

**Minutes of 872nd Meeting of the  
Town Planning Board held on 24.11.2006**

**Present**

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

Dr. Peter K.K. Wong      Vice-chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

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

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

Director of Environmental Protection  
Dr. Michael Chiu

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

Professor David Dudgeon

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Director of Lands  
Mr. Patrick L.C. Lau

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

Chief Town Planner/Town Planning Board  
Ms. Jacinta K.C. Woo

Town Planner/Town Planning Board  
Ms. Endless S.P. Kong

**Agenda Item 1**

(Open Meeting)

Confirmation of Minutes of the 871<sup>st</sup> Meeting held on 10.11.2006

1. The minutes of the 871st meeting held on 10.11.2006 were confirmed without amendment.

**Agenda Item 2**

Matters Arising

(Open Meeting)

(i) Town Planning Appeal Received

Temporary Vehicle Repair Workshop  
for a Period of 3 Years in “Undetermined”  
and “Village Type Development” zones,  
Lots 1335(Part), 1548(Part), 1550A(Part), 1550B, 1551(Part)  
and 1552(Part) in DD 119,  
Tong Yan San Tsuen, Yuen Long  
(Application No. A/YL-TYST/319)

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2. The Secretary said that an appeal against the decision of the Board to reject on review an application for a temporary vehicle repair workshop for a period of 3 years on a site zoned partly “Undetermined” and partly “Village Type Development” (“V”) on the approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10 was received by the Town Planning Appeal Board (TPAB) on 17.11.2006. The review application was rejected by the Board on 8.9.2006 mainly on the grounds that the proposed development was not in line with the planning intention of the “V” zone; no strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas. The hearing date of the appeal was yet to be fixed. The Secretariat would represent the Board in the TPAB proceedings.

(ii) Appeal Statistics

3. The Secretary said that as at 24.11.2006, 29 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

|                               |     |
|-------------------------------|-----|
| Allowed :                     | 17  |
| Dismissed :                   | 87  |
| Abandoned/Withdrawn/Invalid : | 119 |
| Yet to be Heard :             | 29  |
| Decision Outstanding :        | 4   |
| <hr/>                         |     |
| Total :                       | 256 |

(iii) Town Planning Board Annual Site Visit

4. The Secretary reminded Members that the Town Planning Board Annual Site Visit to visit the Frontier Closed Areas and Sha Lo Tung would be held on 29.11.2006. Detailed itinerary would be sent to Members shortly.

(iv) Gazette of the Draft Kai Tak Outline Zoning Plan No. S/K22/1

5. The Secretary said that on 10.11.2006, the Board agreed that the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/A was suitable for publication under section 5 of the Town Planning Ordinance subject to fine-tuning of the plan, and its Notes and Explanatory Statement (ES). Textual amendments had subsequently been made to the Notes and ES. Opportunity had also been taken to address the editorial and consistency aspects of these documents. The revised Notes and ES were circulated to Members on 22.11.2006. The draft Kai Tak OZP No. S/K22/1 was gazetted on 24.11.2006 under section 5 of the Town Planning Ordinance.

[Dr. C.N. Ng arrived to join the meeting at this point.]

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-LT/274-1

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

in “Agriculture” and “Village Type Development” zones,

Lot 578G in DD 8, Ma Po Mei Village, Lam Tsuen, Tai Po

(TPB Paper No. 7717)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

6. Members noted that Mr. Sham Sai-keung, the applicant, had just informed the Secretariat that he would not attend the review hearing. The Board agreed to proceed with the hearing in the absence of the applicant.

7. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North of the Planning Department (PlanD) was invited to the meeting at this point.

8. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

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

9. Mr. W.K. Hui did so as detailed in the Paper and covered the following main aspects:

- (a) the original application for the proposed Small House was approved by the Rural and New Town Planning Committee (RNTPC) on 23.8.2002 and the planning permission was valid until 23.8.2006;

