

**Minutes of 1129th Meeting of the  
Town Planning Board held on 2.12.2016**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Principal Assistant Secretary (Transport 3), Transport and Housing Bureau  
Mr Andy S.H. Lam

Director of Planning  
Mr Raymond K.W. Lee

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Professor S.C. Wong

Mr H.W. Cheung

Mr Lincoln L.H. Huang

Mr Ivan C.S. Fu

Mr Dominic K.K. Lam

Dr Frankie W.C. Yeung

Dr C.H. Hau

Professor T.S. Liu

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Sally S.Y. Fong

Senior Town Planner/Town Planning Board

Mr Stephen K.S. Lee

## **Agenda Item 1**

[Open meeting]

### **Confirmation of Minutes of the 1128<sup>th</sup>, 1122<sup>nd</sup> and 1123<sup>rd</sup> Meetings held on 18.11.2016**

[The item was conducted in Cantonese.]

1. The minutes of the 1128<sup>th</sup> meeting held on 18.11.2016 were confirmed without amendments.
2. The minutes of the 1122<sup>nd</sup> meeting held on 18.11.2016 were confirmed without amendments.
3. The minutes of the 1123<sup>rd</sup> meeting held on 18.11.2016 were confirmed without amendments.

## **Agenda Item 2**

[Open Meeting]

### **Matters Arising**

- (i) **Approval of Draft Outline Zoning Plan**  
[The item was conducted in Cantonese.]

4. The Secretary reported that, on 1.11.2016, the Chief Executive in Council approved the Central District Outline Zoning Plan (OZP) (renumbered as S/H4/16) under section 9(1)(a) of the Town Planning Ordinance. The approval of the said OZP was notified in the Gazette on 11.11.2016.

- (ii) **New Town Planning Appeal Received**  
Town Planning Appeal No. 9 of 2016  
Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” and “Village Type Development” Zones, Lot 626 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling, New Territories  
**Application No. A/NE-TKL/541**
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[The item was conducted in Cantonese.]

5. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 31.10.2016 against the decision of the Town Planning Board (the Board) on 19.8.2016 to reject on review an application No. A/NE-TKL/541 for proposed house (New Territories Exempted House (NTEH) – Small House) at Lot 626 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling. The site fell mainly within an area zoned “Agriculture” (“AGR”) with a minor portion within an area zoned “Village Type Development” (“V”) on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14 currently in force.

6. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land was still available within the “V” zone of Lei Uk Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.

7. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iii) Appeal Statistics

[The item was conducted in Cantonese.]

8. The Secretary reported that as at 2.12.2016, 12 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	147
Abandoned/Withdrawn/Invalid	:	195
Yet to be Heard	:	12
Decision Outstanding	:	1
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Total	:	390

- (iv) Judicial Review against the Decision of the Town Planning Board in respect of Application No. A/I-NEL/6 for Temporary Concrete Batching Plant for a Period of 3 Years in “Undetermined” Zone, Tsing Chau Wan, Lantau (HCAL 110/2016) [The item was conducted in Cantonese.]

9. The Secretary reported that the following Members had declared interests on the item for having affiliation/business dealings with RHL Surveyors Limited (RHL) and Ramboll Environ Hong Kong Limited (Environ) which were consultants of the section 16 application:

Mr H.F. Leung - being an employee of the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which received a donation from RHL before

Mr Ivan C.S. Fu ] having current business dealings with Environ

Ms Janice W.M. Lai ]

Mr Dominic K.K. Lam - having past business dealings with Environ

10. Members noted that Messrs Ivan C.S. Fu and Dominic K.K. Lam had tendered apologies for not being able to attend the meeting. Members agreed that the interests of Mr H.F. Leung and Ms Janice W.M. Lai were indirect and they should be allowed to stay at the meeting.

The Section 16 Application

11. The Secretary reported that the judicial review (JR) application was related to a section 16 application No. A/I-NEL/6 for temporary concrete batching plant for a period of 3 years in Tsing Chau Wan at the northeastern shore of Lantau Island which fell within the “Undetermined” zone on the approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12. On 28.8.2015, application No. A/I-NEL/6 was approved with conditions upon review by the Town Planning Board (the Board).

The JR Application (HCAL 110/2016)

12. On 14.6.2016, a JR application was filed by Lam Ka Lun (the Applicant) against the decision of the Board to approve the application upon review. The Applicant was a member of the general public. The Applicant raised two grounds of JR, i.e. (i) procedural *ultra vires* and unfairness, and (ii) frustration of legislative intent. In terms of relief, the Applicant sought orders from the court to quash the Board’s decision; and if leave was granted, an order to stay the Board’s decision.

13. On 1.11.2016, the Court of First Instance (CFI) refused to grant leave to the JR application mainly on the following grounds:

- (a) the leave application was made at least 6.5 months out of time and the Applicant had failed to provide any good explanations to justify the delay in taking out this leave application; and
- (b) the JR did not involve any important question as alleged, and the grounds of JR were not reasonably arguable in any event.

14. Members noted that leave was refused for the JR application and the Applicant had not appealed against the CFI’s decision.

**Sai Kung & Islands District**

**Agenda Item 3**

[Open meeting]

Consideration of Further Representations on Proposed Amendment to the Draft Yi O Outline Zoning Plan (OZP) No. S/I-YO/1 Arising from the Consideration of Representations and Comments made on the draft Yi O OZP No. S/I-YO/1  
(TPB Paper No. 10213)

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[The item was conducted in Cantonese.]

15. The Secretary reported that the following Members had declared interests on the item for having affiliations/business dealing or being acquainted with representers/commenter or their representatives including, World Wide Fund for Nature Hong Kong (WWF) (R14/C7), The Conservancy Association (CA) (R16), Mr Paul Zimmermann, representative of R17 and C1377 or with Mr Andrew S.L. Lam, whose name was repeatedly mentioned by the representative of commenter C5 in the meeting held on 8.7.2016 to consider the representations and comments :

- |                      |   |  |
|----------------------|---|--|
| Dr C.H. Hau          | - | being the Vice-chairman of CA and member of the Conservation Advisory Committee of WWF |
| Mr K.K. Cheung       | - | having past business dealing with WWF  |
| Mr Thomas O.S. Ho    | - | personally knowing Mr Paul Zimmermann  |
| Mr Dominic K.K. Lam  | ] | personally knowing some of the representers  |
| Professor T.S. Liu   | ] |  |
| Mr Michael W.L. Wong | ] |  |
| Professor S.C. Wong  | ] |  |
| Mr H.W. Cheung       | ] |  |

Mr Ivan C.S. Fu	]	
Mr Patrick H.T. Lau	]	
Mr Philip S.L. Kan	]	being acquainted with Mr Andrew S.L. Lam
Mr Wilson Y.W. Fung	]	
Mr Alex T.H. Lai	]	
Mr Stephen L.H. Liu	]	
Ms Sandy H.Y. Wong	]	

16. Members noted that Dr C.H. Hau, Mr Dominic K.K. Lam, Professor T.S. Liu, Professor S.C. Wong, Mr H.W. Cheng, and Mr Ivan C.S. Fu had tendered apologies for not being able to attend the meeting. Since Mr K.K. Cheung's interest was indirect and the other Members who had declared interests of knowing the representers/commenter or their representative, or Mr Andrew S.L. Lam had no discussion with them on or involvement in the subject matter, their interests were remote and Members agreed that they should be allowed to stay in the meeting.

17. The Chairman said that reasonable notice had been given to the further representers, representers and commenters inviting them to the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the further representers, representers and commenters, the Town Planning Board (the Board) should proceed with the hearing of the further representations in their absence.

