

**Minutes of 870th Meeting of the
Town Planning Board held on 27.10.2006**

Present

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

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Deputy Director of Environmental Protection
Dr. Michael Chiu

Deputy Director of Lands
Mr. J.S. Corrigan

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Raymond Y.M. Chan

Mr. Alfred Donald Yap

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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 868th Meeting held on 13.10.2006

2. The minutes of the 868th meeting held on 13.10.2006 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

- (i) Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/23
Consideration of Representations No. TPB/R/S/H15/23-1 to 7
and Comments No. TPB/R/S/H15/23-C1

3. The Secretary said that Dr. Greg C.Y. Wong, Mr. Y.K. Cheng, Mr. Alfred Donald Yap and Mr. Raymond Y.M. Chan had declared interests in the item. Representations No. 6 and 7 were submitted by subsidiaries of Sun Hung Kai Properties Ltd. (SHKPL) and Comment No. 1 was submitted by a subsidiary of K. Wah Properties (Holdings) Ltd. Dr. Wong, Mr. Cheng and Mr. Yap had current business dealings with SHKPL, and Mr. Chan had current business dealings with both companies. Members noted that Mr. Yap and Mr. Chan had tendered apologies for not attending the meeting.

[Dr. Greg C.Y. Wong and Mr. Y.K. Cheng left the meeting temporarily whilst Mr. Daniel B.M. To arrived to join the meeting at this point.]

4. The Secretary said that a Matters Arising paper had been circulated to Members before the meeting. The purpose of the Paper was to seek Members' agreement to the proposed revisions of the Explanatory Statement (ES) of the draft Aberdeen & Ap Lei Chau

Outline Zoning Plan (OZP) No. S/H15/23 to address Members' concern raised in the hearing of representations and comment in respect of the OZP.

5. The Secretary went on to say that arising from the hearing of the representations and comment at the Board's meeting of 11.8.2006, Members decided not to propose amendment to the draft OZP to meet any representation. However, Members agreed that the ES of the OZP could be revised to set out more clearly the considerations that the Board would take into account in considering applications for minor relaxation of the building height restrictions. To reflect Members' view on the issue and as set out in paragraph 3 of the Paper, paragraph 7.4 of the ES relating to the building height restrictions in the Wong Chuk Hang Business Area was proposed to be expanded to include innovative building design and variation in building height profile that would bring about improvement to the townscape as a relevant factor for consideration of such applications. Paragraphs 8.7.5, 8.9.3 and 8.9.11 respectively of the ES on the "Government, Institution or Community", "Other Specified Uses" ("OU") annotated "Business", and "OU" annotated "Petrol Filling Station" zones would also be revised to set out clearly the relevant factors of consideration for such applications in the relevant zones. The proposed amendments to the ES were consistent with the approach adopted by the Board for the draft Kowloon Tong OZP on 8.9.2006. Opportunity was also taken to update the ES to reflect the latest position of the OZP and the latest developments in the area.

6. After deliberation, Members agreed to endorse the proposed revisions of the ES of the draft Aberdeen & Ap Lei Chau OZP as shown in Annex II of the Paper.

[Dr. Greg C.Y. Wong and Mr. Y.K. Cheng returned to join the meeting whilst Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

- (ii) Town Planning Appeal No. 8 of 2005
Temporary Sales Office for Pre-owned Private Vehicles
for a Period of 12 Months in “Agriculture” Zone
Lots 478RP (Part), 479RP (Part), 486RP and Adjoining Government Land
in DD 103, Kam Tin, Yuen Long
(Application No. A/YL-KTN/205)

7. The Secretary said that the appeal was heard by the Town Planning Appeal Board (TPAB) on 11, 13 and 14.9.2006, and dismissed by TPAB on 16.10.2006. The appeal was against the decision of the Board to reject an application (No. A/YL-KTN/205) for temporary sales office for pre-owned private vehicles for a period of 12 months on a site zoned “Agriculture” on the approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/3. A copy of the Summary of Appeal and the TPAB’s decision was tabled for Members’ reference. The appeal was dismissed on the following grounds:

- (a) the appellant had failed to comply with the Board’s Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in not providing sufficient information to establish that either the proposed use of the site was compatible with the surrounding area, especially the re-provisioned wetland under the West Rail, or that the appellant was able to take adequate and effective measures to prevent or mitigate adverse environmental and other impacts on its neighbourhood; and
- (b) the appellant had also failed to demonstrate that the measures put in place in compliance with previous planning permission conditions were sufficient to allay concerns raised by the relevant government departments. The appellant would have no realistic hope of success as long as these concerns remained unanswered.

(iii) Appeal Statistics

8. The Secretary said that as at 27.10.2006, 33 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	117
Yet to be Heard	:	33
Decision Outstanding	:	0

Total		254
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Agenda Item 3

[Open Meeting]

Development of New Cruise Terminal Facilities in Hong Kong

9. The Secretary said that at the request of the Commissioner for Tourism, the Legislative Council (LegCo) Brief on the subject was circulated to Members before the meeting.

