

**Minutes of 860th Meeting of the
Town Planning Board held on 9.6.2006**

Present

Permanent Secretary for Housing, Planning and Lands (Planning and Lands) Chairperson
Mrs. Rita Lau

Mr. Michael K.C. Lai

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Director (2), Home Affairs Department
Ms. Linda Law

Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter Ronald Hills

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Senior Town Planner/Town Planning Board
Mr. C.M. Li

1. The Chairperson extended a welcome to Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 859th Meeting held on 26.5.2006

2. The minutes of the 859th meeting held on 26.5.2006 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

- (i) Abandonment of Town Planning Appeal No. 5 of 2006
Proposed Residential Development in “Open Space” Zone,
2-8 (even numbers) Ui On Lane, Sai Ying Pun
(Application No. A/H3/364)

3. The Secretary said that the captioned appeal was received by the Town Planning Appeal Board on 20.3.2006. It was against the decision of the Board in relation to an application for residential development at 2-8 (even numbers) Ui On Lane, Sai Ying Pun which was zoned “Open Space” on the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/21. The review application was rejected by the Board on 20.1.2006 on the grounds that the proposed development was not in line with the planning intention of the application site and would result in a more congested residential environment. The appellant withdrew the appeal on 30.5.2006.

(ii) Appeal Statistics

4. The Secretary said that as at 9.6.2006, 28 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	114
Yet to be Heard	:	28
Decision Outstanding	:	3

Total		244
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[Mr. Erwin A. Hardy and Mr. Y.K. Cheng arrived to attend the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Arrangements for Releasing the Town Planning Board's Decisions
on Development Scheme Plans

(TPB Paper No. 7603)

[The meeting was conducted in Cantonese.]

5. The Secretary said that the following Members had declared interests in the item:

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|--|---|--|
| Mr. Bosco C.K. Fung
(as Director of Planning) | - | being a non-executive director of the Urban
Renewal Authority (URA) |
| Mr. Patrick L.C. Lau
(as Director of Lands) | - | ditto |

- | | |
|--|--|
| Ms. Linda Law
(as Assistant Director (2) of the
Home Affairs Department) | - being a co-opt member of the Planning,
Development and Conservation Committee of the
URA |
| Dr. Greg C.Y. Wong | - having current business dealings with the URA |
| Mr. Michael K.C. Lai | - being an ex-member of the URA |

6. Members noted that Mr. Patrick L.C. Lau and Mr. Michael K.C. Lai had not arrived to attend the meeting, whilst Dr. Greg C.Y. Wong had tendered his apologies for being unable to attend the meeting.

[Mr. Bosco C.K. Fung and Ms. Linda Law left the meeting temporarily at this point.]

7. The following representatives from the Planning Department (PlanD) and URA were invited to the meeting at this point:

- | | |
|---------------------|---|
| Mr. Anthony Kwan | Assistant Director of Planning/Metro, PlanD |
| Ms. Kitty Lam | Senior Town Planner/Urban Renewal, PlanD |
| Mr. Joseph Lee | Director/District Development, URA |
| Mr. Hiroshi Ikegaya | General Manager, URA |

8. The Chairperson extended a welcome and invited the representatives of the PlanD to present the Paper.

9. With the aid of Powerpoint slides, Mr. Anthony Kwan and Ms. Kitty Lam made the following main points:

- (a) on 12.5.2006, Members were briefed on the work of and challenges faced by the URA in undertaking and facilitating urban renewal in Hong Kong;
- (b) the purpose of the Paper was to seek Members' agreement to the proposed arrangements for releasing the Board's decisions on Development Scheme Plans (DSPs). The proposed arrangements were necessary to balance the needs for maintaining a high degree of transparency of the Board's decision-making process and protecting the public interest;

- (c) the statutory procedures for preparing and considering DSPs and the current practice on release of the Board's decisions on the plans were detailed in paragraph 2 of the Paper;