- (b) a section 16A(2) application to extend the time for commencement of the approved Small House for 4 years until 23.8.2010 was approved by the Director of Planning under the delegated authority of the Board subject to the same approval condition (c) as stipulated in the previous approval and the applicant was also advised of the same advisory clause (c);
- (c) the written representation submitted by the applicant at Annexes E and F of the Paper and major justifications put forth in support of the review application as detailed in paragraph 3.1 of the Paper;
- (d) subjects of review – although the applicant had not stated clearly the subjects of review, judging from his grievances on the requirement in relation to the construction of the public sewers, it was believed that the applicant was in effect seeking a review on approval condition (c) (i.e. the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Board) and advisory clause (c) (i.e. the construction of the proposed Small House should only commence after the completion of the sewerage programme). The applicant also expressed dissatisfaction on the need to apply for further extension of the planning approval as he was informed that submission of a fresh application would be required for the development if it could not commence before the expiry of the extended planning permission;
- (e) departmental comments – the Water Supplies Department (WSD) would only support the proposed Small House if approval condition (c) and all the advisory clauses were fully complied with. The Environmental Protection Department (EPD) had no objection to the application provided that the proposed Small House would only be occupied when the public sewer was available and its discharge would be connected to the public sewer after completion of the sewerage system. The proposed septic tank outside the application site was not supported due to the possible land, maintenance and connection problems. The Drainage Services Department advised that the sewerage project was only included in Category B in October 2005 for implementation and it was expected to start in end 2008 for completion in

end 2013; and

- (f) PlanD's views – the review application was not supported as approval condition (c) was considered necessary to ensure that the sewage of the proposed Small House would be disposed of through the planned sewers. It should be noted that in view of grave concerns on the water pollution problems in the Water Gathering Grounds (WGG) in the Lam Tsuen and Kau Lung Hang areas as previously raised by the EPD and WSD, all approved planning applications for NTEHs/Small Houses in these two areas were subject to the same approval condition since August 2002.

10. Members sought clarifications on the followings:

- (a) the number of the approved Small House developments that would be affected by the delay of the construction of the public sewers;
- (b) the zoning of the application site and the proposed septic tank;
- (c) the distance between the application site and the proposed septic tank and how far were they from the river and the planned public sewer;
- (d) whether WSD had provided any information on the current water quality in Lam Tsuen area; and
- (e) the decisions of the Town Planning Appeal Board (TPAB) allowing for similar applications and the difference between them and the subject application.

11. Mr. W.K. Hui responded as follows:

- (a) more than 40 approved Small House developments would be affected by the delay of the construction of the public sewers as 17 and 24 planning applications in Kau Lung Hang and Lam Tsuen respectively had been approved with the same approval condition (c) imposed;

- (b) the application site was zoned partly “Agriculture” and partly “Village Type Development” (“V”) on the Lam Tsuen Outline Zoning Plan while the proposed septic tank, which was located outside the application site, fell within an area zoned “V”;
- (c) the application site and septic tank were located about 20m and 30m away from Lam Tsuen River respectively. As the alignment of the public sewer would be subject to a study which would commence in end 2006, the distance of the application site and septic tank from the public sewer was not known yet. The septic tank was proposed to be located in the adjoining lot about 30m away from Lam Tsuen River as such septic tank, if proposed inside the application lot (which was within 20m from the Lam Tsuen River), would not be acceptable to the EPD due to the short clearance distance and potential water quality impact on the river. Although the proposed septic tank would be located in an area over 30m away from the river, the EPD did not support the proposed septic tank as it would be difficult to ensure the construction and long-term maintenance of the proposed sewage pipes and septic tank in other private lots not owned by the applicant;
- (d) the WSD had not provided any information on the current water quality situation of the WGGs in Lam Tsuen area. The available information on the water quality of the WGGs was provided in a paper entitled ‘Impacts on Water Quality due to Small House Developments within Water Gathering Grounds’ submitted by the EPD to the RNTPC on 31.5.2002. To prevent the poor water quality from further deterioration, the RNTPC agreed on 23.8.2002 that connection to existing or planned sewerage system should be adopted as one of the criteria (i.e. criterion (i)) in considering planning applications for NTEH/Small House developments within the WGGs; and
- (e) two similar applications (No. A/NE-LT/289 and A/NE-LT/290) with the proposed septic tanks located outside the application sites were rejected by the Board on review. They were allowed on appeal by the TPAB as the appellants had submitted an executed Deed of Grant of Easement to demonstrate that it was feasible technically and legally for the appellants to

install sewers leading from their sites to the proposed septic tanks in the adjoining lot. As such, the TPAB considered that the proposed NTEHs could be connected to the planned sewerage system in the “V” zone, thus meeting the “Interim Criteria for Assessing Planning Application for NTEH/Small House Development”. In the light of the TPAB’s decision, Application No. A/NE-LT/346 was approved by the RNTPC as the applicant had also submitted a similar document in support of the application.

