

**Minutes of 881st Meeting of the
Town Planning Board held on 30.3.2007**

Present

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

Chairperson

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

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

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. K.Y. Leung

Director of Planning

Mrs. Ava S.Y. Ng

Director of Lands

Mr. Patrick L.C. Lau

Deputy Director of Environmental Protection

Dr. Michael Chiu

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

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

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

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au (a.m.)
Mr. C.T. Ling (p.m.)

Senior Town Planner/Town Planning Board
Mr. W.S. Lau (a.m.)
Miss Fiona S.Y. Lung (p.m.)

Agenda Item 1

Confirmation of Minutes of the 880th Meeting held on 16.3.2007

1. The minutes of the 880th meeting held on 16.3.2007 were confirmed subject to addition of “said that she” before “did not see” in the first line of paragraph 80.

Agenda Item 2

Matters Arising

[Open Meeting]

[The meeting was conducted in Cantonese.]

(i) Special Town Planning Board Meeting on 3.4.2007

2. The Secretary reminded Members that there would be a special Board meeting on 3.4.2007 at 11 a.m. to consider the Recommended Outline Development Plan for Wan Chai Development Phase II. The paper would be issued to Members on 30.3.2007.

Agenda Item 3

Draft Urban Renewal Authority Stone Nullah Lane/Hing Wan Street/King Sing Street
Development Scheme Plan No. S/H5/URA2/1

Consideration of Further Representations

(TPB Paper No. 7785)

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese, Putonghua and English]

3. The Secretary said that as the draft Development Scheme Plan (DSP) was prepared by the Urban Renewal Authority (URA) and Comment No. 4 on the

representations to the DSP was made by the URA and the Hong Kong Housing Society (HKHS), the following Members had declared interests on this item:

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| Mrs. Ava Ng as the Director of Planning | - being a non-executive director of URA |
| Mr. Patrick L.C. Lau as the Director of Lands | - being a non-executive director of URA |
| Ms. Margaret Hsia as the Assistant Director (2) of Home Affairs Department | - being a co-opt member of the Planning, Development and Conservation Committee of URA |
| Mr. Walter K.L. Chan | - being a non-executive director of URA |
| Mr. Y.K. Cheng | - being a member of HKHS |
| Professor Bernard V.W.F. Lim | - having current business dealings with URA and HKHS |
| Dr. Greg C.Y. Wong | - having current business dealings with URA |
| Mr. Michael K.C. Lai | - being an ex-member of URA and having connection with St. James Settlement who was the representer of Representations No. 45 and 48 |
| Mr. B.W. Chan | - being a member of the Supervisory Board of HKHS |

4. The Secretary reported that Dr. Greg C.Y. Wong, Mr. Y.K. Cheng and Ms. Margaret Hsia had tendered apologies for not attending the meeting. Mr. Michael K.C. Lai, Mr. Walter K.L. Chan, Professor Bernard V.W.F. Lim, Mr. B.W. Chan and Mr. Patrick L.C. Lau would not attend the morning session of the meeting.

[Mrs. Ava S.Y. Ng left the meeting temporarily at this point.]

Presentation and Question Session

5. Ms. Christine Tse, District Planning Officer/Hong Kong (DPO/HK) and Ms. Donna Tam, Senior Town Planner/Hong Kong of the Planning Department (PlanD) and the following further representers, representers, commenters and their representatives were invited to the meeting:

Further Representers

F1	Ms. Law Nga Ning	Further Representer
F2	The Concern Group on the Rights of Residents of the Blue House	Further Representer
	Ms. Li Chui Mei	} Representatives
	Ms. Tai Yi Lin	
	Mr. Michael Law	
	Mr. Sham Hok Man	
	Mr. Lai Ka Chun	
	Ms. Hung Man Wah	
	Mr. Yam Kwok Chu	
	Ms. Huen Sze Mui	
	Mr. Yip Chi Fai	
F3	Mr. Tse Kam Wing	Further Representer
F7	Ms. Leung Po Shan	Further Representer
F8	Mr. Ng Wai Cheong	Further Representer
F11	Mr. Chow See Chung	Further Representer

F12	Mr. Chan Hok Fung	Further Representer
F30	Mr. Mak Fung Chi	Further Representer
F33	Ms. Chow Pui See	Further Representer
F34	Mr. Wat Yau Tin	Further Representer
F36	Mr. Lin Thung Hong	Further Representer
F41	Ms. Angela Tam	Further Representer
F48	Mr. Fung Ping Tak	Further Representer
F52	Ms. So Lok Yee	Further Representer
F53	Mr. Lo Keng Chi	Further Representer
F55	Professor Szeto May	Further Representer and Representative of Representations No. 34 and 35
F58	Mr. Lin Thung Hong	Further Representer
F63	A Group of Households and Commercial Operators Affected by the Lee Tung Street/McGregor Street Development Scheme	Further Representer
	Mrs. Kam Fok Lai Jing	} Representatives
	Ms. Sin Wai Fong	
	Mr. Tse Pak Chai	} Representatives
	Mr. Ho Chun Cheong	