Need for confidentiality of the Board's decision on URA's DSP

- (d) there could be situations where the Board considered it necessary to amend the DSP boundaries, either at the DSP submission stage under the URA Ordinance (URAO) and/or representation consideration stage under the Town Planning Ordinance (TPO). Prior to the publication of the DSP boundaries under s.5 or s.6(C)1 of the TPO for public inspection, it was essential to keep the Board's decision confidential. Otherwise, there would be a time gap between the Board's decisions becoming public knowledge and the time required by the URA to publish the amended DSP boundaries and conduct the necessary freezing survey in cases where the boundaries were expanded. An opportunity would thus be created for 'impostors' and 'speculators' to move into the properties which had been included into the revised DSP boundaries during the interim period prior to the freezing survey to claim compensation and/or rehousing to which they should not be entitled. This would add to the cost of implementation of the project and be against the public interest;
- (e) the URA would require about three to four weeks to re-assess the physical, social and financial implications of the amended DSP boundaries and to seek the approvals of the URA Board and the Financial Secretary (where necessary) to proceed on the basis of the amended boundaries; prepare and arrange for the publication of gazette notice; and organize and conduct a freezing survey, undertake ownership searches and notify all registered owners of the additional land/premises, and arrange briefings for affected residents;

[Dr. Daniel B.M. To arrived to attend the meeting at this point.]

Proposed arrangements for releasing the Board's decisions

- (f) to stop ‘impostors’ and ‘speculators’ from moving into the concerned properties, the Board’s decisions would be kept confidential for three to four weeks after the concerned meetings (irrespective of whether there were amendments to the DSP). During the interim period, the Secretariat would not release the Board’s decisions in any form. The decisions would be released when the DSPs were published under s.5 or s.6C(1) of the TPO; and

- (g) subject to the approval by the Board, the proposed new arrangements would be incorporated into paragraphs 7.4 and 8.1 to 8.4 of the revised Board’s Guidelines No. 29A on Submission and Publication of Representations, Comments on Representations and Further Representations under the TPO for promulgation to the public.

10. In reply to a Member’s question on whether there would be any mechanism to inform Members of the expiry date of the confidentiality period, Mr. Anthony Kwan said that depending on the complexity of individual cases, the URA would require three to four weeks’ time to complete the necessary procedures prior to gazettal of the amended DSP boundaries. The Secretariat of the Board could make the necessary arrangement to inform Members of the expiration of the confidentiality period. The Chairperson added that the Board’s decisions on DSPs would be made public when the concerned DSP and its amendments (if any) were gazetted under the TPO, usually on Fridays. The Secretariat would arrange to inform Members of the expiry date of the confidentiality period nearer the time when the DSP and its amendments were gazetted.

[Dr. James C.W. Lau, Professor Bernard V.W.F. Lim, Ms. Sylvia S.F. Yau, Mr. Felix W. Fong and Mr. Nelson W.Y. Chan arrived to attend the meeting at this point.]

11. Members generally agreed that it was necessary to keep the Board’s decisions on DSPs confidential for some time in order to protect the public interest. A Member said that as the presentation and question session of the Board’s meeting was open to the public, it was possible that Members’ views on the DSP boundaries might be reflected in their comments raised at the meeting. This Member asked whether it was necessary to consider DSPs and the subsequent representations/comments/further representations in private. Should the

current arrangements for open meetings be followed, Members should avoid giving comments on the boundaries of the DSP when the meeting was open to the public. In response, the Chairperson said that pursuant to s.2C of the TPO, the Board should consider representations/comments/further representations in open meetings. As pointed out by the PlanD's representatives at the meeting, the proposed arrangements were necessary to balance the needs for maintaining a high degree of transparency of the Board's decision-making process and protecting the public interest. She went on to say that the Board's procedure and practice on conduct of meetings should be followed. Members were reminded to exercise due care when asking questions in the open session of hearing so as to avoid inadvertent divulgence of their views on the DSP boundaries to the public.

12. Another Member said that some members of the public were able to know the details of the development schemes well before their publication in the gazette under the URAO and TPO. It was a heavy responsibility for Members to keep the Board's decisions confidential during the interim period between the concerned meetings and the gazettal of the DSP and its subsequent amendments. In reply to this Member's question on when the URA would consult District Councils (DCs) on the development schemes, Mr. Joseph Lee said that it was the URA's practice to consult the relevant DCs at the early stage of project implementation. It was very difficult to keep the URA projects confidential after the matter had been discussed by DCs. Also, some DCs might discuss the URA projects in open meetings without informing the URA beforehand.