[Dr. Peter K.K. Wong, Mr. Leslic H.C. Chen and Ms. Sylvia S.F. Yau arrived to join the meeting during the question session.]

12. The Chairperson remarked that unlike these two appeal cases, the subject application had already been approved by the RNTPC. The applicant asked for a review by the Board as he was not satisfied with the delay of the public sewerage works which rendered the early construction of his Small House not possible. In addition, the applicant was dissatisfied with the requirement on how to submit applications for extension of planning permission before expiry.

13. As Members had no question to raise, the Chairperson thanked PlanD’s representative for attending the meeting. Mr. W.K. Hui left the meeting at this point.

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

#### Deliberation Session

14. The Chairperson said that in view of the grave concern on the deterioration in water quality within the WGGs due to substantial increase in Small House developments in recent years, connection to the existing and planned sewerage system was included as one of the criteria for the consideration of the applications for the NTEH/Small House within the WGGs. Although the subject application was approved taking into account the relevant criteria, the applicant should still be required to comply with the approval conditions imposed. The TPAB’s considerations in approving similar applications mentioned by the DPO earlier might shed light on the possible alternative solution for compliance with approval condition (c) but such solution might not be applicable to the subject application due to their difference

in nature.

15. Dr. Michael Chiu said that the EPD did not object to the application. The clearance distance of 30m from the septic tank to the river was a technical requirement requested by the WSD. A shorter clearance distance might be acceptable to the EPD if the proposed septic tank and soakaway pit could satisfactorily address the concern on the potential water quality impact on the river. Besides, the unavailability of the public sewers should not be considered as a constraint to the construction of the proposed Small House. The planned public sewer was intended to be an improvement measure provided by the Government to facilitate the villagers to discharge their sewage properly in the future.

16. A Member asked whether approval condition (c) would be considered not necessary if the applicant could address the EPD's concern by making similar legal undertaking on sewerage connection to the proposed septic tank as made by the appellants in the said appeal cases.

17. The Secretary referred to Plan R-2 of the Paper and replied that unlike the said Appeal cases, the subject application with the proposed septic tank located within the "V" zone had already been approved by the RNTPC. The applicant was not satisfied with the requirement under approval condition (c) that the foul water drainage from the site had to be connected to the public sewers which were not yet constructed. Although the said Appeal cases were allowed by the TPAB, the allowance was made in view of the legal undertaking made by the appellants and also subject to similar requirement on the provision of sewerage connection. As such, approval condition (c) was still necessary. As for the applicant's dissatisfaction with the advisory clause (c), it should be noted that such clause was not a condition but served to inform the applicant of the requirement of the WSD. It was understood that the Lands Department would not allow the commencement of the construction of NTEH until the completion of the sewerage programme.

18. A Member was of the view that since Small House developments within the "V" zone were not subject to the approval of the Board, he did not see how the pollution problem could be addressed by requiring connection to public sewers.

19. In response, the Chairperson said that Small House developments were permitted as of right within the "V" zone and therefore were not subject to control by the Board.

However, the Board had a duty to ensure that the pollution problem of the WGGs would not be aggravated by further developments outside the “V” zone.

20. Members then had the following views on the application:

- (a) in view of the water quality problems in the WGGs as raised by the EPD and WSD, the Board should be cautious in granting planning permission to the NTEH/Small House development outside the “V” zone and it was necessary to ensure that the water quality impact on the WGG would be addressed satisfactorily in any approved development;
- (b) it was noted that both the EPD and WSD had expressed grave concerns on relying solely on septic tanks for foul effluent disposal within the WGGs to prevent pollution to watercourses in 2002. Since the NTEH/Small House developments were always permitted within the “V” zone, imposition of condition (c) to any approved development outside the “V” zone was necessary to avoid further deterioration of the water quality of the WGGs;
- (c) approval condition (c) was imposed in view of the requirement of the WSD and was necessary to ensure that the sewage of the proposed Small House would be disposed of through the planned sewers;
- (d) similar to Applications No. A/NE-LT/289 and A/NE-LT/290, there might be other means to provide for sewerage connection but the current requirement of condition (c) might be too rigid;
- (e) the EPD’s concern on the construction and long-term maintenance of the proposed sewage pipes and septic tank in other private lots could be addressed at the land grant stage;
- (f) deletion of approval condition (c) was not supported as it might set an undesirable precedent to similar approved and future applications for Small Houses within the WGGs; and
- (g) in address applicants’ grievances over the delay of the construction of the

public sewers, the DSD should be asked to expedite the implementation programme of the public sewerage project.