#### Presentation and Question Sessions

18. The following government representatives, further representer, representers, commenters and their representatives were invited to the meeting:

#### **Government representatives**

Ms Donna Y.P. Tam	-	District Planning Officer/Sai Kung & Islands (DPO/SKIs), Planning Department (PlanD)
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Mr Kelvin K.H. Chan - Town Planner/Islands 1 (TP/Is1), PlanD

**Further Representer**

F1 - 二澳村龔學成村長

Mr Kung Hok Sing - Further Representer

Mr Lee Lap Hong - Further Representer's representative

**Representers**

R11 - Kadoorie Farm & Botanic Garden Corporation (KFBG)

R12 - Tony Nip

R13 - Chiu Sein Tuck

Mr Tony Nip ] Representers and Representer's

Dr Chiu Sein Tuck ] representatives

Mr Yip Tsz Lam ]

R14/C7 – WWF

Mr Andrew Chan - Representer's and Commenter's  
representative

R15 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's representative

**Commenter**

C5 - Save Lantau Alliance

謝世傑先生 - Commenter's representative

19. The Chairman went on to say that DPO/SKIs would brief Members on the background to the further representations. The Chairman would then invite the further

representer or his representatives to make oral submission, followed by the oral submissions by the representers and commenters or their representatives. To ensure efficient operation of the hearing, each further representer/representer/commenter or their representative was allotted 10 minutes for making presentation. There was a timer device to alert the further representer/representers/commenters or their representatives two minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. Question and answer (Q&A) sessions would be held after all attending further representer/representers/commenters or their representatives had completed their oral submissions. Members could direct their questions to government representatives, further representer/representers/commenters or their representatives. After the Q&A sessions, government representatives, further representer/representers/commenters or their representatives would be invited to leave the meeting; and the Board would deliberate on the further representations in their absence and inform the further representers/representers/commenters of the Board's decision in due course

20. The Chairman then invited Ms Donna Y.P. Tam, DPO/SKIs, PlanD, to brief Members on the background to the further representations (FRs).

21. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD briefed Members on the FRs, including the background of the proposed amendments to the draft Yi O Outline Zoning Plan No. S/I-YO/1 (the draft OZP), the views and proposals of the FRs, planning assessments and PlanD's views on the FRs, as detailed in the TPB Paper No. 10213.

22. The Chairman then invited the further representer, representers, commenters and their representatives to elaborate on the FRs.

23. On request of the further representer and his representative and with no objection from other representers and commenters, the Chairman invited the representers and commenters to make their presentations first.

R11 - KFBG

R12 - Tony Nip

R13 - Chiu Sein Tuck

24. With the aid of a PowerPoint presentation, Mr Tony Nip made the following main points:

- (a) the proposed amendments to rezone land from “Agriculture” (“AGR”) to “Green Belt” (“GB”) on the draft OZP to respect the existing woodlands and wetlands were welcome;
- (b) the “GB” zone, which was a conservation zone with presumption against development, was appropriate for the FR sites;
- (c) their justifications for rezoning the FR sites to conservation zonings had been detailed in their oral submission when the Board heard the representations and comments on 8.7.2016 and in DPO/SKIs’ presentation on the FRs in the current hearing;

Agricultural activities in conservation zones

- (d) although the FR sites were rezoned to “GB”, agricultural activities in the sites would not be affected as ‘Agricultural Use’ was a Column 1 use in the “GB” zone;
- (e) as shown on the photos on the PowerPoint slides, agricultural activities in various conservation zones in Hong Kong were common, which included those in the “Coastal Protection Area” (“CPA”) zone in Pui O, Lantau, the “GB” zone in Ho Chung, Sai Kung, and the “CPA” zone in Lan Nai Wan, Hong Kong Island; and
- (f) genuine agricultural activities were unaffected by conservation zoning and hence the proposed amendments were supported.

[Ms Bernadette H.H. Linn and Mr H.F. Leung arrived to join the meeting at this point.]

R14/C7 – World Wide Fund for Nature Hong Kong

25. With the aid of a PowerPoint presentation, Mr Andrew Chan made the following main points:

- (a) the two proposed amendments, namely Amendment Item A, rezoning two sites at the western part of Yi O San Tsuen with dense tree clusters from “AGR” to “GB”, and Amendment Item B, rezoning a site at the northern part of the eastern riparian of a stream at Yi O from “AGR” to “GB”, were supported;
- (b) “GB”, as a conservation zoning, was more effective in protecting habitat of high ecological value from development than the “AGR” zone; and
- (c) an area to the east of Yi O San Tsuen, which was identified as woodland on the habitat map prepared by PlanD, should also be rezoned from “AGR” to “GB” to be in line with the “GB” zoning of the adjoining woodland. It was noted that the approval rate of Small House application in the “AGR” zone was about 60% in the past. The said area to the east of Yi O San Tsuen should be designated as a conservation zoning.

R15 – The Hong Kong Bird Watching Society

26. With the aid of a PowerPoint presentation, Ms Woo Ming Chuan made the following main points:

- (a) according to the habitat map prepared by PlanD, area under Amendment Item A was dense woodland whilst area under Amendment Item B was riparian zone of a stream with brackish marsh. It was stated in the Explanatory Statement (ES) of the draft OZP that the woodlands and streams in the area were worthy of protection as they provided habitats which supported the fauna and flora species of conservation importance. Endangered species, such as Romer’s Tree Frog and Rice Fish were recorded in the area. The planning intention for the area, as stated in the

ES of the draft OZP, was to protect the high conservation and landscape value and the rural settings which complemented the overall natural character and the landscape beauty of the surrounding Lantau North and Lantau South Country Parks. Since Amendment Items A and B were in line with the general planning intention of the draft OZP, the proposed amendments were supported;

- (b) whilst it was expected that the “GB” zone would function to define the limit to the development areas, preserve existing landscape and provide passive recreational outlets, the reality was that the approval rate of Small House applications within the zone was high as illustrated in a Legislative Council document that the approval rate of planning application within the “GB” zone was 57%. In order to eliminate the development pressure in the “GB” zone, conservation zonings, such as “GB(1)” or “Conservation Area” (“CA”) with no provision for new Small House development, should be adopted;
- (c) it was pointed out by another attendee that the area to the east of Yi O San Tsuen, which was identified as woodland on the habitat map prepared by PlanD but zoned “AGR” on the draft OZP, was not adequately protected. Although the area was agricultural land decades ago, it had evolved into woodland over the years and integrated ecologically with the woodland in the Country Park. The said woodland needed to be protected and should be rezoned to “GB(1)” or “CA”;
- (d) to conclude, HKBWS requested Members to: -
  - (i) note that the area covered by the draft OZP was of high ecological importance;
  - (ii) support the proposed Amendment Items A and B. All “GB” zones should be rezoned to “GB(1)” or “CA” zone for more comprehensive protection of the area; and

- (iii) uphold their representation of rezoning the remaining woodland within the “AGR” zone to conservation zones with no provision for new Small House development.

27. As the representers/commenters or their representatives had finished their oral submissions, the Chairman invited the further representer and his representative to make their oral submission.

F1 - 二澳村龔學成村長

28. Messrs Lee Lap Hong and Kung Hok Sing made the following main points:

- (a) the indigenous villagers were dissatisfied with the hearing arrangement. The indigenous villagers, who lived in Yi O and were most familiar with the area, should be given priority to present their views over that of the Green Groups. Due to the restrictive procedures of the hearing, the request from some 10 villagers for attending the current hearing and presenting views had been declined. On the other hand, the Green Groups, which had complied with the procedural requirements but knew little about the actual situations of the villagers and expressed views contradictory to what was taking place in the area, were invited to the meeting. The way in handling the villagers’ request for attending the hearing was uncompassionate;
- (b) some people had wrongfully accused that agricultural activities in the area were not ‘genuine’ agricultural activities. The accusation was not justified and was not based on evidence;

[Mr Thomas O.S. Ho arrived to join the meeting at this point.]