13. The Chairperson said that the issue of confidentiality should be handled properly. She asked whether DCs had any rules and regulations to keep DSPs confidential before they were gazetted for public inspection. In response, some Members made the following main points:

- (a) in the late 1980s, an URA redevelopment project was discussed in open meetings of the Tsuen Wan DC. There was neither statutory provision nor administrative guidelines to keep the matter confidential. As a result, there was intense property speculation and some people had moved into the properties within the development scheme area before the freezing survey;
- (b) the Sha Tin DC had never discussed any item under confidential cover. It would be very difficult to ask DC members to keep the discussions and

decisions confidential; and

- (c) some Government departments had requested the Kwun Tong DC to discuss confidential items in closed meeting. If necessary, the URA might follow suit to avoid premature release of information on the redevelopment schemes.

14. The Chairperson said that the Board had a duty to protect the public interest by keeping its decisions on DSPs confidential before the plans were gazetted for public inspection. Members were reminded to strictly abide by the confidentiality rule. It was necessary to withhold the Board's decision for three to four weeks so that the URA could carry out the necessary preparation work before the DSPs and subsequent amendments were gazetted. The proposed arrangements for releasing the Board's decisions on DSPs were in compliance with the TPO and would not compromise the high degree of transparency of the Board's decision-making process as the DSP submissions, the public views received and the minutes of meetings would all be open to the public.

15. As Members had no further question to raise, the Chairperson thanked the representatives of the PlanD and URA for attending the meeting. They all left the meeting at this point.

16. After deliberation, the Board agreed:

- (a) to the proposed arrangements for releasing its decisions on DSPs as outlined in paragraph 4 of the Paper, and
- (b) that the revised Town Planning Board Guidelines No. 29A on Submission and Publication of Representations, Comments on Representations and Further Representations under the Town Planning Ordinance at Annex I of the Paper was suitable for promulgation.

[Mr. Bosco C.K. Fung and Ms. Linda Law returned to join the meeting whilst Mr. Michael K.C. Lai arrived to attend the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-LFS/140

Temporary Logistics Centre of Construction Materials and Machinery and Vehicle Repair Workshop for a Period of 3 Years in “Commercial/Residential” Zone,

Lots 2183RP, 2184RP, 2185RP, 2186 and 2187RP(Part) in DD 129,

Lau Fau Shan, Yuen Long

(TPB Paper No. 7598)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

17. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), and the following applicant and his representatives were invited to the meeting at this point:

Mr. Wong Shing-tong	- Applicant
Mr. Lau Kwong-shing	} Applicant's representatives
Mr. Wong Wai-tong	}

18. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

19. With the aid of plans shown at the meeting, Mr. Wilson So covered the following main aspects as detailed in the Paper:

- (a) the previous applications concerning the site and the applications within the same “Commercial/Residential” (“C/R”) zone;
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 3.3.2006;

- (c) no further written representations had been put forth by the applicant in support of the review application;
- (d) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Given that no drainage proposal was submitted at the planning and review application stages, the Chief Engineer/Mainland North, Drainage Services Department advised that a drainage proposal was required to be submitted to demonstrate, inter alia, that all runoffs through the site would be properly intercepted, conveyed and disposed of via suitable discharge points. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the proposal as it would cause negative landscape impact on the existing environment and the landscape proposal submitted at the planning application stage was not sufficient to mitigate the negative landscape impact of the proposed development;
- (e) no public comment or local objection on the review application was received. One public comment against the application was received at the s.16 application stage mainly on ground that the application was made without the owner's consent or knowledge in respect of a portion of the application site, i.e. Lot No. 2186 in D.D. 129; and
- (f) PlanD's view – the application was not supported for the reasons detailed in paragraph 6.2 of the Paper.