21. A Member opined that judging from the justifications provided by the applicant at Annex F of the Paper, the applicant only complained against the non-provision of the completion date and details of the planned sewers, and queried why the submission of a further application for renewal of the planning permission was required. As such, providing an explanation to his enquiries might probably address his concerns. The PlanD could be asked to explain to the applicant that the availability of planned public sewer was subject to resource allocation of the Government and it was not within the purview of the Board, while the requirement of the submission of an application for renewal of the planning approval was a statutory requirement.

22. The Chairperson said that although the applicant had not stated explicitly his subjects of review, it was necessary for the Board to consider whether the relevant approval condition was still appropriate in the light of his concerns.

23. After discussion, Members generally considered that the review application should not be supported as approval condition (c) was necessary to prevent further deterioration of the water quality on the WGGs in the Lam Tsuen area.

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 proposed development located within the water gathering grounds would not cause adverse impact on the water quality in the area if the foul water drainage system of the proposed Small House would not be connected to the planned public sewers in future. The condition on the requirement of the connection of the foul water drainage system to public sewers (i.e. condition (c)) was considered necessary to ensure that the sewage of the proposed Small House would be disposed of through the planned sewers; and
- (b) the deletion of approval condition (c) upon review might set an undesirable

precedent to similar approved and future applications for Small Houses within the Water Gathering Grounds (WGGs), the cumulative effect of which might cause serious water pollution problems to the WGGs.

25. The Board also agreed to ask the PlanD to explain to the applicant that the availability of planned public sewer was subject to resource allocation of the Government and it was not within the purview of the Board, while the requirement of the submission of an application for renewal of the planning approval was a statutory requirement.

#### **Agenda Item 4**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-MUP/52

Temporary Open Storage of Building Materials

for a Period of 3 Years in “Agriculture” zone,

Lot 160B5 in DD 38, Sha Tau Kok Road, Man Uk Pin, Sha Tau Kok

(TPB Paper No. 7716)

[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

26. Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North of the Planning Department (PlanD) was invited to the meeting at this point.

27. The following applicant and the applicant’s representatives were also invited to the meeting at this point:

|                   |                               |
|-------------------|-------------------------------|
| Mr. Tsang Kwai    | - Applicant                   |
| Mr. Chan Chi-yee  | ] Applicant’s representatives |
| Mr. Lee Shiu-ming | ]                             |

28. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members

on the background to the application.

29. Mr. W.K. Hui then brief Members on the background to the application as detailed in the Paper and covered the following main aspects:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary open storage of building materials on 4.8.2006 were set out in paragraph 1.2 of the Paper;
- (b) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department did not favour the application as the grading of the site was ‘good’ and the proposed use would cause adverse impact on agricultural activities in the vicinity of the site. The Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) a public comment, stating concerns on environmental pollution and public health grounds, was received during the publication period of the review application; and
- (e) PlanD’s views – the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval granted to the application site and that there was no technical submission to demonstrate that the use would not generate adverse environmental impacts on the surrounding areas. There was no change in planning circumstances since rejection of the application.

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

31. Mr. Tsang Kwai made the following main points on the proposed development:

- (a) the application site, which was owned by him, was used for running the environmental protection business involving collection of discarded sanitary appliances and waste for recycling, reuse, reprocessing and sorting. His business was in line with the Government recycling policy;
- (b) the application site was considered by the relevant Government department as good quality agricultural land. However, agricultural activities in Hong Kong was on the decline and 80% of the agricultural land had been left fallow. The application site was also fallow agricultural land before he established his business there;
- (c) the visual impact of the proposed development could be addressed by tree planting and substantial landscaping on the application site; and
- (d) he had relied on the income generated from the subject business to settle the loan borrowed from the bank for purchasing the application site a few years ago. He hoped that the Board would give sympathetic consideration to his application as rejection of the application would lead to unemployment of himself and his employees.