- (c) the agricultural activities carried out by the villagers could regenerate the economy and promote ecology with increasing number of birds, butterflies and dragonflies observed in the area;

- (d) the agricultural activities providing incentives for villagers to return to the villages were different from the experiential agricultural activities which mainly provided pleasures to the participants. Accusing the agricultural activities in the area not genuine was an insult to the villagers;
- (e) the area concerning Amendment Item A was situated at a critical location connecting Yi O San Tsuen with Yi O Kau Tsuen. The amendments would adversely affect the future development of the village and construction of access roads might contravene the requirement of the “GB” zone. Agricultural land should be zoned “AGR”. The villagers had no intention to carry out developments to degrade the environment or to ruin their villages. Rezoning the areas to “GB” for tighter control was an insult to the villagers;

[Mr Franklin Yu arrived to join the meeting at this point.]

- (f) the village, at its peak, was inhabited by over a thousand villagers. Land in the village was originally owned by the villagers hundreds of years ago. With the passage of time, which was marked by events of wars and change of governments, the villagers had lost a lot of their land. For the past decades, the environmentalists, in the name of environmental protection, had kept on attacking the villagers. Government officials concerned and the Board had not exercised the power endowed upon them to do justice to and protect the right of the villagers. Instead, the Board had acceded to the views of the Green Groups, which were not even slightly related to the land concerned. The decisions of the Board to uphold the views of the Green Groups were unjustifiable;
- (g) as regards the site under Amendment Item B, it was mainly private land providing an essential access between Yi O San Tsuen and Yi O Kau Tsuen. The agricultural land offered opportunities for Small House development;
- (h) sites under Amendment Item A should be reserved for Small House

development. To zone the sites to “GB” would reduce the amount of government land available for villagers, who did not own private land, for Small House development; and

- (i) Members were invited to visit their village to understand the real situations themselves, to withdraw the proposed amendments and to plan the area afresh.

29. Regarding the procedural matters, the Chairman clarified that only persons who made the FR and persons who made the representations or comments, after consideration of which the proposed amendments were made, were invited to the hearing of the FRs. Other villagers not on the list were not invited to the meeting.

30. As the presentations of the representers, commenters, further representer and their representatives had been completed, the Chairman invited questions from Members.

31. Members raised the following questions:

- (a) since it was stated in the TPB Paper that the supporting views were noted, whether, as alleged by F1, that the views of the Green Groups were acceded to;
- (b) with the rezoning of the area under Amendment Item B to “GB”, whether construction of road, e.g. for agricultural activities, was permitted;
- (c) whether the two sites under Amendment Item A were used by villagers as access;
- (d) whether there was mechanism for planning application for Small House development within “GB” zone, and how villagers could apply for building Small House if they did not own land; and
- (e) whether agricultural activities were permitted within “GB” zone if the villagers intended to resume farming.

32. In response to Members' questions, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:

- (a) when considering the representations and comments with respect to the draft OZP, the Board had partially upheld the views of some of the representers by making the proposed amendments;

Road construction within "GB" zone

- (b) there was currently a track connecting Yi O San Tsuen with Yi O Kau Tsuen within the "GB" zone under Amendment Item B;
- (c) road works co-ordinated or implemented by Government were always permitted in "GB" zone. As for provision of private roads within the zone, depending on scope of the works and whether filling or excavation of land was required, planning permission from the Board might be required;

Small House development within "GB" zone

- (d) according to the Notes of the draft OZP, section 16 applications could be made for Small House development within the "GB" zone. The Board would consider each application in accordance with the "Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of The Town Planning Ordinance" (TPB-PG No. 10) and the "Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories", amongst others;
- (e) whilst Small House development was always permitted in the "Village Type Development" ("V") zone, Small House development in the "AGR" and "GB" zones would require planning permission from the Board. It was the responsibility of the applicant to acquire suitable land for the development;

- (f) if the applicant did not own private land, they could apply through the land administration mechanism for grant of government land for Small House development; and

Agricultural use within “GB” zone

- (g) according to the Notes of the draft OZP, ‘Agricultural Use’ was always permitted in the “AGR” and “GB” zones, no planning permission was required should villagers want to continue or resume farming.

33. With respect to the use of the two sites under Amendment Item A, Mr Kung Hok Sing said that the two sites on government land were important areas for future Small House applications and villagers also made use of the sites for access to their private lots.

34. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed. The Chairman thanked the government representatives as well as the further representer, representers, commenters and their representatives for attending the meeting and said that the Board would deliberate on the FRs in their absence and would inform the further representers, representers and commenters of the Board’s decision in due course. The government representatives, the further representer, representers, commenters and their representatives left the meeting at this point.

Deliberation

35. The Chairman briefly summarized the further representations received and invited Members’ views on whether the FRs should be upheld.

36. Some Members made the following views:

- (a) the Board had considered the representations and comments thoroughly and balanced all the relevant factors before proposing the amendments to partially meet the representations. There was no new information provided either by the Green Groups or the village representatives to justify further changes to the proposed amendments;

- (b) although the two sites under Amendment Item A were dense woodland, felling of trees for agricultural activities was unlikely as farmland was readily available in the area and there were not much agricultural activities on going at present. Besides, Small House development in “GB” zone was subject to the planning application mechanism, rezoning the sites to “GB(1)” was not necessary;
- (c) the “GB” zoning for the site under Amendment Items A and B was appropriate. It was noted that the Director of Agriculture, Fisheries and Conservation had been consulted and advised that the “GB” zone was adequate in protecting the natural habitats concerned;
- (d) noting that road works coordinated or implemented by the Government were always permitted and there was provision for planning application for the construction of private roads in the “GB” zone, the concern of villagers that the proposed amendments would impede road construction was not well justified;
- (e) there was no strong justification to rezone the sites back to “AGR” as ‘Agricultural Use’ was always permitted in the proposed “GB” zone; and
- (f) there was no strong justification provided by the villagers to support expansion of the “V” zone. Areas within VE could be considered for rezoning to “V” in future if there was such a demand.

37. After deliberation, the Board noted the supportive views of F2 and F3, and decided not to uphold the remaining views of F3 and the views of F1 and F4, and agreed that the draft Yi O OZP should be amended by the proposed amendments for the following reasons:

- “(a) the “Green Belt” (“GB”) zoning for the sites of Amendment Items A and B is appropriate. There is no strong justification to rezone them to other conservation zonings (F3 and F4);

- (b) 'House' use within "GB" zone requires planning permission from the Town Planning Board (the Board) and each application would be considered by the Board based on its individual merits taking account of relevant planning considerations (F3);
- (c) private land within the "GB" zone of Amendment Items A and B are agricultural lots. The draft Outline Zoning Plan (OZP) would not leave the land concerned without any meaningful use or economically viable use (F1);
- (d) an incremental approach has been adopted in designating the "Village Type Development" ("V") zone with an aim to confining Small House development at suitable location. There is no strong justification to rezone all land within village 'environs' to "V" (F1);
- (e) consultations with locals, Tai O Rural Committee (TORC) and Islands District Council were conducted during the preparation of the draft OZP and their views were considered by the Board and incorporated as appropriate. Yi O Village Indigenous Inhabitant Representative and TORC also submitted representations and their views and proposals have been considered by the Board (F1); and
- (f) for the views/proposals that are not directly related to the proposed amendments, they are similar to those views made in the original representations/comments and have already been considered by the Board (F1 to F4)."

38. The Board also noted that in accordance with section 6H of the Ordinance, the OZP should thereafter be read as including the amendments. The amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the OZP in question under section 9 of the Ordinance.

39. Since the applicant of application No. A/YL-KTS/696 under Agenda Item 4 had

not yet arrived, Members agreed to consider the other Agenda Items first.