10. The following Government's representatives were invited to the meeting at this point:

Ms. Maisie Cheng	Deputy Commissioner for Tourism
Miss Patricia So	Assistant Commissioner for Tourism
Mr P.L. Kwan	Project Manager (Kowloon) Civil Engineering and Development Department (CEDD)
Mr. Raymond Lee	District Planning Officer/Kowloon, Planning Department (PlanD)

11. The Chairperson extended a welcome and invited Ms. Maisie Cheng to brief Members on the proposed development.

12. Ms. Maisie Cheng gave a brief introduction, highlighting that the Executive Council had agreed to develop the cruise terminal facilities and tourism node at the southern end of the former runway in the Kai Tak Development in phases. With the aid of Powerpoint slides, Miss Patricia So then made the following main points:

Capture the Growth of Regional Cruise Market

- (a) the cruise market studies commissioned in recent years by the Tourism Commission and the Hong Kong Tourism Board (HKTB) had indicated that the global cruise industry was growing fast. The worldwide passenger throughput had grown from about 9.8 million to 14 million passengers between 2001 and 2005. The Asia Pacific regional cruise market would benefit from the growth of the worldwide cruise industry and increase in Mainland Chinese tourists. Hong Kong enjoyed comparative advantages over other potential homeports in the Region. With its world-class infrastructure and tourism facilities, Hong Kong was well placed to become a regional cruise hub. However, the existing facilities could not meet the cruise market demand;

[Ms. Sylvia S.F. Yau, Dr. James C.W. Lau and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

Cruise Market was Supply-led

- (b) the cruise market demand was dependent on the total passenger capacity of newly built vessels, vessel redeployment and the availability of terminal facilities, in particular the number of berths, structural capacity, and air draft and draft, etc.;
- (c) the trend was to build mega cruise vessels reaching 80,000 displacement tonnes (equivalent to about 160,000 gross tonnage) carrying about 2,500 to 3,500 passengers;
- (d) 28 new cruise vessels with a total passenger capacity of about 85,000

would be commissioned in the next four years;

Hong Kong Cruise Market Demand

- (e) there was a strong growth in the local cruise industry. In 1999, the total cruise passengers in Hong Kong including local and international passengers was about 1.38 million, of which 1.25 million were local passengers. In 2005, it reached about 2.15 million, of which about 1.8 million were local passengers;
- (f) according to a survey conducted by the HKTB in 2004, 52.4% of Mainland visitors expressed interest in joining cruise vacation in future. Of these, more than 80% would join cruise trips from Hong Kong;

Existing Cruise Terminal Facilities

- (g) the Ocean Terminal (OT) in Tsim Sha Tsui provided 2 berths with a total length of 721m, accommodating vessels up to 50,000 displacement tonnes. The annual berth utilization rate at OT had increased from 71% in 2003 to 76% in 2005;
- (h) between 2001 and 2005, 11 cruise vessels had to berth mid-stream and at the container terminals. Of these, 4 were mega cruise vessels (exceeding 50,000 displacement tonnes) which could not be berthed at OT due to its limited structural capacity, and the remaining 7 had to berth at the container terminals due to conflicting schedules;

Economic Benefits of New Terminal Facilities

- (i) by 2020, the estimated economic benefits of the new cruise terminal facilities might reach \$1.4 billion to \$2.2 billion per annum, and the proposed development might support some 6,900 to 10,900 employment opportunities;

Findings of the Expression of Interest Exercise

- (j) the Government conducted an Expression of Interest (EOI) exercise in November 2005 to gauge market feedback on whether there were feasible locations other than the Kai Tak Development for earlier development of new cruise terminal facilities. Six suggestions were received by close of the EOI exercise in December 2005, but none could meet the Government's requirements in full. One suggestion did not give detailed information on the location whilst the other one proposed a location at Kai Tak. The remaining 4 suggestions included Hung Hom Bay, China Ferry Terminal and East Tsim Sha Tsui which had proposed works that might constitute reclamation in Victoria Harbour, or suffered from technical difficulties and inadequate infrastructure, thus rendering early implementation of the suggestions not feasible;

Focus on the Kai Tak Development

- (k) Kai Tak was the most suitable location for new cruise terminal facilities. Compared with other locations within Victoria Harbour, Kai Tak had greater water depth, sufficient space to develop up to 3 alongside berths without reclamation, and a hinterland for developing tourism-related facilities such as hotels, conference venues, and retail facilities, etc.;
- (l) as the market could not provide via the EOI exercise a better and faster suggestion than Kai Tak, the Government would focus on the development of a new cruise terminal at Kai Tak, and expedite the development process with a view to completing the first berth by 2012;

Parameters for the Development

- (m) a 7.6 ha site at the end of the former Kai Tak runway had been earmarked for the development of cruise terminal to accommodate the following facilities:
- i. berthing facilities: 2 alongside berths adjacent to the cruise terminal building, with a total length of 800m, apron area, fender system,

passenger gangways, etc.;

- ii. supporting facilities: mainly in the cruise terminal building and comprising custom, immigration and health quarantine counters, baggage handling, etc; and
- iii. commercial area: inside the cruise terminal building with a maximum gross floor area of 50,000m² for offices and retail facilities, etc.;