32. Mr. Chan Chi-yee made the following main points on the proposed development:

- (a) he was the applicant's friend and the applicant had been running the recycling business at the application site for many years;
- (b) there would not be any environmental pollution problem within the proposed use as only sand paper and dry cloth were used to polish and cleanse the sanitary appliances stored at the application site;
- (c) the relevant District Office, Civil Engineering and Development Department, and Fire Services Department had no comments on the proposed use at the application site; and

- (d) measures had been implemented to improve the condition of the application site. It would not be reasonable to require the applicant to implement the relevant measures if the proposed use were not to be approved. He asked the Board to grant planning permission for the proposed use for 3 years. If the approval conditions could not be complied with satisfactorily by the applicant, his business would be relocated to other locations.

33. In response to the Chairperson's enquiry on why the applicant did not continue his business at the site in Fung Yuen Village, Tai Po, Mr. Tsang Kwai said that the site in Fung Yuen Village was rented by him and his business was forced to relocate to the application site in 1999 following land purchase action by the developer. Mr. Chan Chi-yee added that he was a resident of Fung Yuen Village. There were more residential dwellings near the applicant's previous site and there were no environmental complaints against the subject use from the residents. No environmental problem in the surrounding area of the subject site should be expected as there were few residential dwellings nearby.

34. In response to a Member's enquiry on whether there was any difference between the subject application and the previous Application No. A/NE-MUP/33, Mr. W.K. Hui said that the application site was the subject of three previous planning applications, which were all rejected by either the Board or the RNTPC. Similar to the subject application, Application No. A/NE-MUP/33 was applied for open storage of building materials. The Secretary added that Application No. A/NE-MUP/33 was submitted by the same applicant for the same use. That application was rejected by the RNTPC and by the Board on review in December 2000 and April 2001 respectively. It was heard by the Town Planning Appeal Board in November 2001 and was dismissed in January 2002.

35. Mr. Lee Shiu-ming said that he was a friend of the applicant. He did not understand why the area to the south of Sha Tau Kok Road and opposite to the application site was zoned "Residential (Group D)" ("R(D)") rather than "Agriculture" ("AGR") and why permanent low-density residential development was allowed on the agricultural land in that area while the applied temporary use was not allowed on the application site.

36. In response, Mr. W.K. Hui said that the said area was mainly occupied by temporary residential dwellings and it was zoned "R(D)" for upgrading of the area by

encouraging redevelopment of temporary structures into permanent low-rise, low-density residential development. However, the area to the north of Sha Tau Kok Road was zoned “AGR” as it was relatively rural and mainly occupied by good quality agricultural land.

37. A Member asked for more information on EPD’s concern on the environmental nuisance caused by the proposed use and whether the proposed use would generate adverse traffic and noise impacts on the surrounding area.

38. In response, Mr. W.K. Hui said that the EPD did not support the application in view of the possible environmental nuisances on the sensitive uses in the vicinity of the application site. However, the EPD had not received any environmental complaint in the past three years. The Transport Department did not raise objection to the application but opined that a site layout plan indicating transport and traffic arrangements should be provided and the future management responsibility of the proposed access road should be clarified.

39. Mr. Tsang Kwai said that there should not be any adverse traffic impact as the proposed use would only generate one vehicular trip in two days for the transportation of the discarded sanitary appliances collected from the new housing estates to the site. There was also no noise impact arising from the operation on the site.

40. Mr. Chan Chi-yee said that the relevant Government department had recently inspected the site and noted that the proposed ingress and egress would not affect the nearby bus-stop.

[Dr. Lily Chiang arrived to join the meeting at this point.]

41. Another Member asked what kinds of sanitary appliances were stored at the application site and what were the processing activities involved.

42. Mr. Tsang Kwai replied that the sanitary appliances were discarded toilet fittings collected from the new housing estates. Only removal of glue attached to the fittings and simple sweeping of dirt would be required. He did not understand why the EPD objected to the application, which was for environmental friendly business.

43. In response to a Member’s enquiry on the nature of the sanitary appliances, Mr.

Tsang Kwai said that the sanitary appliances were not regarded as new as they had been installed and removed from the new housing estates.

44. As the applicant and the applicant's 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 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, the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

45. Mr. Nelson W.Y. Chan declared an interest in this item as he had just noted that Mr. Lee Shiu-ming was the parent of one of his students.