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

**Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-KTS/404

Proposed Petrol Filling Station with Ancillary Facilities including Office, Shop and Services, Public Toilet, Public Car Park and Excavation of Land in “Green Belt” zone and Area shown as ‘Road’, Lots 3350 S.B ss.1 S.A (Part), 3351 S.B ss.1 (Part) and 3351 S.B ss.2 (Part) in D.D. 91 and Adjoining Government Land, Fan Kam Road, New Territories

(TPB Paper No. 10215)

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[The item was conducted in Cantonese]

40. The following Member had declared an interest on the item:

Dr Lawrence K.C. Li - being a member of the Hong Kong Golf Club, which was located to the north of the application site

41. As Dr Lawrence K.C. Li’s interest was indirect, Members agreed that he should be allowed to stay in the meeting.

42. The Secretary reported that this was the second deferral request. Since the last deferral on 5.8.2016, the applicant submitted further information (FI) with supplementary plans and responses to comments from the Transport Department (TD), Highways Department (HyD), Fire Services Department (FSD), Environmental Protection Department and Urban Design and Landscape Section of Planning Department. The review application was scheduled for consideration by the Board on 2.12.2016, i.e. at the current meeting.

43. On 22.11.2016, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application in order to

allow two months' time for the applicant to study and address the comments from TD, HyD and FSD.

44. 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare FI in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

**Procedural Matters**

**Agenda Item 7**

[Open Meeting]

Submission of the Draft Tung Chung Extension Area Outline Zoning Plan No. S/I-TCE/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10217)

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[The item was conducted in Cantonese]

46. The Secretary reported that Tung Chung Extension Area (TCE) Outline Zoning Plan (OZP) No. S/I-TCE/1 involved zoning of sites for proposed public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The Conservancy Association (CA) (R53), World Wide Fund for Nature Hong Kong (WWF) (R54) and Mass Transit Railway Corporation Limited (MTRCL) (R58) submitted representations to the OZP, Masterplan Limited (Masterplan) was the consultant of the Hong Kong Water Sports Council (R2), and R1 was submitted by Coral Ching Limited which was a subsidiary of Swire Properties Ltd. (Swire). The following Members had declared interests on the item for being affiliating/having business dealings with the above organizations/companies or having close relative possibly owning property in Tung Chung:

Mr Raymond K.W. Lee - being a member of the Strategic Planning  
(as Director of Planning) Committee and Building Committee of  
HKHA

Ms Bernadette H.H. being a member of HKHA  
Linn  
(as Director of Lands)

Mr Martin W.C. Kwan - being a representative of the Director of  
(as Chief Engineer) Home Affairs who was a member of the

- (Works), Home Affairs  
Department)
- Strategic Planning Committee and the  
Subsidised Housing Committee of  
HKHA
- Mr H.F. Leung - being a member of the Tender Committee  
of HKHA and being a convenor of the  
Railway Objections Hearing Panel
- Dr C.H. Hau - having current business dealings with  
HKHA, being the vice-chairman of CA  
and member of the Conservation  
Advisory Committee of WWF
- Mr Stephen L.H. Liu ] having current business dealings with  
Mr Thomas O.S. Ho ] HKHA, Swire and MTRCL
- Mr Patrick H.T. Lau - having current business dealings with  
HKHA, MTRCL and past business  
dealing with Swire
- Ms Janice W.M. Lai - having current business dealings with  
HKHA and MTRCL, and her firm was a  
tenant of Swire
- Mr Ivan C.S. Fu - having current business dealings with  
MTRCL and Masterplan, and past  
business dealings with HKHA
- Mr K.K. Cheung - having current business dealing with  
MTRCL and having past business dealing  
with WWF
- Mr Franklin Yu ] having past business dealings with

Mr Dominic K.K. Lam	]	HKHA and MTRCL
Professor S.C. Wong (The Vice-chairman)	-	being a member of the Advisory Committee for Accredited Programme of MTR Academy, and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department before
Mr Alex T.H. Lai	-	his firm having current business dealings with MTRCL, but he had no involvement in the project
Dr Lawrence W.C. Poon	-	his spouse being an employee of HD but not involved in planning work
Professor T.S. Liu	-	his close relative possibly owning a property in Tung Chung

47. Members noted that Dr C.H. Hau, Mr Ivan C.S. Fu, Mr Dominic K.K. Lam, Professor S.C. Wong and Professor T.S. Liu had tendered apologies for not being able to attend the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests on the item should be allowed to stay in the meeting.

48. The Secretary briefly introduced the Paper. On 8 January 2016, the draft TCE OZP No. S/I-TCE/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 59 representations and 78 comments were received.

49. After giving consideration to the representations and comments, the Board decided on 18 November 2016 not to propose any amendment to the draft TCE OZP No. S/I-TCE/1 to meet the representations under section 6(B)8 of the Ordinance.

50. On 1 November 2016, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 8 December 2016 to 8 June 2017. Since the representation consideration process had been completed, the draft OZP was ready for submission to CE in C for approval.

51. After deliberation, the Board:

- (a) agreed that the draft Tung Chung Extension Area Outline Zoning Plan (OZP) No. S/I-TCE/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tung Chung Extension Area OZP No. S/I-TCE/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 8**

[Open Meeting]

Submission of the Draft Tung Chung Valley Outline Zoning Plan No. S/I-TCV/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10218)

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[The item was conducted in Cantonese]

52. The Secretary reported that R8, C1 and C5 submitted by Uni-Creation Investments Limited/Uni-Creation Holdings Limited and R7 submitted by Tung Chung Nim

Yuen Cultural Institution Limited were represented by Albert So Surveyors Ltd. (ASL), R10 and C17 were submitted by Masterplan Limited (Masterplan) on behalf of Forestside Limited which was a subsidiary of Wheelock Properties Limited (Wheelock), R31 was submitted by The Hong Kong Bird Watching Society (HKBWS), R32 was submitted by The Conservancy Association (CA), R33 was submitted by World Wide Fund for Nature Hong Kong (WWF) and R11 was submitted by Coral Ching Limited which was a subsidiary of Swire Properties Ltd (Swire). The following Members had declared interests on the item for being affiliating/having business dealings with the above organizations/companies or having close relative possibly owning property in Tung Chung:

- |                     |   |   |
|---------------------|---|---|
| Mr Ivan C.S. Fu     | - | having current business dealings with Wheelock and Masterplan                                   |
| Mr Patrick H.T. Lau | ] | having current business dealings with   |
| Mr Stephen L.H. Liu | ] | Wheelock and Swire  |
| Ms Janice W.M. Lai  | - | her firm was a tenant of Swire  |
| Mr K.K. Cheung      | - | having current business dealings with Wheelock and past business dealing with WWF               |
| Mr Thomas O.S. Ho   | - | having current business dealings with Wheelock, and past business dealings with ASL             |
| Mr Alex T.H. Lai    | - | involving in a legal case with Wheelock   |
| Dr C.H. Hau         | - | being the Vice-Chairman of CA, a member of the Conservation Advisory Committee of WWF and HKBWS |
| Professor T.S. Liu  | - | his close relative possibly owning a property   |

in Tung Chung

53. Members noted that Mr Ivan C.S. Fu, Dr C.H. Hau and Professor T.S. Liu had tendered apologies for not being able to attend the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests on the item should be allowed to stay in the meeting.

54. The Secretary briefly introduced the Paper. On 8 January 2016, the draft Tung Chung Valley Outline Zoning Plan (OZP) No. S/I-TCV/1 was exhibited for public inspection under section 5 of the Ordinance. A total of 38 representations and 87 comments were received.

55. After giving consideration to the representations and comments, the Board decided on 18 November 2016 not to propose any amendments to the draft OZP to meet the representations under section 6B(8) of the Ordinance.

56. On 1 November 2016, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 8 December 2016 to 8 June 2017. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval.