Estimated Development Cost

- (n) the estimated development cost of the cruise terminal facilities was about \$2.4 billion (at second quarter of 2006 price level), comprising:
 - i. \$1.3 billion for site formation which included reconstruction of the existing seawall and construction of a quay deck for berthing cruise vessels;
 - ii. \$0.3 billion for construction of berthing facilities; and
 - iii. \$0.8 billion for construction of supporting facilities;
- (o) the above costs did not include the construction cost of \$0.8 billion for the commercial area in the cruise terminal building;

Preferred Mode of Development

- (p) a market-driven approach would be adopted, under which the cruise terminal site would be disposed of through open tender. The successful bidder would form the site as well as design, build and operate the cruise terminal. It would own the land and facilities thereon for 50 years and would determine berthing fees and charges to cater for the changing market situations;
- (q) as the Kai Tak Development might take time to mature, the Government

would allow the successful bidder the flexibility to develop the commercial area within a fixed period to tie in with other developments in the vicinity;

- (r) a two-envelop tender scheme would be adopted. Apart from the land premium offered, the quality of the bid including the technical and operational aspects would be assessed and given sufficient weighting to ensure that the design and operation of the future cruise terminal would reach the world-class standard;
- (s) the first berth would be completed in 2012. The successful bidder would also be required to build and operate the second berth. The exact timing would be subject to market demand and agreement between the Government and the successful bidder;
- (t) the market-driven approach would ensure a level-playing field for a fair and open competition, maximize innovation and market efficiency, enhance the competitiveness of the cruise terminal, and minimize interface problems; and

Development Timeframe

- (u) the Government would endeavour to adhere to the following development time frame:
 - i. gazetting the Outline Zoning Plan (OZP) for Kai Tak Development in the fourth quarter of 2006;
 - ii. conducting pre-tender consultation with the relevant trades to expedite the pace of development and preparing the development parameters in the tender in the first half of 2007;
 - iii. inviting tender in the fourth quarter of 2007;
 - iv. completing relevant statutory procedures and closing tender in the first quarter of 2008;

- v. awarding tender in the second quarter of 2008; and
- vi. completing the first berth in 2012.

13. Members welcomed the Government's proposal to develop the new cruise terminal and embark upon the development of the Kai Tak area, and raised a number of issues and questions as summarized below:

Provision of the Cruise Terminal and Supporting Facilities

- (a) whether there would be sufficient overseas cruise passengers to fully utilize the planned capacity of the cruise terminal. If not, local visitors would become the major customers, and sufficient attractions and supporting infrastructure should be provided in the Kai Tak area to ensure sufficient attraction;
- (b) unlike the OT in Tsim Sha Tsui which had been well served by public transport and with a number of tourism and recreational spots, Kai Tak would be developed from scratch. The sole provision of a cruise terminal with berthing spaces would not be adequate. It was necessary to have timely provision of infrastructure and ancillary facilities, including roads and landscaping, so as not to tarnish the image of Hong Kong as a popular tourist destination. The provision of these facilities would also be important for sustaining the continued growth of Kai Tak;
- (c) whether there was any task force to coordinate the provision of cruise terminal and other supporting facilities;

Engineering and Road Works

- (d) as the berths would be completed in phases, whether it was possible to dredge the seabed in one go to minimize any adverse impacts on the marine ecology;

- (e) whether central water-cooling system would be used in the Kai Tak area;
- (f) a more concrete time table for the provision of various infrastructure in Kai Tak should be provided to guide the future development;

Tender Scheme and Contract

- (g) the proposed two-envelop tender scheme with bids assessed on the basis of separate scores on financial and technical criteria was supported. The weightings the Government would put on these two aspects, however, were not known;
- (h) the cruise terminal should help foster the development of the tourism industry and the local economy. Sufficient flexibility should be provided in the future contract to protect the public interest and to avoid unreasonable berthing fees and charges that would eventually undermine Hong Kong as a popular homeport and port-of-call;
- (i) the tender document should specify the detailed requirements to ensure the provision and operation of a world-class cruise terminal, with sufficient supporting facilities and proper design and landscaping;
- (j) it was not clear why an exclusive right to operate the cruise terminal would be granted for such a long period of 50 years;

Others

- (k) whether the role of the OT would change and whether the mid-stream berthing would no longer be necessary upon the completion of the cruise terminal; and
- (l) the public should be allowed to participate in the planning of the new cruise terminal. The successful bidder should be requested to provide information such as physical models to illustrate the building design and consult the public when further details were available.