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

46. Members had the following views on the application:

- (a) the applicant's recycling business was welcomed. However, the subject site, which was surrounded by good agricultural land, was considered not appropriate for the proposed use. The proposed use should be located in areas such as a material recycling park; and
- (b) the application should not be supported as there was active agricultural land in the area surrounding the site and no approval for open storage use had previously been given in this "AGR" zone. The approval of the application would set an undesirable precedent.

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

- (a) the development was not in line with the planning intention of the "Agriculture" zone which was to retain and safeguard agricultural land for agricultural purposes and also intended to retain fallow arable land with

good potential for rehabilitation;

- (b) the proposed use would cause adverse impact on agricultural activities in the vicinity of the site;
- (c) the development under application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that no previous approval was granted to the site and there were adverse departmental comments;
- (d) there was insufficient information in the submission to demonstrate that the uses under application would not have any adverse environmental impact on the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for other similar applications, and the cumulative effect of approving these applications would result in a general degradation to the environment of the area.

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

### **Agenda Item 5**

[Open meeting]

Further Consideration of Proposed Reclamation Project for  
Lung Mei Bathing Beach, Ting Kok, Tai Po  
(TPB Paper No. 7686)

[The hearing was conducted in Cantonese.]

48. The following representatives from the Government Departments were invited to the meeting at this point:

- Mr. W.K. Hui - District Planning Officer /Sha Tin, Tai Po and North, Planning Department (PlanD)
- Mr. Horace Cheung - Chief Leisure Manager (New Territories East), Leisure, Cultural and Services Department (LCSD)
- Mr. Peter Kan - Chief Executive Officer (Planning)2, LCSD
- Mr. C.C. Mak - District Leisure Manager (Tai Po), LCSD
- Miss Sandra Yip - Senior Executive Officer (Planning)1, LCSD

49. Members noted that Mr. W.C. Leung and Mr. C.P. Wong, the representatives of the Civil Engineering and Development Department (CEDD), and Mr. Terence Fong, the environmental consultant had tendered their apologies for being unable to attend the meeting.

50. The Chairperson then invited the PlanD's representative to present the Paper.

51. Mr. W.K. Hui did so and covered the following main aspects:

- (a) on 24.3.2006, the Board agreed to include the previously proposed reclamation area for the proposed bathing beach in the Ting Kok Outline Zoning Plan (OZP) and to the administrative arrangement for the reclamation project;
- (b) the revised proposed reclamation area and justifications for the proposed increase in the area of reclamation from 1.02 ha to 1.91 ha as detailed in paragraphs 3.1 and 3.2 of the Paper;
- (c) the tentative programme for the proposed reclamation project as detailed in paragraphs 3.3 and 3.4 of the Paper; and
- (d) PlanD's views – it was suggested that the revised proposed reclamation area should be covered by the Ting Kok OZP. Upon the agreement of the Board, the proposed amendments to the Ting Kok OZP with details on the

land use zoning proposals and the impacts would be submitted to the Board for consideration.

52. Members sought clarifications on the followings:
- (a) justifications for the proposed extension of the reclamation area on engineering grounds;
  - (b) justifications for the additional traffic lane in Ting Kok Road and whether the additional traffic lane was proposed subsequent to the Board's agreement of the originally proposed reclamation area;
  - (c) when the departmental comments including those from the Environmental Protection Department, and Agriculture, Fisheries and Conservation Department on the revised proposed reclamation area, which were not provided in the Paper, would be available for Members' consideration; and
  - (d) whether the relevant District Council and fishermen organizations had been consulted on the proposed reclamation project as the nearby natural fishing ground would likely be affected by the project.
53. In response, Mr. W.K. Hui made the following points:
- (a) the proposed extension of the reclamation area was required to facilitate the development of a public bathing beach, which was proposed for meeting the great demand for beach facility in Tai Po. In view of the rocky nature of the coastal area in this part of Ting Kok that was not suitable for swimming, a man-made beach was proposed. The proposed bathing beach was generally considered compatible with the uses of the surrounding area, which was primarily for recreational purpose. It was one of 25 priority projects for implementation in the Chief Executive's 2005 Policy Address;
  - (b) the additional traffic lane was required in view of the envisaged increase in traffic on Ting Kok Road due to the development of the proposed public bathing beach. The southward shifting of the proposed beach area was

proposed as a result of the inclusion of this additional traffic lane;

- (c) the present submission was only a procedural matter. After the Board's agreement to include the proposed reclamation area into the Ting Kok OZP, the land use zoning proposals for the proposed bathing beach would be circulated to the relevant Government departments for consideration and their comments would be provided in the subsequent submission of the proposed amendments to the Ting Kok OZP to the Board for consideration; and
- (d) it was understood that the relevant sub-committee of the Tai Po District Council had been informed of the proposed reclamation project.