57. After deliberation, the Board:

(d) agreed that the draft Tung Chung Valley Outline Zoning Plan (OZP) No. S/I-TCV/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;

(e) endorsed the updated Explanatory Statement (ES) for the draft Tung Chung Valley OZP No. S/I-TCV/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (f) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 9**

[Open Meeting]

Submission of the Draft Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/21A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10219)

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[The item was conducted in Cantonese]

58. The Secretary reported that the amendment items on the draft Tung Chung Town Centre Area (TCTC) Outline Zoning Plan No. S/TCTC/21 (the draft TCTC OZP) involved zoning of sites for proposed public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item for having affiliations/business dealings with HKHA, and/or representers or representers' representative, including Swire Properties Limited (Swire), which was the mother company of Coral Ching Limited (R1), Masterplan Limited (Masterplan) representing the Hong Kong Water Sports Council (R5), The Conservancy Association (CA) (R24) and World Wide Fund for Nature Hong Kong (WWF) (R25) and/or having property interest in the area:

Mr Raymond K.W. Lee - being a member of the Strategic Planning  
(as Director of Planning) Committee and Building Committee of  
HKHA

Ms Bernadette H.H. Linn being a member of HKHA  
(as Director of Lands)

Mr Martin W.C. Kwan - being a representative of the Director of  
(as Chief Engineer (Works), Home Affairs who was a member of the

- Home Affairs Department) Strategic Planning Committee and the Subsidised Housing Committee of HKHA and having close relative owning property in Tung Chung Town Centre
- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Dr C.H. Hau - having current business dealings with HKHA, being vice-chairman of CA, and a member of the Conservation Advisory Committee of WWF
- Mr Stephen L.H. Liu ] having current business dealings with  
Mr Thomas O.S. Ho ] HKHA and Swire
- Ms Janice W.M. Lai - having current business dealings with HKHA and her firm was a tenant of Swire
- Mr Patrick H.T. Lau - having current business dealings with HKHA and past business dealing with Swire
- Mr Ivan C.S. Fu - having current business dealings with Masterplan and past business dealing with HKHA
- Mr Franklin Yu ] having past business dealings with  
Mr Dominic K.K. Lam ] HKHA
- Mr K.K. Cheung - having past business dealings with WWF

- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work
- Professor T.S. Liu - his close relative possibly owning a property in Tung Chung

59. Members noted that Dr C.H. Hau, Mr Ivan C.S. Fu, Mr Dominic K.K. Lam and Professor T.S. Liu had tendered apologies for not being able to attend the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests on the item should be allowed to stay in the meeting.

60. The Secretary briefly introduced the Paper. On 8 January 2016, the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 28 representations and 81 comments were received.

61. After giving consideration to the representations and comments, the Board decided on 18 November 2016 not to propose any amendment to the draft OZP to meet the representations under section 6(B)8 of the Ordinance.

62. On 1 November 2016, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 8 December 2016 to 8 June 2017. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval.

63. After deliberation, the Board:

- (g) agreed that the draft Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/21A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (h) endorsed the updated Explanatory Statement (ES) for the draft Tung Chung

Town Centre Area OZP No. S/I-TCTC/21A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (i) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 9A**

[Open Meeting]

Submission of the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/30A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10220)

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[The item was conducted in Cantonese]

64. The Secretary reported that as one of the representations was submitted by the South Horizons Estate Owners' Committee (R605), the following Member had declared an interest on the item:

Dr Wilton W.T. Fok - owning a property in South Horizons

65. As the item was procedural in nature, Members agreed that Dr Wilton W.T. Fok should be allowed to stay in the meeting.

66. The Secretary briefly introduced the Paper. On 24.12.2015, the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/30 was exhibited for public inspection under section 5 of the Ordinance. A total of 607 representations and 16 comments were received.

67. After giving consideration to the representations and comments on 27.9.2016 and 18.11.2016, the Town Planning Board (the Board) decided not to propose any amendment to

the OZP.

68. On 1.11.2016, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for six months from 24.11.2016 to 24.5.2017. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval.

69. After deliberation, the Board:

- (j) agreed that the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/30A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (k) endorsed the updated Explanatory Statement (ES) for the draft Aberdeen & Ap Lei Chau OZP No. S/H15/30A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (l) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

[The meeting was adjourned for a short break of 10 minutes.]

**General**

**Agenda Item 6**

[Open Meeting]

Pilot Study on Underground Space Development in the Selected Strategic Urban Areas -  
Stage One Public Engagement

(TPB Paper No. 10216)

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[The item was conducted in Cantonese.]

70. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) and the University of Hong Kong (HKU) were the consultants of the Pilot Study on Underground Space Development in the Selected Strategic Urban Areas (the Study). The following Members had declared interests on the item:

- |                     |  |
|---------------------|--|
| Mr Ivan C.S. Fu     | ] having current business dealings with AECOM  |
| Ms Janice W.M. Lai  | ]  |
| Dr C.H. Hau         | - having current business dealings with AECOM<br>and wife being leader of the public engagement<br>of the Study representing HKU |
| Mr Patrick H.T. Lau | - having current business dealings with AECOM  |
| Mr Thomas O.S. Ho   | - having past business dealings with AECOM   |
| Mr Dominic K.K. Lam | - having past business dealings with AECOM   |
| Mr Franklin Yu      | - having past business dealings with AECOM   |
| Professor S.C. Wong | - being the Chair Professor and Head of<br>Department of Civil Engineering of the<br>University of Hong Kong where AECOM had     |

business dealings with some colleagues and had sponsored some activities of the Department

Mr K.K. Cheung - co-owning with spouse a flat at Leighton Hill

71. Members noted that Mr Ivan C.S. Fu, Dr C.H. Hau, Mr Dominic K.K. Lam and Professor S.C. Wong had tendered apologies for not being able to attend the meeting. As the item was a briefing to Members as part of the Public Engagement (PE) exercise, Members agreed that the other Members who had declared interests on the item should be allowed to stay in the meeting and participate in the discussion.

72. The following government representatives and consultants of the Study were invited to the meeting:

Planning Department (PlanD)

Ms April K.Y. Kun - Chief Town Planner/ Studies and Research (CTP/SR)

Mr Mann M.H. Chow - Senior Town Planner/ Studies and Research (STP/SR)

Civil Engineering and Development Department (CEDD)

Mr W.K. Pun - Deputy Head of Geotechnical Engineering Office (Planning & Standards) (DH(P&S))

Mr Tony Y.K. Ho - Chief Geotechnical Engineer/Planning (CGE/P)

Mr Jeffrey C.F. Wong - Senior Geotechnical Engineer/Underground Space Development (SGE/USD)

AECOM

Mr Fred Ng - Senior Project Manager

Dr Johnny Cheuk - Deputy Project Manager

Dr Eunice Mak - Planning Team Leader

Ms Ebby Leung - Project Planner

HKU

Ms Joyce Chow - Project Manager

Ms Carol Lee - Senior Project Officer

73. The Chairman extended a welcome and invited the study team to brief Members on the Paper.

74. Ms April K.Y. Kun, CTP/SR, PlanD said that the Study was commissioned by PlanD and CEDD in June 2015 to explore the potential for underground space development in the four Strategic Urban Areas (SUAs), namely Tsim Sha Tsui West, Causeway Bay, Happy Valley and Admiralty/Wan Chai SUAs. The Study aimed to evaluate the overall merits and identify key issues of underground space development in those areas, formulate Underground Master Plans covering a wider area and draw up suitable underground space development proposals for possible future development. Stage 1 PE of the Study had been launched.