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

21. With the aid of plans and photos shown at the meeting, Mr. Wong Shing-tong made the following main points:

- (a) Lau Fau Shan was a popular place largely because of its seafood restaurants. It had no sites of great scenic beauty or heritage significance;

- (b) the proposed development would not have any adverse impact on the operation of the local seafood restaurants. There were already a number of open storage and port back-up uses and logistics centres in proximity to the application site. The co-existence of these uses with the seafood restaurants would create a win-win situation as the workers in the area would bring business to the seafood restaurants, particularly during weekdays. The local restaurant operators and business owners had expressed that they welcomed the continuous operation of the proposed and similar developments in the area;
- (c) a drainage impact assessment of the proposed development had been undertaken. Sand traps and drainage pipes would be provided and connected to the Government drainage system in the vicinity. The proposed mitigation measures would be implemented to the satisfaction of concerned departments if the application was approved;
- (d) landscape treatment to a height of about 5m had already been provided along Lau Fau Shan Road next to the site. There would be no adverse visual impact from the proposed development;
- (e) the applicant had endeavoured to contact the objector (i.e. the owner of Lot No. 2186 in DD 129) with a view to pay the land rent to him, but was in vain; and
- (f) Members were invited to inspect the application site in person so as to gain a better understanding of the area. Given that the local economy was yet to be fully recovered and the Government had rendered no assistance to farming activities, it was necessary for local villagers to use their land for non-agricultural purpose. Members were requested to give sympathetic consideration and approve the application.

22. As the applicant and his representatives had no further comment to make and Members had no question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application

in their absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant, his representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

23. The Chairperson said that the proposed development was not compatible with the nearby tourist spot of seafood market and restaurants of Lau Fau Shan and did not comply with the Board's Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on environmental, drainage and landscape aspects.

24. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there were adverse departmental comments from concerned Government departments on environmental, drainage and landscape aspects.

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PH/514

Temporary Open Storage of New Vehicles (Light Goods Vehicles and Private Cars)

Prior to Sale for a Period of 3 Years in “Village Type Development” Zone,

Lot 582RP(Part) in DD 111 and Adjoining Government Land,

San Lung Wai, Pat Heung, Yuen Long

(TPB Paper No. 7599)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

25. Mr. Wilson So, District Planning Officer Tuen Mun and Yuen Long of the Planning Department (PlanD), and Mr. Tsang Tak-fan, the applicant, were invited to the meeting at this point.

26. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

27. With the aid of plans shown at the meeting, Mr. Wilson So covered the following main aspects as detailed in the Paper:

- (a) the previous applications concerning the site and similar applications within the same “Village Type Development” (“V”) zone;
- (b) the reason for the Rural and New Town Planning Committee to reject the application on 3.3.2006;
- (c) the applicant had submitted further written representation in support of the review application which was summarised in paragraph 3 of the Paper. The applicant stated that he had made all efforts to find an alternative site since March 2003. However, not many sites in Pat Heung could be

lawfully used for open storage, and the rent was unreasonably high. Nevertheless, he would continue to find a suitable relocation site;

- (d) departmental comments – the District Lands Officer/Yuen Long advised that there were three Small House applications in respect of the Government land to the east of the application site. The Director of Environmental Protection (DEP) advised that no record of complaints against the site was received in the past three years;
- (e) no public comment or local objection on the planning and review applications had been received; and
- (f) PlanD's view – sufficient time had been given to the applicant to relocate the use. After granting a temporary permission (No. A/YL-PH/349) for the same use for three years to the same applicant, another year was given under the subsequent planning approval (No. A/YL-PH/455) to allow time for relocation. An extra year was given to allow additional time for relocation in the latest planning approval (No. A/YL-PH/488) which expired on 28.1.2006. Also, about 96.5 ha of land was zoned "Open Storage" on the draft Pat Heung OZP, of which about 6.5 ha were not yet occupied. For reasons detailed in paragraph 6.2 of the Paper, the application was not supported.