54. In response, Mr. Peter Kan made the following points:

- (a) although they had no details on the justifications for the proposed revised reclamation area in hand, he understood that in general, an engineering feasibility study on the proposed reclamation area would usually be undertaken and followed by the detailed design of the reclaimed area. At the design stage, the Transport Department would be consulted on the required road infrastructure to serve the area; and
- (b) it was understood that the CEDD would arrange a briefing to the fishermen organizations that might be affected by the proposed reclamation project by the end of this month.

55. Members had the following views on the revised proposed reclamation area:

- (a) sufficient justifications for the proposed increase in the reclamation area in particular on engineering grounds should be provided;
- (b) the subject area might not be suitable for developing the proposed man-made beach from geographical point of view as the sandy beach might be subject to erosion;

- (c) the Board had raised a number of concerns on the proposal, including the need for the proposed bathing beach and the impacts of the proposed reclamation on the surrounding environment, in the previous consideration of the proposed reclamation project for Lung Mei Bathing Beach in March 2006. Before these concerns were properly addressed, it was considered not desirable to agree to any further extension of the area of the proposed bathing beach. Adequate information on the justifications and impacts of the proposed extension should be provided by the relevant Government departments; and
- (d) the proposed increase in reclamation area was substantial and the scale of the impacts would be relative to the size of the reclamation area. As such, more information on the impacts of the proposed reclamation project should be provided to facilitate the consideration of the revised proposed reclamation area.

56. A Member sought clarification on the followings:

- (a) whether the section of the road leading to the Bride's Pool and Luk Keng could be shown on Plan 1A of the Paper and whether the proposed widening of a small section of Ting Kok Road could address the concern on traffic jam raised by Members in the previous consideration of the proposed reclamation area;
- (b) the number of car parking spaces proposed in the previous reclamation project and the justifications for any increase in the number of car parking spaces; and
- (c) whether barbecue activities, which might be quite polluting, would be allowed in the proposed bathing beach.

57. The Chairperson said that in view of concerns raised by Members and in the absence of adequate information which the relevant Government departments should provide, the consideration of the proposed reclamation project should be deferred until the relevant information was available to address Members' concerns. In this regard, a comprehensive

assessment on the possible impacts, particularly on traffic and environmental aspects, arising from the proposed reclamation project should be carried out. The PlanD should follow-up with the relevant Government departments and submit the required information to the Board for consideration. The LCSD should be requested to provide Members with detailed information on the proposed facilities on the bathing beach. Members agreed.

58. After deliberation, the Board decided to defer a decision on the revised reclamation area for Lung Mei Bathing Beach pending the submission of further information as required by the Board including a comprehensive assessment on the impacts of the proposed reclamation project. The proposed reclamation area would be submitted to the Board for consideration when the relevant information was available.

59. The meeting adjourned for a break of 10 minutes and resumed at 11:20 a.m..

**Agenda Item 7**

[Open meeting]

Draft Jardine's Lookout & Wong Nai Chung Gap

Outline Zoning Plan No. S/H13/11

Information Note and Hearing Arrangement for

Consideration of Representations

(TPB Paper No. 7719)

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81. The Secretary presented the Paper.

82. The Chairperson noted that the representers might have misunderstood the amendments made to the draft Jardine's Lookout & Wong Nai Chung Gap Outline Zoning Plan (OZP), i.e. to tighten rather than to relax the relevant development restrictions. As such, the Planning Department should convene a meeting with the representers and explain to them the background to the amendments. The hearing might not be necessary if the representers accepted the explanation and withdrew their representations.

83. After deliberation, the Board decided to consider the representations and comment to the draft Jardine's Lookout & Wong Nai Chung Gap OZP No. S/H13/11 without resorting to the appointment of a Representation Hearing Committee. The hearing would be accommodated in the Board's regular meeting and all the representations would be heard collectively in each of the two groups as detailed in paragraph 2.2 of the Paper. The Planning Department would explain the amendments made to the OZP to the representers before the hearing.