14. In reply, Ms. Maisie Cheng, Mr P.L. Kwan and Mr. Raymond Lee made the following main points:

Provision of the Cruise Terminal and Supporting Facilities

- (a) the first 2 alongside berths, with a total length of 800m, could cater for 2 mega cruise vessels or 3 smaller vessels at any one time. The first berth with a length of 400m would be completed in 2012, the earliest;
- (b) international cruise lines were considering stepping up their operation in Asia. The 3 largest cruise lines had already announced plans to deploy cruise vessels into the Asia Pacific Region that would regularly visit or homeport in Hong Kong. The cruise lines had urged for more berthing spaces in Hong Kong to meet the rising demand, as evidenced by the fact that 11 vessels had to berth mid-stream and at the container terminal between 2001 and 2005;
- (c) the proposed cruise terminal and the adjacent tourism node had been planned as a vibrant tourism and leisure area for both overseas and local visitors. The cruise lines were well aware that the Kai Tak Development would take time to implement but they indicated that necessary arrangements would be made in the interim to facilitate the cruise passengers, such as providing coach services to and from other parts of the city. Any inconvenience to the cruise passengers would be temporary in nature;
- (d) the Tourism Task Force, chaired by the Financial Secretary, was responsible for monitoring the provision of major tourism facilities including the proposed cruise terminal development. An Inter-departmental Core Group on the Development of New Cruise Terminal Facilities had been established to coordinate the work of various Government departments in carrying forward the project;
- (e) it was the Government's intention to expedite the provision of cruise

terminal and supporting facilities. The proposed market-driven approach to develop the cruise terminal was considered as the most efficient method to meet the market demand with sufficient flexibility;

Engineering and Road Works

- (f) the dredging and site formation works for the first 2 berths would be carried out in one go to minimize any possible adverse impact on the marine ecology. Further works for the possible third berth would be undertaken separately in future;
- (g) central water-cooling system would be used as one of the measures to build an environmentally friendly city in Kai Tak;
- (h) the planned infrastructure for Kai Tak had been shown on the Preliminary Outline Development Plan (PODP) for the area. The Government would provide the necessary infrastructure timely to meet the demand;
- (i) to provide road connection with other parts of Hong Kong, a formal dual-2 road with pedestrian walkway linking the cruise terminal, Kai Fuk Road, the Airport Tunnel, and the future Central Kowloon Route would be built in the early phase;
- (j) the PODP for the Kai Tak area would be revised and translated into an OZP for consideration by the Board soon. Subject to the Board's agreement, the OZP would be gazetted for public inspection for 2 months. The statutory process for considering the representations on the OZP would take another 9 months. In parallel, the CEDD would carry out detailed engineering feasibility studies, undertake the necessary procedures prescribed in the Environmental Impact Assessment Ordinance, and proceed to detailed design and construction works;
- (k) the LegCo had been consulted on the proposed Kai Tak Development and the new cruise terminal. The Government intended to seek funding approval from the LegCo in November 2006 for commissioning consultants

to carry out the detailed engineering feasibility studies and design work in January 2007;

- (l) concerned Government departments were now considering various suitable short-term uses in Kai Tak to bring activities to the area. Also, parks in the vicinity of the cruise terminal would be completed in the early stage;

Tender Scheme and Contract

- (m) subject to further consideration, the weightings of financial and non-financial considerations would be 30:70. In this regard, the Government would invite international consultants to provide expert advice on the technical and operational matters that should be taken into account in the tender assessment;
- (n) to facilitate preparation of the tender exercise, the Government intended to conduct a per-tender consultation with the tourism and cruise industries in the first half of 2007 in parallel with the carrying out of the statutory procedures for the Kai Tak Development;
- (o) the estimated development cost of the cruise terminal facilities was about \$2.4 billion, which had not included the land premium and construction cost of the commercial area. Given such a huge investment, a sufficiently long period of 50 years was essential to provide the necessary incentive to the private sector;

Others

- (p) the existing 2 berths in the OT would still be required after the completion of the cruise terminal at Kai Tak. Although the land lease of the OT would expire in 2012, it was Government's intention to have the 2 existing berths continuously operating in future to meet the projected demand; and
- (q) the Government would consider the suggestion to consult the public on the design of the cruise terminal and the requirement of producing a model.

15. Concurring with Members' views, the Chairperson asked the CEDD and PlanD to closely liaise with each other with a view to expediting the provision of infrastructure in the area. A concrete development programme should be worked out. In supporting the Government's development proposals, she said that the Board would do its part by ensuring the early completion of the statutory planning procedures for the Kai Tak Development.

16. The Chairperson thanked the Government's representatives for attending the meeting. They left the meeting at this point.

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

Agenda Items 4 and 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PH/516

Temporary Open Storage of Second-hand Vehicles and Vehicle Parts for a Period of 3 Years in "Agriculture" and "Open Storage" Zones, Lots 207(Part), 208(Part), 210A(Part) and 210B(Part) in DD 114 and Adjoining Government Land, Pat Heung, Yuen Long

(TPB Paper No. 7699)

Review of Application No. A/YL-PH/520

Temporary Open Storage of Second-hand Vehicles and Vehicle Parts for a Period of 3 Years in "Agriculture" Zone, Lots 202(Part), 203(Part), 204A(Part), 205(Part), 206(Part), 208(Part) and 209B in DD 114 and Adjoining Government Land,

Kei Ling, Pat Heung, Yuen Long

(TPB Paper No. 7700)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

17. The Chairperson said that as the two applications were for similar use and the application sites were close to each other and submitted by the same applicant, they could be considered together. Members agreed.