28. The Chairperson then invited the applicant to elaborate on the application.

29. Mr. Tsang Tak-fan made the following main points:

- (a) with an area of only 360m², the application site was really very small. A short term waiver and a short term tenancy for storage of vehicles and ancillary uses on the site had been issued by the Lands Department. This indicated that the site was well suitable for the proposed use;
- (b) a number of similar uses were found in Pat Heung and Shek Kong. There would be security problems if storage of cars were not allowed on sites abutting main roads;

- (c) given that many sites in Pat Heung and Shek Kong had been earmarked for village type development purpose, he had genuine difficulty in finding a suitable relocation site in the area;
- (d) his business on trading of right-hand drive vehicles could hardly compete with those engaged in trading of left-hand drive vehicles which could afford higher rent owing to a much bigger profit margin; and
- (e) the Board was requested to give sympathetic consideration and approve the application for two years to allow time for finding a suitable relocation site.

30. Noting that two renewals had already been granted to relocate the proposed use to suitable sites, a Member asked how the applicant could guarantee that a suitable relocation site could eventually be found. In reply, Mr. Tsang Tak-fan said that there were about 35 sites in Shek Kong which were used for open storage of left-hand drive vehicles. As trading of left-hand drive vehicles was likely to vanish gradually in two years' time, sites which were currently occupied for the purpose would be available for open storage of right-hand drive vehicles later.

31. As the applicant had no further comment to make and Members had no further question to raise, the Chairperson informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform him of the Board's decision in due course. The Chairperson thanked the applicant and the PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

32. Members had a lengthy discussion on the application. Some Members were sympathetic with the application and considered that planning permission for a temporary period of one year might be granted to allow further time for the applicant to find a relocation site. The views of these Members were summarized as follows:

- (a) subsequent to the joining of the World Trade Organization, import tax

levied by China on vehicles had been greatly reduced. As a result, the need for temporary storage of left-hand drive vehicles in Hong Kong might be significantly reduced owing to competition with the mainland operators. Hence, sites currently used for storage of left-hand drive vehicles might be available for other purposes; and

- (b) the proposed use was not polluting in nature. As advised by the DEP, no complaint against the use had been received over the last three years. Also, there was no objection to the proposed development from the concerned departments.

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

33. Some Members did not support the application for the following reasons:

- (a) the proposed use was not compatible with the planning intention of the “V” zone. There were many sensitive receivers in the vicinity and a number of similar applications had been rejected before;
- (b) granting a further permission to the application would set an undesirable precedent for similar applications given that two previous permissions for renewal of the same use had been granted and there were many unauthorized developments of open storage uses in the area;
- (c) apart from high rental level, the applicant had not put forward any justification for not being able to find a suitable relocation site.

[Mr. Patrick L.C. Lau arrived to attend the meeting at this point.]

34. The Chairperson said that in considering the application, the Board should take into account the impacts of the proposed development on the surrounding areas which were generally residential in character. Also, the District Lands Officer/Yuen Long had advised that three Small House applications to the east of the application site had been received.

35. In response to Members’ questions on what could be regarded as ‘exceptional

circumstances' specified in the Board's Guidelines No. 13D and the reasons for approving a similar application No. A/YL-PH/496, the Secretary made the following main points:

- (a) according to the Board's Guidelines No. 13D, a maximum period of two years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval would be given unless under very exceptional circumstances. There were no hard and fast rules on what constituted exceptional circumstances. The consideration of each case would be assessed on individual merits. As established in a recent Town Planning Appeal Board case, for example, the applicant's operational needs might be regarded as 'exceptional circumstances';
- (b) the Board had approved similar applications in the "V" zone where the proposed development would not cause environmental and other nuisances to the surrounding land uses. If Members considered that the application merited sympathetic consideration, a further temporary permission could be granted to give more time to the applicant to find a suitable relocation site; and
- (c) application No. A/YL-PH/496 was for temporary sale of second hand cars and was approved by the Board on 18.11.2005 for a temporary period of 12 months. The site was the subject of two previous permissions (No. A/YL-PH/291 and 468) granted before the promulgation of the Board's Guidelines No. 13D on 2.11.2005. The applicant had implemented all the approval conditions of the previous two permissions and there was no objection from the concerned departments and the public.

[Ms. Starry W.K. Lee left the meeting at this point.]