F64	Professor Chen Yun Chung	Further Representative
F65	Urban Renewal Monitor	Further Representative
	Ms. To Lai Jing	} Representatives
	Mr. Chow Chun Yam	

Representers

R21	The Owners' Association on Redevelopment of Old Districts in Hong Kong	Representative
	Ms. Yip Mee-yung	} Representatives
	Mr. Yeung Kwok Kin	

R31	Mr. Sham Hok-man	Representative
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R33	The Group for Preservation of Blue Houses Community	Representative
	Professor Szeto May	} Representatives
	Ms. Li Chui Mei	
	Ms. Tai Yi Lin	
	Mr. Michael Law	
	Mr. Sham Hok Man	
	Mr. Lai Ka Chun	
	Mr. Tse Pak Chai	
	Ms. Yip Mee Yung	
	Professor Chen Yun Chung	

R38	Ms. Huen Sze Mui	Representative
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R42	Ms. Tai Yi Lin	Representative
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R46	Ms. Lee Wai Yi	Representative	and
		representative	of

R49	Mr. Yeung Kin Bun	Representer
R52	Ms. So Man Yee	Representer

Commenters

C2	Mr. Lai Ka Chun	Commenter
	Ms. Li Chui Mei	} Representatives
	Ms. Tai Yi Lin	
	Mr. Michael Law	
	Mr. Sham Hok Man	
	Ms. Hung Man Wah	
	Mr. Yam Kwok Chu	
	Ms. Huen Sze Mui	
	Mr. Yip Chi Fai	
	Mr. Tse Pak Chai	
	Professor Chen Yun Chung	
	Professor Szeto May	
	Mrs. Kam Fok Lai Jing	
	Ms. Sin Wai Fong	
	Ms. Law Nga Ning	
	Mr. Lam Kwok Wai	
C4	Urban Renewal Authority (URA) & Hong Kong Housing Society (HKHS)	Commenter
	Mr. Michael Ma	URA's representative
	Mr. Daniel Lau	HKHS's representative

6. The Chairperson extended a welcome. Members noted that sufficient notice had been given to the remaining further representers, representers and commenters but

they either indicated not to attend the meeting, had no reply or could not be contacted. The Board agreed to proceed with the hearing in the absence of the remaining parties. The Chairperson then explained the procedures of the hearing. In the interest of time and to allow all concerned parties to express their views, the Chairperson suggested the attendees not to repeat the same views already expressed by others.

7. The Chairperson then invited Ms. Christine Tse, DPO/HK, to brief Members on the background of the further representations.

8. With the aid of a Powerpoint presentation, Ms. Christine Tse did so as detailed in Paper No. 7785 and made the following main points:

- (a) the background was set out in paragraph 1 of the Paper. After consideration of the 53 representations and 4 comments on 8.12.2006, the Board decided to propose amendment to the DSP to include 'Flat' use under Column 2 of the Notes of the DSP, and to incorporate a statement on preservation of social network in the Planning Brief (PB) as in the case of Lee Tung Street Scheme. The proposed amendment to the Notes was exhibited for public inspection on 5.1.2007. 65 valid further representations were received and one of them was subsequently withdrawn. The proposed amendments to the PB were endorsed by the Board on 2.3.2007;
- (b) the main grounds of the further representations were summarized in paragraph 2.2 of the Paper, including the following:
 - (i) as residential use was an existing use, it was unreasonable to include 'Flat' use in Column 2 but not Column 1 of the Notes;
 - (ii) the request for preservation of social network had not been reflected in the proposed amendment to the DSP;
 - (iii) objected to demolition of 8 King Sing Street; and
 - (iv) objected to pedestrianization of King Sing Street.