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

Mr. Lau Wing-kit

Miss Chan Pui-yan

Miss Tang Wing-chi Amy

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

20. With the aid of plans and photos, Mr. Wilson So covered the following main aspects as detailed in the Papers:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the applications on 19.5.2006 as set out in paragraph 1.2 of the Papers;
- (b) the similar applications within the same "Agriculture" ("AGR") zone or straddling the same "AGR" and the adjacent "Open Storage" ("OS") and "Village Type Development" ("V") zones on the Outline Zoning Plan (OZP) as detailed in paragraph 7 in Annex A of the Papers;
- (c) the applicant's further written representations in support of the review applications as summarised in paragraph 3 of the Papers. The proposed operating hours on Mondays to Fridays had been amended from 9:00 a.m. to 5:00 p.m. at the s.16 stage to 9:00 a.m. to 6:00 p.m. at the s.17 stage;

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

- (d) departmental comments – the Director of Environmental Protection did not support the applications as there were sensitive uses (i.e. Pak Pin Tsuen) in the vicinity of the area and environmental nuisance was expected, notwithstanding that the sites were not the subject of any complaint in the past 3 years. The Chief Town Planner/Urban Design and Landscape, PlanD did not support application No. A/YL-PH/520 as the proposed use was likely to cause adverse impact on the existing rural agricultural landscape and would lead to degradation of the existing landscape character and landscape amenity value;
- (e) no public comments were received at the s.16 and s.17 stages ; and
- (f) PlanD’s view – the application was not supported for the reasons detailed in paragraph 6.2 of the Papers.

21. The Chairperson then invited the applicants’ representatives to elaborate on the applications.

22. With the aid of Powerpoint slides, Mr. Lau Wing-kit made the following main points:

- (a) the application sites were currently vacant and had the following common characteristics:
 - i. both developments would use the same access road and it was not necessary to build any extra road for access purpose;
 - ii. approval had been given to the adjacent site for open storage of construction materials. Planned open storage sites in the area had been used up;
 - iii. the applications sites had been left idle and without proper management. Weeds on the sites led to breeding of mosquitoes. Also, there was a river nearby and water at the sites did not discharge properly;

- (b) the applicants undertook to carry out the following works and measures:
- i. the sites would be landscaped in accordance with the guidelines issued by the Environmental Protection Department. Chinese Banyans would be planted every 1m apart around the sites, and fence walls of zinc materials in green colour would be erected. In fact, some Chinese Banyans planted within the site had reached the heights of about 5m. They would be up to 15m to 20m upon maturity;
 - ii. properly designed U-shape channels sand traps would be provided according to the requirements of the Drainage Services Department;
 - iii. a electricity meter room that met the requirements of the CLP Ltd. had been provided;
 - iv. the applicants would regularly remove the rubbish and weeds in the vicinity. Professional cleaning companies would be employed to collect the garbage, spray insecticide, and irrigate plants;
 - v. 30% and 25% of the application sites No. A/YL-PH/516 and 520 respectively would be dedicated solely for landscaping and drainage purposes;
 - vi. proper fire installations and security measures would be provided to ensure public safety;
 - vii. woodchips would be used to absorb any oil spilling onto the ground;
- (c) the proposed developments would help meet the demand for open storage uses in the Pat Heung area and provide additional employment opportunities to the residents, improve the drainage system, beautify the landscape and enhance the security of the area. As the operation hours would be restricted to daytime, there would be no noise and environmental

nuisances to the nearby residents;

- (d) with regard to the first rejection reason that the proposed developments were not in line with the planning intention of the “AGR” zone, the Board should note that agricultural activities in Hong Kong had been shrinking since the 1960s and there were almost no young farmers. Majority of the farmland in Pat Heung was fallow. The application sites were not originally used for agriculture. The possibility of developing the sites for agricultural purposes was extremely low. The Board should take into account the livelihood of the local residents in considering the applications;
- (e) there were not enough “OS” sites in Pat Heung. Applications to use Government land would not normally be approved. As the “OS” zone had largely been occupied, there was a critical shortage of “OS” sites;
- (f) no Government departments had raised objection to the applications except the Environmental Protection Department. Through implementation of the mitigation measures as proposed by the applicant, it was extremely unlikely that the proposed developments would cause adverse environmental impacts on the sites and their vicinity. The applicant would comply with the conditions attached to planning permissions.