36. The Chairperson said that the Board had previously given approvals based on sympathetic grounds. Given that there were no adverse departmental comments on the environment, drainage, traffic and landscape aspects, majority of Members were of the view that sympathetic consideration could be given in this case. A shorter approval period of 12 months could be granted for the applicant to find a relocation site and the applicant should be

advised that no further renewal of the permission would be given.

37. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of one year up to 9.6.2007 subject to the following conditions:

- (a) no vehicle repairing, maintenance, dismantling and other workshop activities should be carried out on site at any time during the planning approval period;
- (b) the landscape planting and drainage facilities on the site should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

38. The Board also agreed to advise the applicant of the following:

- (a) a shorter approval period was granted so as to provide additional time for relocation of the use to other suitable location. No further renewal of approval would be given;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the path/track/road leading to the site from Fan Kam Road should be checked with the lands authority. The management and maintenance responsibilities of the same path/track/road should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (c) the Chief Engineer/Development(2), Water Supplies Department's

comments that no structure should be erected over the waterworks reserve and such area should not be used for storage. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site; and

- (d) environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses' should be adopted to minimize any possible environmental nuisances.

39. The meeting adjourned for a break of 15 minutes and resumed at 10:35 a.m.

[Mr. Patrick L.C. Lau left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PS/233

Temporary Open Storage of Construction Machinery and Materials
for a Period of 3 Years in “Undetermined” Zone,

Lots 665RP, 676RP, 677RP, 678RP, 679RP, 680RP, 681, 682, 683, 687,
688 and 689 in DD 122, Ping Shan, Yuen Long

(TPB Paper No. 7600)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

40. The Chairperson said that the applicant had just informed the Secretariat that he would not attend the hearing.

41. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

42. The Chairperson extended a welcome and invited Mr. Wilson So to brief Members on the background to the application.

43. With the aid of plans shown at the meeting, Mr. So covered the following main aspects as detailed in the Paper:

- (a) the previous applications concerning the site and similar applications within the same “Undetermined” (“U”) zone;
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 9.12.2005;
- (c) the applicant had submitted further written representation in support of the review application which was summarized in paragraph 3 of the Paper. The applicant was willing to pave a revised access road at the northern

boundary to minimise the potential noise problem, provide and maintain drainage facilities according to the accepted drainage proposal, maintain the existing run-in/run-out, and accept a shorter period of approval of 12 months to demonstrate that the operation would not have significant impact on the area;

- (d) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (DSD) advised that the submitted drainage impact assessment (DIA) was unsatisfactory and a DIA was required to, inter alia, demonstrate that all runoffs passing through the site would be intercepted and disposed of via proper discharge points. The Director of Environmental Protection did not support the application as the site was accessible via a track connecting with Long Tin Road and Yung Yuen Road. Dwelling units were found along these roads and within and to the north of the site. Movement of heavy vehicles and loading/unloading of construction materials and machinery within the site would cause air and dust nuisance to the sensitive receivers in close proximity. The heavy vehicular traffic generated by the proposed use would cause noise nuisance to the sensitive receivers along the local track, Long Ping Road and Yung Yuen Road. The off-site traffic noise nuisance would unlikely be abated by imposing site specific mitigation requirements in the form of planning condition(s);
- (e) public comments – two comments were received during publication of the s.16 planning application, one from a Yuen Long District Council member who commented that the development would adversely affect the environment and the natural landscape, and the other from the new owner of one of the lots within the site who objected to the application on the ground that he had not been informed of the application by the applicant. Also, one objection to the review application with 39 signatures from the villagers of Wing Ning Tsuen was received mainly on the grounds that the development would lead to flooding of the area and create dust and noise nuisances to the villagers;
- (f) PlanD's view – the application was not supported for the reasons detailed in

paragraph 6.3 of the Paper.

[Mr. Patrick L.C. Lau returned to join the meeting at this point.]