**Agenda Item 8**

[Open meeting]

Draft Urban Renewal Authority Yu Lok Lane/Centre Street

Development Scheme Plan No. S/H3/URA2/1A

Submission of Draft Plan to the Chief Executive in Council for Approval

(TPB Paper No. 7720)

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84. The Secretary said that as the subject Paper was related to the Urban Renewal

Authority (URA), the following Members had declared interests in this item:

|                                                                                       |                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mrs. Ava S.Y. Ng<br>(as Director of Planning)                                         | - being a non-executive director of the<br>URA                                                                                                                                                                                                                                                                          |
| Mr. Patrick L.C. Lau<br>(as the Director of Lands)                                    | - Ditto                                                                                                                                                                                                                                                                                                                 |
| Ms Margaret Hsia<br>(as the Assistant Director (2) of the<br>Home Affairs Department) | - being a co-opt member of the<br>Planning, Development and<br>Conservation Committee of the URA                                                                                                                                                                                                                        |
| Mr. Walter K.L. Chan                                                                  | - being a non-executive director of the<br>URA                                                                                                                                                                                                                                                                          |
| Dr. Greg C.Y. Wong                                                                    | - having current business dealings with<br>the URA                                                                                                                                                                                                                                                                      |
| Professor Bernard V.W.F. Lim                                                          | - Ditto                                                                                                                                                                                                                                                                                                                 |
| Mr. Michael K.C. Lai                                                                  | - being an ex-member of the URA                                                                                                                                                                                                                                                                                         |
| Dr. Daniel B.M. To                                                                    | - belonged to an organization related to<br>the Tsung Tsin Mission of Hong<br>Kong, which ran Kau Yan Church, the<br>owner of one of representation sites<br>under Representation No. 1 in respect<br>of Draft Urban Renewal Authority Yu<br>Lok Lane/Centre Street Development<br>Scheme Plan (DSP) No.<br>S/H3/URA2/1 |

85. Members noted that Mr. Patrick L.C. Lau and Professor Bernard Vincent V.F. Lim had tendered their apologies for being unable to attend the meeting and Mr. Michael K.C. Lai had already left the meeting. Since the Paper was only on procedural matters, there was

no need for the other Members to leave the meeting temporarily.

86. The Secretary briefly introduced the Paper.

87. After deliberation, the Board agreed that:

- (a) the draft Urban Renewal Authority Yu Lok Lane/Centre Street DSP No. S/H3/URA2/1A 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) the updated Explanatory Statement (ES) for the draft Urban Renewal Authority Yu Lok Lane/Centre Street DSP No. S/H3/URA2/1A at Annex III of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft DSP and issued under the name of the Board; and
- (c) the updated ES was suitable for submission to the CE in C together with the draft DSP.

### **Agenda Item 9**

[Open meeting]

Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/21A  
Submission of Draft Plan to the Chief Executive in Council for Approval  
(TPB Paper No. 7721)

88. As Comment No. C6 submitted in respect of the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/21 was submitted by the Conservancy Association Centre for Heritage Ltd, Dr. C.N. Ng, being a director of the Conservancy Association, declared an interest in this item. Since the Paper was only on procedural matters, there was no need for Dr. C.N. Ng to leave the meeting temporarily.

89. Professor Bernard Vincent V.F. Lim, who had declared an interest during

consideration of the representations in respect of the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/21, had declared an interest in this item. He declared an interest previously as he had represented the Hong Kong Institute of Architects to attend the Legislative Council Panel on Home Affairs on 9.11.2004 and had participated in the open days and other activities on the Central Police Station Compound. However, he had not commented on the land uses of the site and was not related to the representer and commenters. His interest was considered indirect at that meeting. Professor Bernard Vincent V.F. Lim had tendered his apologies for being unable to attend the meeting.

90. The Secretary briefly introduced the Paper.

91. After deliberation, the Board agreed that:

- (a) the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/21A 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) the updated ES for the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/21A at Annex III of the Paper should be endorsed as an expression of the planning intentions 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) the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 10**

[Open Meeting]

### **Any Other Business**

92. There being no other business, the meeting was closed at 12:20 p.m..