23. In reply to Member’s questions on whether the nearby open storage uses had obtained planning permissions, whether there were still any agricultural activities in the area, and whether there were sufficient “OS” sites to meet the demand, Mr. Wilson So made the following main points:

- (a) a large tract of land to the immediate north of the application sites was rezoned from “AGR” to “OS” in the draft Pat Heung OZP No. A/YL-PH/2 gazetted on 13.11.1998 subsequent to a land use review. The “AGR” zoning of the application sites was considered appropriate and had remained unchanged;
- (b) the existing open storage uses to the north of the application sites fell within the “OS” zone and planning permission for general open storage

uses was not required;

- (c) a similar application No. A/YL-PH/216 was approved by the RNTPC on 11.9.1998 mainly because a major portion of the site fell within an area which was identified and agreed in principle by the Board as a potential site suitable for rezoning from “AGR” to “OS” at that time. The rezoning was later incorporated into the draft Pat Heung OZP No. A/YL-PH/2. Subsequently, application No. A/YL-PH/427 to further extend the open storage use to cover the land zoned “AGR” in the west was partially approved by the Board, and only the eastern portion of the application site which had been occupied for open storage purpose before was permitted to be used for open storage on a temporary basis for a period of 1 year. The subsequent appeal against the Board’s decision was dismissed by the Town Planning Appeal Board; and
- (d) there was about 96 ha of land zoned “OS” in the draft Pat Heung OZP, of which about 6 ha of land was not yet occupied. The PlanD had regularly reviewed the demand and supply of “OS” sites in the New Territories. It was up to the operators to decide whether the available “OS” sites were suitable for their own operations and negotiate with the landowners on tenancies.

24. A Member asked whether the agricultural land in vicinity of the application site had been left idle and whether it would be better from the environmental point of view to develop the application sites in accordance with the submitted proposals which would provide landscaping around the sites. Noting that farming activities in Hong Kong were diminishing, a Member asked whether there had been any previous approvals for similar applications close to the “OS” zone and whether it would be possible to revert the use of application sites to agriculture if the applications were rejected. In reply, Mr. Wilson So said that there were still a large tract of undisturbed agricultural land to the west and south of the sites. Since the extension of the “OS” zone in the area in 1998, the Board had consistently rejected similar applications in or straddling the “AGR” zone. Approval of the subject cases would thus set undesirable precedents to similar applications.

25. In reply to Members’ questions on whether vehicle repairing and dismantling

would be undertaken within the sites and whether further measures would be adopted to avoid river pollution by over-spilling of waste oil from the sites, Mr. Lau Wing-Kit made the following main points:

- (a) as shown in the site photos taken a week before the meeting, the application sites were vacant and the previous open storage use had discontinued;
- (b) the sites would only be used for open storage of second-hand vehicles and vehicle parts. No repairing or dismantling of vehicles would take place. Should the Board consider appropriate, a planning condition to ban the operation of car repairing and dismantling could be imposed. The photos showing how the waste oil would be treated in the Powerpoint slides were simply to illustrate the worst-case scenario. With the provision of U-shape channel and sand trap, no waste oil would spill into the nearby river; and
- (c) although 6 ha of “OS” sites might still be available, the applicant could not lease the land for the proposed development as the owners could not be contacted.

26. In reply to a Member’s question on the location of domestic structures in Pak Pin Tsuen, Mr. Wilson So said that the village proper of Pak Pin Tsuen was located to the southeast of the application sites. Moreover, some residential structures were found near to the sites to their south across the river.

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

27. As the applicants’ representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the reviews had been completed and the Board would further deliberate on the applications in their absence and inform the applicant of the Board’s decisions in due course. The Chairperson thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

28. Members did not support the applications and were of the view that the Board should uphold the planning intention of the “AGR” zone as there were large tracts of undisturbed agricultural land in the same area. The applications did not comply with the Board’s Guidelines No. 13D for application for open storage and port back-up uses in that the proposed developments would not be compatible with the surrounding land uses and no previous approval had been granted in respect of the sites. Approval of the applications would thus set very undesirable precedents for similar developments in the area.

29. Noting the difficulty the applicant had in contacting the landowners of the 6 ha “OS” sites, a Member asked whether it was necessary to rezone more land in the area for open storage purposes. In response, the Chairperson said that other than the “OS” zones, there was mechanism in place for application to use ‘Category 2’ areas for open storage. Mrs. Ava S.Y. Ng supplemented that the PlanD had been regularly monitoring the demand and supply of open storage and port back-up sites in Hong Kong. Overall, there was sufficient supply of land for these purposes in the New Territories. Should there be difficulties in renting open storage sites in Pat Heung, operators could look elsewhere in the New Territories for designated open storage sites for such purpose.

30. Whilst not supporting the subject applications, a Member said that the Government should consider implementing policies to facilitate business operations. In response, the Chairperson said that the Board had promulgated clear guidelines on considering applications for open storage and port back-up uses. Given that the sites were either wholly or partly within ‘Category 3’ areas without any previous planning approval and there was undisturbed agricultural land in the subject “AGR” zone, sympathetic consideration could not be given to these two cases, which would set undesirable precedents for similar applications.

31. After further deliberation, the Board decided to reject the applications on review and the reasons for each of the application were:

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good quality agricultural land for agricultural purposes. No strong justification had been given in the submission for a departure from the planning intention,

even on a temporary basis; and

- (b) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

[Mr. B.W. Chan, Ms. Starry W.K. Lee and Mr. Daniel B.M. To left the meeting whilst Mr. Tony C.N. Kan left the meeting temporarily at this point.]

[The meeting adjourned for a break of 5 minutes and resumed at 11:05a.m.]