44. A Member asked when the filling of vegetable fields and fish ponds as alleged by the villagers of Wing Ning Tsuen was carried out. In reply, Mr. Wilson So said that the site had been filled up for quite a long time. The site used to be the works area of West Rail (WR) and was the subject of eight previous applications for similar open storage uses submitted by different applicants. In view of the large site area (1.3 ha) which had been paved, the DSD advised that a DIA was required and appropriate flood mitigation measures should be provided.

45. In reply to the Chairperson's question on the planned use for the "U" zone, Mr. Wilson So said that some sites had been zoned "U" on the Outline Zoning Plans of the North West New Territories to provide planning flexibility for the implementation of the WR. With the completion of the WR, the PlanD was reviewing the long-term use of these sites. However, there was no definite planned use for the application site yet.

46. As Members had no further question to raise, the Chairperson thanked the PlanD's representative for attending the meeting. Mr. Wilson So left the meeting at this point.

Deliberation Session

47. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development was not compatible with the residential dwellings in the immediate vicinity; and
- (b) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that insufficient information had been submitted to demonstrate that the use would not generate adverse drainage and environmental impacts on the surrounding areas; and adverse departmental comments and local objection were received.

Agenda Item 7

[Open Meeting]

Review of Application No. A/SK-PK/144

Temporary Fish Tanks for a Period of 3 Years in “Recreation” Zone,

Lot 341(Part), 342(Part) and 343(Part) in DD 221,

Sha Kok Mei, Sai Kung

(TPB Paper No. 7597)

[The hearing was conducted in Cantonese.]

48. The Secretary said that on 6.6.2006 (i.e. after the issue of agenda of the meeting and the relevant paper on the application), the applicant submitted a letter to the Board, requesting for a deferment of the review hearing for a month for seeking professional advice and preparing relevant information in support of the application. A copy of the letter was tabled at the meeting for Members’ reference. According to paragraph 3.1 of the Board’s Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, the request was considered to have reasonable ground.

49. The Secretary went on to say that pursuant to paragraph 3.5 of the said Guidelines, the applicant was not required to attend the meeting. If the Board agreed to the request for deferment, the applicant would be notified of the rescheduled meeting date. If the Board decided not to accede to the request, it might adjourn the consideration of the application to the following meeting (i.e. on 23.6.2006). The applicant would be invited to attend the rescheduled meeting.

50. After deliberation, the Board decided to agree to the applicant’s request for deferment of a decision on the review application for one month. The Secretariat would notify and invite the applicant to attend the rescheduled meeting.

Agenda Item 8

[Open Meeting]

Draft Kowloon Tong Outline Zoning Plan No. S/K18/12
Information Note and Hearing Arrangement
for Consideration of Representations and Comments
(TPB Paper No. 7601)

51. The Secretary introduced the Paper and made the following main points:
- (a) 129 valid representations were received upon expiration of the exhibition period of the draft Kowloon Tong Outline Zoning Plan No. S/K18/12 and three valid comments on the representations were subsequently received. They were mainly related to the amendments to impose height restrictions in the “Residential (Group C)”, “Government, Institution or Community” and “Commercial” zones. Of the 129 representations, three were in support of the amendments to impose height restrictions/plot ratio control; and
 - (b) in view of the significant interests of the general public in the building height restrictions for the Kowloon Tong area, the representations and comments should be considered by the full Board, instead of a Representation Hearing Committee. The hearing had tentatively been scheduled for 14.7.2006 and the representations and comments would be heard in three groups as detailed in paragraph 2.2 of the Paper.
52. After deliberation, the Board agreed to the proposed arrangement for consideration of representations and comments as set out in paragraph 2 of the Paper.

Agenda Item 9

[Open Meeting]

Submission of the Draft Ngong Ping Outline Zoning Plan No. S/I-NP/5A
under Section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7602)

53. The Secretary briefly introduced the Paper.
54. After deliberation, the Board:
- (a) agreed that the draft Ngong Ping Outline Zoning Plan (OZP) No. S/I-NP/5A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) endorsed the updated Explanatory Statement (ES) for the draft Ngong Ping OZP No. S/I-NP/5A 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 No. S/I-NP/5A.

Agenda Item 10

[Open Meeting]

Any Other Business

55. There being no other business, the meeting was closed at 10:45 a.m.