- (c) the further representers' proposals were detailed in paragraph 2.3 of the Paper and summarized as follows:
- (i) to amend the annotation of the "OU" zone as "Open Space and Historical Buildings preserved for Residential, Cultural, Community and Commercial Uses";
 - (ii) to include 'Flat' and 'Social and Community Service Facility' uses under Column 1;
 - (iii) to amend the planning intention in the Notes to include preservation of 8 King Sing Street and internal/external structures of existing buildings; and to include residential use, preservation of social network and local character, people-oriented approach and residents' participation;
 - (iv) to amend the 'Remarks' of the Notes to require planning permission for demolition of 8 King Sing Street and for any alteration works within the site; to require residents' participation in the study and formulation of the preservation details; and to delete the requirement on provision of 220m² open space; and
 - (v) to preserve Wan Chai Market.
- (d) PlanD's assessment of the further representations was detailed in paragraph 3 of the Paper. As conversion works would be required to accommodate ancillary facilities such as toilets and kitchens for each residential units, detailed study was required to demonstrate the feasibility for converting the heritage buildings for residential use. Hence, it was more prudent to include 'Flat' in Column 2 to allow for flexibility in use and to maintain appropriate planning control. Except for the proposed inclusion of 'Flat' use under Column 1, the other issues were not related to the proposed amendment and had already

been considered by the Board on 8.12.2006. The objective of preservation of social network had already been incorporated in the Planning Brief and the proposed preservation of Wan Chai Market was not relevant to the subject DSP. The further representations were not supported by PlanD.

9. The Chairperson then invited the further representers to make their presentations.

10. The further representer of Further Representation No. 1, Ms. Law Nga Ning, requested to swap the order of presentation with Professor Szeto May, Further Representer of No. 55, who had to leave early. The Chairperson agreed.

Further Representation No. 55

11. Professor Szeto May said that she also represented Representers No. 34 and 35 and Commenter No. 2. With the aid of a Powerpoint presentation, she made the following main points:

- (a) in response to paragraphs 1.2 and 3.4 of TPB Paper No. 7785, on incorporation of the planning objective for preservation of social network in the PB, they requested to specify clearly that social network was the existing social network of the H5 area and also to incorporate this planning objective in the planning intention. Like the Lee Tung Street (H15) case, adding vague and undefined terms of preserving social network would not protect the existing economic and social network from URA's destruction. The Board should amend the draft DSP to ensure that the preservation of the existing social network of the H5 area would be enforced;
- (b) on paragraph 3.2 of the Paper, the representers considered that eating places, like flat use, also require the provision of kitchens and toilets. The wear and tear generated by the large number of users in eating places would be much higher than that caused by an old person or a small family living in the existing historic building. Allowing eating

place as a Column 1 use while not allowing flat use under Column 1 was clearly double standard;

- (c) in response to paragraph 3.6 of the Paper, the representers proposed that 8 King Sing Street (Orange House) should be preserved and be adaptively reused. The International Council of Monuments and Sites Charter on the Built Vernacular Heritage had set out the principles of preserving vernacular historic cultural landscapes generated by the existing community as part of their intangible cultural heritage. A flexible and creative interpretation of “open space” and “built structure” would be required and there could be a gradual transition between the two. The Orange House should be preserved as part of the Vernacular Architectural Heritage that creatively adapted to Hong Kong’s congested environment. The ground floor of Orange House could be made more open to the central open space and the roof could be turned into a landscaped garden, providing the same area of open space to fulfill the open space requirements. The building could be adapted into a public space for community, cultural and small scale commercial use, allowing the preservation of the original vernacular character of mixed use in this historical community;

- (d) responding to paragraphs 3.8 and 4.2 of the Paper, they asked the Board not to approve the URA scheme before the relevant integrated impact assessments (including the socio-economic impact on surrounding businesses and residents, the traffic, transport and environmental impacts as well as a detailed conservation plan) had been submitted to the Board and after adequate consultation with the public , particularly the affected parties. The Board should not make any pre-mature decision but to wait until relevant authorities had completed the assessment; and

- (e) the environment of the back lane fronting the Orange House needed to be improved. Many exhaust fans exposed on the lane, generating environmental nuisances and affecting the future open space. The retention and adaptive re-use of the Orange House would help improve

the environmental conditions.

12. The Chairperson then invited presentation from Further Representation No. 2. Professor Chen Yun Chung, Further Representer of No. 64, requested to speak as he had to leave early. Ms. Hung Man Wah of Further Representation No. 2 said that their group was willing to swap the order of presentation.