Agenda Items 6 to 14

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTS/372

Proposed New Territories Exempted House (NTEH) (Small House)

in “Agriculture” Zone,

Lots 191B2 and 192E1 in DD 113, Cheung Po, Kam Tin, Yuen Long

(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/373

Proposed NTEH (Small House) in “Agriculture” Zone,

Lot 191B3 in DD 113, Cheung Po, Kam Tin, Yuen Long

(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/374

Proposed NTEH (Small House) in “Agriculture” Zone

Lots 191B4 and 191C1 in DD 113, Cheung Po, Kam Tin, Yuen Long

(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/375

Proposed NTEH (Small House) in “Agriculture” Zone,

Lot 191C2 in DD 113, Cheung Po, Kam Tin, Yuen Long

(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/376

Proposed NTEH (Small House) in “Agriculture” Zone,
Lot 191C3 in DD 113, Cheung Po, Kam Tin, Yuen Long
(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/377

Proposed NTEH (Small House) in “Agriculture” Zone,
Lot 191C4 in DD 113, Cheung Po, Kam Tin, Yuen Long
(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/378

Proposed NTEH (Small House) in “Agriculture” Zone,
Lot 191C6 in DD 113, Cheung Po, Kam Tin, Yuen Long
(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/380

Proposed NTEH (Small House) in “Agriculture” Zone,
Lot 191C5 in DD 113, Cheung Po, Kam Tin, Yuen Long
(TPB Paper No. 7696)

Review of Application No. A/YL-KTS/381

Proposed NTEH (Small House) in “Agriculture” Zone,
Lots 191B1 and 192H1 in DD 113, Cheung Po, Kam Tin, Yuen Long
(TPB Paper No. 7697)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

32. The Chairperson said that as the applications were similar in nature and the application sites were adjoining or close to one another, they could be considered together. Members agreed.

33. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the

Planning Department (PlanD), and Mr. Yuen Sung-ching, the applicants' representative, were invited to the meeting at this point.

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

35. With the aid of plans and photos, Mr. Wilson So covered the following main aspects as detailed in the Papers:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the applications on 7.7.2006 and 21.7.2006 as set out in paragraph 1.2 of the Papers;
- (b) similar applications within the same "Agriculture" ("AGR") zone as detailed in paragraph 7 in Annex A of the Papers;
- (c) the applicants' further written representation in support of the review applications as set out in a letter dated 17.10.2006, which was received by the Secretariat on 23.10.2006 and tabled at the meeting. In gist, the applicants stated that:
 - i. the application sites were within the 'village environs' ('VE') where Small House (SH) developments were acceptable. The right of indigenous villagers to build SHs within the 'VE' should be respected;
 - ii. the application sites had been paved and used for parking of vehicles. The proposed SHs were compatible with the adjacent residential development, Tourmaline Villa. The application sites should not be classified as fallow arable land; and
 - iii. although there was no shortage of land within the "V" zone of Cheung Po for SH development, the applicants did not have sufficient money to acquire land in the "V" zone;

- (d) to meet the SH demand of the two villages at Cheung Po and Tai Wo in the next 10 years, about 12.5 ha of land would be required. However, there was still about 15 ha of land within the “V” zone for SH development of these 2 villages in the next 10 years, which was equivalent to some 600 house sites. Hence, the applications did not meet the Board’s interim criteria for assessing planning application for NTEH/SH development in the New Territories (Interim Criteria) in this respect;
- (e) departmental comments – concerned departments had no objection to or no adverse comments on the applications. The District Lands Officer/Yuen Long had also advised that the application sites were within the draft ‘VE’ of Cheung Po. According to his recent consultation with the Indigenous Inhabitant Representative of Cheung Po and Tai Wo, the updated forecast of the 10-year SH demand of these two villages would be 200 and 300 respectively;
- (f) public comments – 4 public comments on the review applications No. A/YL-KTS/372-378 & 380 submitted by the villagers of Cheung Po Village raising objection to the applications due to impact on fung shui and drainage aspects were received. Also, 2 public comments on review application No. A/YL-KTS/381 were received from the villagers of Cheung Po Village and flat owners of the adjacent Tourmaline Villa, raising strong objection due to impacts on fung shui and concerns about the reduction in outdoor activity space, air ventilation and sunlight, environmental nuisance, security and adverse traffic impact during construction period; and
- (g) PlanD’s view – the applications were not supported for the reasons detailed in paragraph 6.1 of the Papers.

36. The Chairperson then invited the applicants’ representative to elaborate on the application.

37. Mr. Yuen Sung-ching made the following main points:

- (a) the application sites had been formed and levelled and were surrounded by

village houses to the north and east, and the Kowloon-Canton Railway Pat Heung Depot to the west. They were accessible from Kam Po Road and being used for parking of vehicles. Apparently, the sites were not suitable for agricultural use and should not be zoned as “AGR”;

- (b) a large part of the “V” zone of Cheung Po and Tai Wo was hilly, inaccessible by vehicles, and not connected to water and electricity supplies. Designating the area for SH development would inevitably lead to felling of trees and have adverse impacts on the environment;
- (c) the applicants were owners of the application sites and some had returned from overseas for retirement. They wished to live with their relatives in close proximity;

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

- (d) the owners of land within the “V” zone would unlikely sell their land to the applicants for SH development;
- (e) the applicants’ representative had been liaising with the Village Representatives with a view to addressing the local villagers’ concerns, which were in fact mainly on drainage aspect. Drainage facilities could be provided to discharge surface water into the nearby nullah;
- (f) if the area was really not suitable for SH development, the Board should not approve similar applications in the vicinity in the past; and
- (g) the applicants would comply with all the planning conditions to be imposed by the Board.

