g) should the application be approved, the applicant was willing to comply with the approval conditions imposed by the Board although the compliance period of three to six months was rather short. However, the temporary approval period of one year was too short as the applicant had to invest a sum of money to comply with the approval conditions;
- (h) apart from putting some potted plants on the site, the applicant could provide more landscaping if the Board could provide similar cases for her to follow; and
- (i) approval of the subject application would not set an undesirable precedent for similar applications because this area was already occupied by uses such as vehicle repairing or dismantling yards, open storage uses and workshops. The application for vehicle parking would not create adverse impact on the surroundings.

[Mr. Maurice W.M. Lee left the meeting at this point.]

85. A Member asked DPO/TMYL why all the four similar applications for public vehicle park within “REC” zone were rejected. Ms. Amy Cheung explained that though public vehicle parks could generally be regarded as a supporting use in “REC” zone, the application site at Deep Bay Road which was a single lane two-way road was considered unsuitable for the parking of lorries, e.g. fish trucks, especially in traffic terms. By referring to Appendix II attached to Annex A of the Paper, she pointed out that three out of the four rejected applications involved the parking of lorries or coaches.

86. In response to a Member’s enquiry regarding the parking of fish trucks in the area, Ms. Cheung Suk Fun said that some fish trucks had to park on the roadside after the closure of her vehicle park. The same Member asked if the public commenter who objected to the application was their competitor. Ms. Cheung Suk Fun said that she had no such information.

87. With the aid of Plan R-2 of the Paper, Ms. Amy Cheung explained that there were six sites being used as vehicle parks in the vicinity, covering a total area of about

8,000m². They were all “existing uses”. According to a recent site inspection, some fish trucks were parked at these vehicle parks.

88. Noting that there was a piece of government land separating the application site from Deep Bay Road, a Member asked if access to the application site could be made through the government land and whether that piece of land was reserved for, say, open space use. Ms. Cheung Shuk Yin said that according to her understanding, the government land was reserved for road widening purpose and not open space.

89. A Member asked the applicant’s representatives whether a temporary approval would be acceptable to them. Ms. Cheung Yuk Fun responded that they intended to seek a permanent approval as they needed to invest money to comply with the government departments’ requirements. Should the Board consider that a temporary approval of two to five years was more appropriate, they would have no objection.

90. Miss Annie Tam asked if any structures would be built at the application site. Ms. Cheung Shuk Yin said that there would be no structure.

91. As the applicant’s representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/TMYL and the applicant’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

92. The Chairman said that suspected unauthorised parking and storage uses were found on the application site. As revealed on the aerial photos, the site was previously a piece of vegetated land. Since 1996, the application site had been formed and intermittently used as open storage/vehicle park. This was a suspected “destroy first, build later” case. The Chairman invited Members to consider if there were sufficient justifications for approving the application, even on a temporary basis.

93. A Member was of the view that a temporary approval could be considered so as to provide incentives for the applicant to comply with the technical requirements. Some other Members held a different view and considered that the application could not be supported. They noted that there were vehicle parks nearby and the parking of fish trucks on the roadside could not be a proof of the demand for the subject vehicle park. The Chairman was concerned that the granting of a temporary approval would set an undesirable precedent for other similar applications.

94. After further discussion, the Chairman concluded that the site was zoned “REC” and the applicant had not submitted information to demonstrate that the relevant government departments’ concerns could be properly addressed.

95. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the applicant failed to demonstrate that the adverse traffic, environmental, landscape and drainage impacts could be adequately addressed; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “Recreation” zone. The cumulative impact of approving such applications would overload the capacity of Deep Bay Road.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/TM-LTYY/211

Temporary Storage of Metal and Wood for a Period of 3 Years in “Green Belt” zone, Lot 2432 RP (Part) in D.D. 130 and Adjoining Government Land, Shun Tat Street, Tuen Mun (TPB Paper No. 8926)

[The meeting was conducted in Cantonese.]

96. The Secretary reported that on 8.9.2011, the applicant wrote to the Secretary of the Town Planning Board (the Board) stating that he would need to clarify with the Drainage Services Department (DSD) on the comments made on the drainage proposal before the review hearing could proceed. The Board at its meeting on 9.9.2011 requested the Planning Department (PlanD) to clarify with the applicant on DSD’s comments and decided to defer making a decision on the review application to the next meeting on 30.9.2011. On 20.9.2011, PlanD clarified with the applicant regarding DSD’s comments on the drainage proposal. On 22.9.2011, the applicant’s representative wrote to the Secretary of the Board requesting the Board to defer consideration of the review application for two months in order to allow time to amend the drainage proposal. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to respond to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

97. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of the further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/329

Proposed House (New Territories Exempted Houses – Small House) in “Green Belt” zone,
Government Land in D.D. 15, Shau Liu Village, Tai Po

(TPB Paper No. 8925)

[The meeting was conducted in Cantonese.]