Further Representation No. 64

13. With the aid of a Powerpoint presentation, Professor Chen Yun Chung made the following main points:

- (a) there was a double standard as planning permission would not be required for eating place, school and place of recreation, sports or culture used by more people, but the existing flat use would require planning approval. The underlying motive was to drive away the poor and replaced them with the new middle class flat owners who could afford to spend in the heritage restaurants and to increase the property value;
- (b) social network referred to the neighbouring relationship of mutual support. Academic researches had concluded that the poorer the residents, the more they would need support from the social network. The policy inclination towards middle class and property development of the URA and HKHS would destroy the social network and contradicted the planning objective. The Board should rectify this and put 'Flat' use under Column 1;
- (c) the reasoning for demolition of the Orange House was unprofessional. The shortage of open space in Wan Chai was just a matter of calculation. If regional open space was included, there would be a surplus of open space. The provision of another 'chicken-cage park' was not meaningful;
- (d) with proper design, the Orange House could become an extension to

the open space. Activities carried out in the open space like Tai Chi, exhibition and performance could also be done in the Orange House. Opening of the ground floor of Orange House for open space use and to use the other floors for public space purpose would increase the public space by four times to 150m²; and

- (e) the building mass including the Orange House, Blue House and Yellow House, formed a historical cultural landscape. It was essential to preserve cultural landscape and historic cluster as an integrated landscape. The Orange House should not be demolished as the building would be 50 years old and would be eligible for classification as a heritage building in 2008.

Further Representation No. 3

14. Mr. Tse Kam Wing responded to the TPB Paper No. 7785 and made the following main points:

- (a) paragraph 3.1: Heritage building not only involved the external walls but also included the internal partitions. Innovative ways to overcome the problems of fire resistance protection and fire escape, like addition of external fire escape staircases without affecting the building structures, should be considered;
- (b) paragraph 3.2: Landuse and building services were two separate matters. It was illogical not to put 'Flat' use under Column 1 just because the old buildings did not meet modern day standards;
- (c) paragraph 3.3: PlanD's view that the issues indicated in paragraphs 2.2(b) to (d) and paragraph 2.3(a), (b) were not related to the proposed amendment was incorrect. Letting the residents stay would help preserve the social network; thus the two were inter-related.
- (d) paragraph 3.4: Preservation of social network was not to build a new or to remould but to strengthen and sustain the existing social network.

This should be clearly included in the planning intention of the DSP;

- (e) paragraph 3.6: The demolition of the Orange House to provide only 35m² open space was unjustified. Like the headquarters of Hongkong Bank, the ground floor of the Orange House fronting the open space could be opened up for public use which was not incompatible with the open space. The preservation of the Orange House should not be based on architectural value only but also the social value. The strong support from the community had proved the social value for preservation of the Orange House; and
- (f) paragraph 3.7: The demolition of Orange House should require the Board's approval. The Board should not exempt demolition from planning permission.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

Further Representation No. 7

15. Ms. Leung Po Shan made the following main points:

- (a) there were two main principles for designing the scheme. The first one was resident-oriented. Planning for the space should be based on the local residents' living mode and local economy. Planning for tourism would destroy the existing social network. The second principle was the inter-relationship in urban landscape between the H5 scheme area and the Wan Chai area;
- (b) the original use of Blue House was for residential use. If it was not preserved for living, there would be no cultural heritage value. Technically, preservation for residential use would not be more difficult than the commercial, cultural and community uses;
- (c) the demolition of the Orange House would not help much in solving the open space shortage problem in Wan Chai. As the Orange House had

its cultural value in the local community, it should be preserved;

- (d) the pedestrianization of King Sing Street would generate significant traffic and social impacts to the local community and was against aforesaid design principles;
- (e) the local character was not designed by designers but by residents living there. The URA should listen to the views of the local residents and also professionals in the community; and
- (f) the Chinese version of the Paper should be improved for greater apprehension.

Further Representation No. 8

16. Mr. Ng Wai Cheong said that he agreed to the views expressed by the preceding further representers and he had no additional comments.

Further Representation No. 11

17. Mr. Chow See Chung made the following main points:

- (a) he supported to include 'Flat' use under Column 1. The conversion problem for small family residence would not be more complicated than that for commercial uses;
- (b) the proposed inclusion of 'Flat' use under Column 1 was a modest proposal. It was ridiculous to require the existing residents to apply for planning permission to continue to live in their homes;
- (c) the scheme area was identified by the Government and URA for redevelopment because of their social network but they displaced those people who built up the social network; and
- (d) living in their existing units was the residents' right. Without

satisfactory resolution of the issue, the URA scheme should not be approved.

Further Representation No. 12

18. Mr. Chan Hok Fung made the following main points:

- (a) he agreed to the views of all the above further representers;
- (b) all developments should be agreed by all stakeholders including the local residents; and
- (c) all existing buildings in the scheme area including the Orange House should be preserved. The preservation should include the people and objects, not only the external building structures.

Further Representation No. 30

19. Mr. Mak Fung Chi made the following main points:

- (a) he queried paragraph 3.2 of the Paper and considered that 'Flat' use should be put under Column 1. If residents were not allowed to stay because of no toilets, it was an insult to the traditional wisdom of using 'spit-toons' which they got used to; and
- (b) the Orange House, like the old Star Ferry Pier, should not be demolished.