38. A Member asked why the “V” zone boundary of Cheung Po Tsuen was so different from that of the ‘VE’ and why similar SH developments outside the “V” zone had been approved before. In reply, Mr. Wilson So made the following main points:

- (a) the application sites and the surrounding area were the subject of a request

submitted by a Yuen Long District Councillor on behalf of two Village Representatives of Cheung Po Village for rezoning from “AGR” to “V”. The rezoning request was rejected by the RNTPC on 28.1.2005 for the reasons that the areas proposed for rezoning comprised active agricultural land and had good potential for rehabilitation; there was no strong reason to depart from the planning intention; and sufficient land for SH development had been reserved in the “V” zone to meet the demand from villagers of Cheung Po in the next 10 years;

- (b) when the Interim Development Permission Area Plan for Kam Tin South was gazetted on 5.10.1990, there were 3 “V” zones for Tai Kek, Cheung Po and Tai Wo, amounting to some 16.77 ha. The 2 “V” zones for Cheung Po and Tai Wo were subsequently combined to form one large “V” zone of about 18.11 ha on the draft Development Permission Area Plan for the area gazetted on 12.7.1991. The combined “V” zone had been further expanded to 21.38 ha when the first Outline Zoning Plan (OZP) for Kam Tin South was gazetted on 17.6.1994. After the completion of West Rail depot in the area, the boundary of the “V” zone was slightly adjusted, but its size remained to be about the same;
- (c) the demarcation of “V” zone had made reference to the local topography and other relevant planning factors including the demand for SH development in the next 10 years. The ‘VE’ of the two villages were only drawn up by the Lands Department in 1998 after the “V” zone had already been delineated; and
- (d) some similar applications in proximity, such as the Tourmaline Villa were approved between 1993 and 1995. With the adoption of the Interim Criteria since 2000, the Board had consistently rejected similar applications as there was sufficient land in the “V” zone to meet the 10-year SH demand. The subject applications did not meet the Interim Criteria in this respect.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

39. Mr. Yuen Sung-ching said that the application sites were within the ‘VE’ of

Cheung Po and asked why the “V” zone boundary did not follow the ‘VE’. He reiterated that the applications sites should be allowed for SH development as they were readily connected to water and electricity supplies and accessible by vehicles. In contrast, a large part of the “V” zone on the OZP was not suitable for SH development owing to hilly terrain, absence of road connection, and cutting of trees.

40. As the applicants’ representative had no further comment to make and Members had no further question to raise, the Chairperson informed him that the hearing procedures for the reviews had been completed and the Board would further deliberate on the applications in his absence and inform the applicants of the Board’s decisions in due course. The Chairperson thanked the representatives of the applicants and PlanD for attending the meeting. They all left the meeting at this point.

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

Deliberation Session

41. Noting that there was still sufficient land in the “V” zone of Cheung Po for SH development and the applications did not meet the Interim Criteria, Members did not support the applications.

42. Noting the points given by the applicants’ representative, a Member asked whether the boundary of the “V” zone should be reviewed in future. In response, the Chairperson suggested to request the PlanD to examine whether the boundary of the “V” zone should be reviewed having regard to the changing circumstances, and report to the Board on the outcome of the review. Members agreed.

[Dr. Peter K.K. Wong left the meeting at this point.]

43. After further deliberation, the Board decided to reject the applications on review and the reasons for each of the application were:

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good

potential for rehabilitation. No strong justification had been given in the submission for a departure from such planning intention; and

- (b) the proposed development did not comply with the interim criteria for assessing planning applications for New Territories Exempted House/Small House (SH) development in that there was no shortage of land within the “Village Type Development” (“V”) zone of Cheung Po to meet the demand forecast for SH development. There was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development.

44. The Board also agreed to request the PlanD to examine whether the boundary of the “V” zone should be reviewed having regard to the changing circumstances, and report to the Board on the outcome of the review.

[Mr. J.S. Corrigan left the meeting at this point.]

Agenda Item 15

[Open Meeting]

Submission of the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/23A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 7701)

45. The Secretary briefly introduced the Paper.

46. After deliberation, the Board:

- (a) agreed that the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/23A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;

- (b) endorsed the updated Explanatory Statement (ES) for the draft Aberdeen & Ap Lei Chau OZP No. S/H15/23A 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/H15/23A.

Agenda Item 16

[Confidential Item]

- 47. The minutes of this item were recorded under separate confidential cover.

Agenda Item 17

[Open Meeting]

Any Other Business

- 48. There being no other business, the meeting was closed at 11:40 a.m.

(CHAIRPERSON)
TOWN PLANNING BOARD