75. With the aid of a PowerPoint presentation, Dr Eunice Mak briefed Members on the study objectives, visions and opportunities of underground space development, local and overseas experience, the planning and development concepts for the SUAs, the key considerations for underground space development and the study process as detailed in the Paper and the Stage 1 PE Digest. The following main points were highlighted:

### Study Objectives

- (a) the Study was to evaluate the overall merits and identify key issues of underground space development in the four SUAs, to formulate Underground Master Plans covering a wider area and draw up suitable underground space development proposals;

### Visions and opportunities

- (b) the Study aimed to create a coherent, connected, high quality and vibrant network of underground space with a view to improving pedestrian connectivity, creating space in prime urban core locations, enhancing the living environment and improving local traffic conditions to promote social development in the four SUAs with densely developed urban environment;

### Issues in SUAs and proposed underground space uses

- (c) the key issues found in the SUAs were congested pedestrian and traffic environment, inadequate space for community facilities to serve an increasing population and insufficient pedestrian connections between areas such as Causeway Bay and Happy Valley, Wan Chai hinterland and Wan Chai North and Nathan Road and Canton Road in Tsim Sha Tsui West;
- (d) the potential underground space would provide opportunities to provide underground pedestrian connections and to accommodate commercial, cultural, and community facilities, and car parks;
- (e) in developing underground space, measures would be taken to minimise disturbance to existing facilities, such as the soccer pitches in the Victoria Park and Southorn Playground. Mature trees would also be preserved as far as possible;

### Constraints

- (f) the key issues to be addressed in the next stage of the Study included geotechnical, structural, and infrastructural constraints, interface with existing underground uses including basements, MTR stations and tunnels, fire safety and financial viability including construction, operation and maintenance costs and revenue, land ownership and town planning issues, implementation arrangement, impact on aboveground facilities/activities, and traffic and social impacts during construction stage;

#### Stage 1 PE

- (g) the PE1 was launched on 7 November 2016 for three months. Briefings, focus group meetings, public planning workshops and roving exhibitions were on-going or would be carried out. A webpage had also been established for the promulgation of engagement materials and collection of public comments. So far more than 300 questionnaires had been collected; and
- (h) taking into account the public comments received, conceptual underground space development schemes and Preliminary Underground Master Plans would be formulated.

76. The Chairman then invited questions and comments from Members.

77. Members raised the following questions and comments:

#### Scope of the Study

- (a) the objectives to improve pedestrian connectivity and create more space through underground space development were supported;
- (b) developing underground spaces in the new development areas (NDA) might also be considered as it might be more cost-effective to integrate underground development space in the design of the newly developed area;

Use, design and floor area

- (c) underground spaces were suitable for community uses, such as clinics, libraries, community centres, study rooms, museums and shops;
- (d) the Study might make reference to the overseas experience of making use of open courtyard concept to allow penetration of natural sunlight into the underground space;
- (e) unlike the underground space in Tokyo, Copenhagen, etc., which were well-used for shops or community facilities, the existing pedestrian walkway connecting Tsim Sha Tsui to Tsim Sha Tsui East, equipping with advertisement signboards and travelators, did not offer a pleasant walking environment;
- (f) a rough estimation of floor areas for commercial and community facilities to be accommodated in the underground space should be provided for reference;

Management

- (g) some subways in Hong Kong, such as the one in Happy Valley, were not well-managed and were often occupied by street-sleepers. Proper management of the underground spaces should be examined in the Study; and

Construction

- (h) use of prefabricated parts might be considered to enable a shorter construction period thereby reducing the impacts at construction stage.

78. In response to Members' questions and comments, Mr W.K. Pun, DH(P&S), CEDD, said that another territory-wide study on underground space development was near completion. Its findings would provide further reference on this topic. He shared the

views that management of the underground space was very important and NDAs would offer opportunities for underground development and said that suitable guidelines would be prepared.

79. Mr Tony Y.K. Ho, CGE/P, CEDD supplemented that the Study aimed at promoting pedestrian connectivity and increasing usable space. If underground space was used for retail and community facilities without addressing the pedestrian flow issue in the congested urban area, the new facilities would simply draw more pedestrians to the area and aggravate the existing problems. Hence, the issues of pedestrian connectivity and accessibility would need to be addressed for providing additional space for community/commercial facilities to promote vibrancy in the SUAs. The call for various uses of underground space including community and commercial facilities, which had also been reflected in the consultation sessions with various district councils, was fully noted. The Study would further examine the compatibility of such uses in underground space. Besides, drawing from overseas experience, certain people-oriented underground space design, such as the use of skylight and allowing penetration of natural light, would be considered to enhance pedestrians' walking environment. To promote vibrancy, suitable elements (e.g. retail, cultural facilities, etc.) might be provided in underground spaces where appropriate. The future underground spaces would be designed both for leisure walking and fast connection between major destinations such as public transportation nodes and workplaces.

80. Members raised the following further questions and comments:

Scope of the Study

- (a) there were many successful overseas examples, say in Japan and Taiwan, which integrated underground passages with commercial uses. However, there were also unsuccessful examples in Mainland China where air raid tunnels were turned into underground shopping streets. In studying overseas experience, both the successful and unsuccessful ones should be considered;
- (b) other than the four SUAs, two other equally congested areas, namely Central

and Mongkok, were also potential areas for underground space development. Similarly, the area between Hopewell Centre and Spring Garden Lane in Wan Chai was very congested. Consideration might be given to extending the study area to cover Johnston Road to Queen's Road East;

- (c) as two of the four SUAs, namely Admiralty/Wan Chai and Causeway Bay/Happy Valley were very close to one another, consideration might be given to linking up the two areas for better connectivity;
- (d) taking a drastic step further, pedestrian connection across the Victoria Harbour linking up the four SUAs might be explored;

#### Interface with other studies/proposals

- (e) whether there was interface between this Study and the study on "Long-term Strategy for Cavern Development - Cavern Master Plan" being undertaken by CEDD;
- (f) noting that it had been discussed back in 2008 in Wan Chai District Council (WCDC) to provide a pedestrian link between Causeway Bay and Happy Valley, whether the Study would have any interface with the proposal;

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

#### Public engagement (PE)

- (g) as the underground space development might take decades to complete, it was desirable to involve the younger generations, who would be the actual future users of the underground space, in the PE exercise. The study team should take into account the expectations of youngsters in their recommendations;

#### Use and design

- (h) there were a lot of historical and cultural relics in the SUAs. Opportunities should be taken to accommodating those historical and cultural elements in the underground space to make it more attractive;
- (i) as there were insufficient venues for performance, the feasibility of accommodating performance venues underground in the study areas could be considered;
- (j) apart from relocating the Luard Road Refuse Collection Point underground, the feasibility of accommodating other recycling facilities in underground space could be considered;
- (k) in Europe, underground space had been used for cycle-parking and recycling facilities. The underground space under study would take years to be realized, use of the underground space should adequately take into account the possible change of life style of the future generations;
- (l) the underground pedestrian passage between Tsim Sha Tsui to Tsim Sha Tsui East was a good example to illustrate the provision of an all-weather, efficient and effective pedestrian passageway;
- (m) underground car parking facilities, in particular the automated parking system, was considered appropriate as it was less demanding in terms of provision of lighting and air conditioning;
- (n) underground space developments could be seen as an opportunity to provide additional space for commercial and community uses and relieve the existing congestion problems, such as those in the area between the Sogo department store and Times Square in Causeway Bay; and
- (o) in providing underground space, beside functional consideration to enhance pedestrian connectivity, good underground space design, such as that found in Les Halles, Paris, providing users with a very pleasant experience was also important. The open-courtyard concept and sunken plaza design,

which enhanced air flow and sunlight penetration, as illustrated by the diagram on pages 6 to 7 of the Stage 1 PE Digest, should be further explored;

#### Possible impacts

- (p) while provision of underground space would enhance connectivity between Causeway Bay and Tin Hau and between Causeway Bay and Happy Valley, it might attract more people to reside in those areas thus creating pressure on the community facilities and aggravating the existing traffic problems. Whether the proposal was sustainable in the areas should be further studied;
- (q) enhancing connectivity would increase pedestrian flow. Proper management measures and adequate aboveground supporting transportation facilities should be provided to cope with the increase in pedestrian flow;
- (r) as the proposal might take decades to complete, interim traffic and management measures should be devised during the construction stage;

#### Cost and financial viability

- (s) financial viability was an area that needed to be assessed critically. Making reference to the basement development in West Kowloon Cultural District, construction of underground development could be very expensive. The study team should estimate at an early stage the construction cost and assess its financial viability before taking forward any underground space development schemes;
- (t) the study team should also assess the carbon footprint arising from the construction of the underground space and analyse the economic and environmental benefits/cost arising from the proposed underground space development;
- (u) institutional matters such as land ownership and resumption matter should

be addressed if private land was involved. Further, underground space development underneath any private development might affect their current and redevelopment value. This should be duly taken into account in determining the locations of the underground space developments;

[Mr Stephen H.B. Yau left the meeting at this point.]