98. The Secretary reported that on 16.3.2011 and 16.6.2011 respectively, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer consideration of the review application for three months in order to wait for the finalisation of the detailed design of the trunk sewer being prepared by the Drainage Services Department (DSD) before submitting the sewerage connection proposals. On 25.3.2011 and 24.6.2011, the Board decided to defer a decision on the application to allow two months for preparation of submission of further information by the applicant. On 20.9.2011, the applicant’s representative wrote to the Secretary of the Board requesting the Board to further defer consideration of the review application for three months in order to allow more time to design the alignment of the branch sewer for connection of the proposed house to the public trunk sewer. DSD advised that temporary traffic arrangement had been implemented for sewerage construction works at Shan Liu Road, which might affect the access to the site for conducting site survey by the applicant. In this regard, the applicant could contact them for necessary available information to facilitate his proposed small house construction.

99. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to resolve the technical issues with relevant to government departments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

100. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review

application should be submitted for its consideration within three months upon receipt of the further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information. As this was the third deferment and the Board had allowed a total of six months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances. Moreover, the applicant should be advised to contact DSD for the necessary information to facilitate his small house construction at the application site.

Procedural Matters

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Considering of Representations and Comments to the Draft Tai Tong Outline Zoning Plan No. S/YL-TT/15 (TPB Paper No. 8923)

[The meeting was conducted in Cantonese.]

101. The representations were related to a site at Au Tau for public rental housing by the Hong Kong Housing Authority (HKHA). The following Members had declared interests on this item:

- | | |
|---|---|
| Mr Jimmy Leung
as Director of Planning | - being a member of the Building Committee (BC) and Strategic Planning Committee (SPC) of HKHA |
| Mr. Frankie Chou
as Assistant Director (2)
(Atg.) of the Home Affairs
Department | - being a representative of the Director of Home Affairs who was a member of the SPC and Subsidised Housing Committee of HKHA |
| Miss Annie K.L. Tam
as Director of Lands | - being a member of HKHA |
| Mr. Stanley Y.F. Wong | - being a member of HKHA |

Professor Edwin H.W. Chan	- being a member of the BC of HKHA
Dr. W.K. Lo	- being a member of the BC of HKHA
Mr. Stephen M.W. Yip	- being a former member of HKHA
Mr. Raymond Y.M. Chan	- had business dealings with HKHA
Mr. Y.K. Cheng	- spouse being Assistant Director (Development and Procurement), Housing Department

102. Members noted that Mr. Stanley Y.F. Wong, Dr. W.K. Lo and Mr. Stephen M.W. Yip had tendered apologies for being unable to attend the meeting and Mr. Frankie Chou had already left the meeting. As the item was procedural in nature and no deliberation was required, Members agreed that other Members as listed above could stay at the meeting.

103. The Secretary reported that on 8.4.2011, the draft Tai Tong Outline Zoning Plan No. S/YL-TT/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of three representations were received. On 17.6.2011, the representations were published for three weeks for public comments and there was no comment received.

104. The Secretary continued to say that as the three representations were mainly related to the rezoning of the former Au Tau Development Quarters site to residential use, it was recommended that a separate hearing session would not be necessary and they should be heard by the full Board collectively in one group.

105. After deliberation, the Board agreed that the representations should be heard collectively by the Board in the manner as proposed in paragraph 2.2 of the Paper.

Agenda Item 11

[Open Meeting]

Draft Yuen Long Outline Zoning Plan No. S/YL/20A – Confirmation of Proposed Amendments and Submission of Draft Plan to the Chief Executive in Council for Approval (TPB Paper No. 8924)

[The meeting was conducted in Cantonese.]

106. The Secretary briefly introduced the Paper. She said that on 18.3.2011, the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 25 representations were received. On 24.5.2011, the representations were published for three weeks for public comments and there were two comments received.

107. On 27.5.2011, the draft OZP No. S/YL/20 was exhibited for public inspection under section 7 of the Ordinance. During the two-month exhibition period, no representation was received.

108. On 29.7.2011, after giving consideration to the representations and comments in respect of the draft OZP No. S/YL/19, the Town Planning Board (the Board) decided to propose amendments to the OZP to partially meet one representation and not to uphold the remaining representations. On 12.8.2011, the Board considered and agreed the proposed amendments to the Notes and Explanatory Statement of the draft Yuen Long OZP No. S/YL/20. On 19.8.2011, the proposed amendments were published under section 6C(2) of the Ordinance for three weeks for further representations and there was no further representation received.

109. As the plan-making process had been completed, the draft Yuen Long OZP No. S/YL/20A was ready for submission to the Chief Executive in Council (CE in C) for approval.

110. Members noted that there was no further representation in respect of the proposed amendments to the Plan and in accordance with section 6G of the Town Planning

Ordinance, the Plan shall be amended by the proposed amendments. After deliberation, the Board agreed:

- (a) that the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/20A and its Notes at Annexes II and III respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Yuen Long OZP No. S/YL/20A at Annex IV as an expression of the planning intention and objectives of the Town Planning Board (the Board) for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

111. There being no other business, the meeting closed at 1:00 p.m..