#### Planning and implementation

- (v) whether statutory plans had to be prepared/amended for the proposed uses in underground space; and
- (w) noting that the construction of the underground connection near the Kowloon Peninsula Hotel and New World Centre had encountered certain difficulties, whether reference could be drawn from the lesson learned from that case for future planning and implementation of underground space developments.

81. In response to the question on the need to prepare/amend OZPs for underground space developments, the Secretary said that some OZPs had already incorporated control on underground space, such as that for underground refuse transfer station in the draft Kennedy Town & Mount Davis OZP. Depending on the nature of the proposed underground space development, relevant OZPs and their Notes could be suitably amended to reflect the planning intention.

82. In response to Members' question and comments, Mr W.K. Pun, DH(P&S), CEDD, Ms April K.Y. Kun, CTP/SR, PlanD, Mr Tony Y.K. Ho, CGE/P, CEDD and Mr Fred Ng, SPM, AECOM made the following points:

#### Scope of the Study

- (a) the key objectives of the territory-wide study on underground space development was to explore the potential of developing underground space in the urban centres and new towns of Hong Kong. One of the

observations was that not all developed areas were suitable for underground space development because of the site settings. Taking Central and Mong Kok as examples, there were already well-developed pedestrian footbridge systems in the areas;

- (b) an Underground Master Plan for a wider area covering the four SUAs would be explored in the next stage of the Study. One of the objectives was to work out an optimal and integrated mode of aboveground and underground pedestrian walkway system;

#### Interface with other studies/proposals

- (c) the need of enhanced underground passage connecting Victoria Park to Wong Nai Chung Road had been established as revealed by Highways Department (HyD)'s study of pedestrian subway system connecting Victoria Park to Wong Nai Chung Road as discussed in the relevant District Council. The Study would not override this proposal but would make suitable refinements from a broader district perspective to further improve the connectivity of the proposed system;
- (d) the mode of cavern development was generally in horizontal manner into hillside in the urban fringe whilst underground space development was in broad terms vertical basement-type development in the urban areas. Both cavern and underground developments were considered as a viable source of long-term land supply;

#### PE

- (e) the Study had considered various measures to engage different age groups, such as establishing a 'PhotoVoice' which is an on-line photo sharing platform targeted particularly for the younger generation to collect their views and expectations on underground space development in Hong Kong;

#### Use and design

- (f) in comparison with individual projects, the Study, covering a large area, could be relatively easy to identify suitable sites for underground space development;
- (g) the success of underground space design hinged on the ability to minimize the sense of enclosure to the users. Factors such as effectiveness of natural light penetration, amount of usable space available and connectivity with public transport facilities would be duly considered in formulating conceptual schemes in the next stage of the Study;
- (h) as regards the type of facilities that could be accommodated in the underground space, the public was being consulted during the Stage 1 PE and the study team would consolidate the views received;
- (i) learning from the experiences, it was desirable to have a forward and holistic planning for those surface and underground space developments in an integrated manner. Suitable guidelines would be explored separately;

#### Construction, cost and impacts

- (j) one of the objectives of developing underground space was to provide alternative pedestrian connectivity to divert pedestrian flows and create space for various uses to address community needs. Taking Causeway Bay as an example, if underground space could create interesting activity nodes, it would help divert some existing activities/uses from the core area of Causeway Bay. Underground space could also provide opportunity for additional car parks to address the shortfall in the area;
- (k) various technical assessments including the cost of construction, design, impacts on traffic, environmental impact, landownership, management and planning requirements of suitable conceptual schemes in the four SUAs would be studied in the next stage. Public views on the conceptual schemes and preliminary Underground Master Plans would be consulted in

the Stage 2 PE; and

- (1) for the construction of the underground connection near the Kowloon Peninsula Hotel and New World Centre, the major hurdles encountered included the alignment of the West Rail Line running below Salisbury Road.

83. The Chairman concluded the discussion and asked the study team to take into account the comments/views of the Members in further developing the concept/proposals. He thanked the study team for attending the meeting to brief Members on the Study and answer/respond to Members' questions and comments. They left the meeting at this point.

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

[Ms Janice W.M. Lai, Ms Christina M. Lee and Mr Thomas O.S. Ho left the meeting during the break.]

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

**Agenda Item 4**

[Open Meeting]

Review of Application No. A/YL-KTS/696

Proposed Temporary Religious Institution (Wah Kong Temple) for a Period of 3 Years in “Agriculture” Zone, Lots No. 810 S.A & S.B & 810 RP (Part) in D.D.103, Sze Pai Shek,

Kam Tin, Yuen Long

(TPB Paper No. 10214)

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[The item was conducted in Cantonese]

84. The Secretary reported that the following Member had declared an interest on the item:

Ms Janice W.M. Lai - family member owning a house at Cheung Po Tsuen, Kam Tin South

85. Members noted that Ms Janice W.M. Lai had already left the meeting.

**Presentation and Question Sessions**

86. The following representative of the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting:

Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD

Mr Wun Tsz Kong Joe ] Applicant’s representatives

Ms Tang Ying Kwan ]

(R-riches Property Investment

Consultants Limited)

87. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited Ms Maggie M.Y. Chin, DPO/ FS&YLE, PlanD to brief Members on the review application.

88. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, and planning consideration and assessments as detailed in the Paper.

89. The Chairman then invited the applicant's representatives to elaborate on the review application. Ms Tang Ying Kwan and Mr Wun Tsz Kong Joe made the following main points:

Nature of the application and the applicant

- (a) the application was for the construction of a temporary temple for the villagers of the Tang Clan to give thanks to their god, Wah Kong, the God of Fire. The temple would be single-storey structures and constructed using timber;
- (b) the applicant, Wah Kong Temple (Hong Kong) Association Company Limited (the Company) was a company limited by guarantee. The setting up of the Company was to submit the current planning application and to manage the proposed temple. The Company was non profit-making and the temple would be self-financed. Should any profit be made, the profit would be used in the charity of the local community;

Compatibility with the surrounding areas

- (c) there were agricultural land, hobby farms, graves and vacant land adjacent to the application site (the site) and, Sze Pai Shek, a residential settlement,

was further away from the site with about 25 households;

- (d) the site was considered a suitable location for temple use as it was close to graves and was away from residential dwellings. It had obtained support from Kam Tin Rural Committee (KTRC) after rounds of discussion;
- (e) as a Chinese culture, Gods, including ‘earth god’ and ‘community god’, were commonly worshipped in agricultural communities. The place of worship was usually located close to agricultural activities. The proposed temple which was only a little larger than the small shrines for ‘earth god’ was not incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed development was in general not incompatible with the existing landscape setting;

Planning intention of the “Agriculture” (“AGR”) zone

- (f) from land use planning point of view, ‘Religious Institution’ was a use that might be permitted by the Board in the “AGR” zone. If temple use was not allowed in the remote rural area, it would be very difficult to find suitable sites elsewhere;
- (g) the view of Agriculture, Fisheries and Conservation Department (AFCD) not supporting the application in the “AGR” zone from agricultural point of view was acknowledged. Unlike the previous application, the applicant had provided detailed information with respect to the management and design of the proposed temple. Trees would be preserved and landscape proposal had been submitted to improve amenity of the area;
- (h) the proposed development would not have adverse impacts on the hobby farms in the area. Due to remoteness, the hobby farms close to the site were seldom visited by visitors. A hobby farm operator had tendered his

support to the application with a view that the proposed temple would generate more pedestrian flow to the area;

- (i) the applicant committed to comply with the requirements of the Environmental Protection Department and AFCD should the application be approved;

Setting undesirable precedent

- (j) the site was donated by a villager. It was close to graves of the ancestors of the villagers, in a remote area away from residential developments and was close to public transport. The proposed temple had gained KTRC's support. The conditions of the application were unique and would not set a precedent. It was unreasonable to reject the current application simply because the previous application on the site was rejected by the Board;
- (k) should the application be approved, the proposed development would be subject to approval conditions imposed by the Board. Unlike the previous application where 22% of the site was paved and involved concrete structures, the proposed temple only consisted of simple structures for a temporary period of three years. Fung Shui of the area would not be affected. The temple would not be used as a columbarium or for keeping of human remains;
- (l) the proposed temple was to meet the religious needs of the villagers. Their religion, although might be different from the mainstream, should be respected. One of the objectives of the Board was to cater for the well-being of the community and the proposed temple was what the Kam Tin villagers wanted to have in their community; and
- (m) there were no other sites more suitable than the application site for temple use. Members were invited to give favourable consideration to the application.

90. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

91. Members raised the following questions:

Nature of the Religion

- (a) the origin of the worship of Wah Kong; whether it stemmed from Buddhism or Taoism, and what the form of worship was at present;
- (b) why the Tang Clan wanted to build a temple for Wah Kong in Kam Tin;
- (c) it was noted that some twenty Kam Tin villagers supported the application, what other religions Kam Tin villagers had;

Information about the applicant

- (d) the nature and shareholders of the Company;
- (e) whether the Company had any intention to register under section 88 of the Inland Revenue Ordinance (IRO) as a charitable organization and to register the temple under the Chinese Temples Ordinance (CTO);
- (f) whether the current applicant was the applicant of the previous application;
- (g) whether the applicant had approached the Chinese Temples Committee (CTC) for advice on setting up a temple;
- (h) the financial source of building the proposed temple;

The proposed temple

- (i) whether the statue of Wah Kong would be placed inside the temple and why

two structures were required for the temple;

- (j) whether the temple would be dismantled upon expiry of the three-year temporary approval should the application be approved;
- (k) whether large scale ritual performance or other activities would be carried out when the temple was built and the frequency of such activities; and
- (l) why the site was chosen, whether it was on religious or Fung-shui ground.

[Mr Sunny L.K. Ho, Mr Andy S. H. Lam and Mr H.F. Leung left the meeting at this point.]

92. In response to Members' questions, Ms Tang Ying Kwan and Mr Wun Tsz Kong Joe made the following points:

Background of the religion

- (a) The worship of Wah Kong was classified as Buddhism or Taoism in different periods of time. Chinese folk religion believers would worship gods, like Wong Tai Sin, no matter what religions they were;
- (b) since temporary performance stage built with bamboo for Chinese opera performance was subject to the threat of fire, Wah Kong, being God of Fire, was widely worshipped by artists of Chinese opera in early years. During the Hungry Ghost Festival, Chinese opera was performed, Wah Kong was worshipped and rice was distributed to the needy in the past;
- (c) Kam Tin villagers had to worship Wah Kong at their homes as the only Wah Kong temple in the territory was located in Tai O which was far away from Kam Tin. In order to give thanks to Wah Kong and to perform certain religious rituals, Kam Tin villagers wanted to have a temporary Wah Kong temple in Kam Tin;
- (d) some twenty Kam Tin villagers who supported the application were

villagers of Sze Pai Shek. They had previously raised objection to the application. After the applicant's clarification that there was no intention to turn the proposed temple into a columbarium, they supported the application;

- (e) for the other Kam Tin villagers, they might be believers of various religions. For those religions that did not have a temple in Kam Tin, the respective believers worshipped their gods at home;

Information about the applicant

- (f) the Company set up in 2014 was a company limited by guarantee. The shareholders consisted of the applicant and the villager who donated the site for temple use as a token of thanks to Wah Kong for healing his backbone. The Company was set up to submit the current planning application and to operate the proposed temple;
- (g) the Company was non profit-making but the proposed temple had not been registered under CTO as it had not yet been in operation. The Company was also not a charitable organization registered under section 88 of the IRO. Should the application be approved and the temple in operation, the Company would then be in a better position to be registered under the said ordinances and approach CTC for details if the Company decided to run a temple for a longer term;
- (h) the applicant was not the applicant of the previous application. The previous application was rejected by the Board for lacking of information on the design and operation of the development and failing to demonstrate that the development would not generate adverse impacts on the surrounding areas;
- (i) the applicant had not approached CTC for advice on the application;
- (j) as the proposed temple had not been registered under CTC and the

Company was not a charitable organization registered under section 88 of IRO, it was not eligible for a concessionary premium rate. The temple would be self-financed by raising fund from the community and believers. Since most of the staff would be volunteers and only temporary structures would be built, the construction and operation costs of the proposed temple were not anticipated to be high;

The proposed temple

- (k) for fung-shui reason and to comply with the fire-safety requirements, the temple would be consisted of two structures of 900 square feet each. One was for Wah Kong with a statue of the god of about two to three feet in height and the other for 'Earth Store Bodhisattva';
- (l) besides the two temple structures, there would also be a toilet for the development;
- (m) the proposed temple was for a temporary period of three years. Should the temple need to be dismantled upon expiry of the approval period, the applicant might seek rental property for continuation of the temple use;
- (n) apart from the thanksgiving rituals, there would be no other rituals to be performed in the proposed temple. Large-scale Taoist ritual (Da Jiu) was carried out in Kam Tin once every ten years. The last Taoist ritual was performed in 2015; and
- (o) the site, donated by a villager, was located in front of graves of ancestors with no residential use in the vicinity. It was suitable for temple use. Besides, no objection was received from the Tang Clan;

93. On the point regarding previous applications, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD said that there had been three planning applications submitted within the same "AGR" zone, two applications for barbeque site were rejected whilst one for hobby farm was approved. 212 commenters wrote to object to the application during the statutory

period for making comments. In addition, three commenters wrote to support the application after the statutory period for making comments had expired and one of them submitted a supportive letter with 21 signatures.

94. As Members had no further questions, the Chairman said that the hearing procedures for the review application was completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation

95. In response to the Chairman's invitation, some Members made the following points:

- (a) although the applicant had provided more information with respect to the folk religion, including the activities to be undertaken and the mode of worship, there was still no strong justification for a departure from the planning intention of the "AGR" zone;
- (b) it did not appear that there was a great demand from the villagers for the proposed temple. For those who believed Wah Kong, they could continue to worship the God at their homes;
- (c) the proposed temple was not a registered temple under CTO nor the applicant a charitable organization under section 88 of IRO. There was no policy support for the proposed development; and
- (d) the site was not the only choice for the proposed temple. The applicant could still find other suitable sites/premises for the proposed use. There was insufficient information to demonstrate that the proposed use would be terminated upon expiry of the 3-year period should the application for temporary use be approved.

96. For Members' information, Ms Bernadette H.H. Linn, Director of Lands, clarified that the concept of concessionary premium would generally speaking only be relevant when someone was applying for the grant of government land to run a temple. As the site was on private lot, should the Board approve the application, a waiver would be required from the Lands Department for the proposed temple structures on agricultural land. Although the applicant claimed that the proposed use was to meet the religious need of the community by providing a place for them to give thanks to Wah Kong, since the applicant had not applied for registration under section 88 of IRO, their intention of running the temple as a non profit-making organization remained uncertain at this juncture.

97. Members considered that no significant new information had been provided by the applicant to justify the application and there had been no changes to the planning circumstances since the application was rejected by RNTPC on 24.6.2016.

98. After deliberation, the Board decided to reject the application on review on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 10**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

99.           There being no other business, the meeting was closed at 1:10 p.m.