Further Representation No. 33

20. Ms. Chow Pui See made the following main points:

- (a) the URA's scheme would cause social injustice as after the preservation, the existing residents could not stay but were displaced by restaurants;

- (b) the URA's scheme and pedestrianization of King Sing Street would adversely affect the livelihood of the local small business operators causing another social injustice problem; and
- (c) the Blue House, Yellow House and Orange House formed an integral whole. Demolition of the Orange House would destroy the integrity and attractiveness.

Further Representation No. 34

21. Mr. Wat Yau Tin said that his views had already been expressed by the previous speakers and hoped that the Board would seriously consider their views.

Further Representation No. 41

22. Ms. Angela Tam said that the terms 'public open space' and 'community open space' were used in the Paper. Being located in a remote corner in Wan Chai, the subject public open space could not relieve the shortage of open space in Wan Chai. It was more suitable to be used as 'community open space' for community plant nursery as requested by the local residents. The local community should be consulted on the use.

Further Representation No. 48

23. Mr. Fung Ping Tak made the following main points:

- (a) the planning approach was wrong. The users should be consulted on what they wanted at the outset and they should be able to participate, discuss and decide on the scheme;
- (b) the scheme should be people-oriented and allowing the existing residents to stay was vital in preserving the social network. There was no need for drastic building works in the small local community which only required minor improvement and repair works;

- (c) assistance should be provided to improve the existing buildings for residential use. By allowing the URA and HKHS to drive away the residents and turn the area into another Soho or Stanley tourist area, the Board Members were idiotic; and
- (d) in preservation, one should respect heritage and people but not to force people out. Many cities in China, Korea and Japan had preserved the old towns in whole. Kyoto was one of the good examples. Without the above basic attitude in preservation, the Board was not performing its statutory functions well and could be disbanded.

24. The Chairperson said that the Board was not the project proponent for the scheme and should not be accused. She asked Mr. Fung Ping Tak to respect the meeting and to refrain from using rude words in his presentation.

25. Some Members felt offended by the accusations and considered that Mr. Fung Ping Tak should withdraw the accusations directed to Members. A Member expressed understanding of the attendees' emotion and said that mutual understanding and respect would be needed to arrive at a good decision on the matter.

26. Mr. Fung Ping Tak apologized and continued with his presentation. He said that in the scheme, the cart was put before the horse. It should start with the existing people and objects first. Without a people-oriented approach, the social network could not be preserved.

Further Representation No. 1

27. Ms. Law Nga Ning made the following main points:

- (a) she supported transferring 'Flat' use from Column 2 to Column 1 because the residents' right to stay should be fully respected and accorded top priority; and
- (b) it was meaningless if people were separated from the heritage. People should be respected in planning.

Further Representation No. 52

28. With the aid of a Powerpoint presentation, Ms. So Lok Yee made the following main points:

- (a) she proposed to put 'Flat' use under Column 1 of the Notes . There was a double standard as eating place, exhibition and school uses which required large scale alteration to the existing building structures were put under Column 1. She questioned why the Board did not consult the Architectural Services Department and the Fire Services Department on the fire and building concerns with a view to putting 'Flat' use under Column 1 since the last hearing;
- (b) she requested for the retention of the Orange House and queried the rationale for the destruction of the homes of residents merely for an additional 30m² out of an open space of 220m², and the choice of its location at King Sing Street where there were not many people. She questioned the criteria for land use planning and asked the Board to ensure that planning for the area would be people-oriented, preserving local character and allowing residents' participation; and
- (c) she objected to pedestrianization at King Sing Street. It was not a traffic issue but related to the whole social network, local economy and local character. Preservation of the social network required preservation of the social relationship of existing residents which included the commercial network and non-commercial community reciprocity relationship. The Board should consider these in land use planning and ask the project proponents to conduct a comprehensive social impact assessment.

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

Further Representation No. 2

29. Ms. Hung Man Wah made the following main points:

- (a) as a resident of Blue House, she questioned the need for planning permission for flat use. The URA should consult them on their wish to stay or move;
- (b) it was beyond comprehension why the existing residents of several generations there were required to move to give way for commercial uses; and
- (c) the residents should not be displaced simply because of fire concern and lack of toilet facilities which could be overcome.

30. Mr. Yam Kwok Chu made the following main points:

- (a) he returned from the U.K. after living there for over 30 years and lived in the Blue House because Wan Chai was his home;
- (b) the URA and HKHS should consult the existing residents on the use of the area. Residents living there were accustomed to the living conditions and environment and had sentimental attachment to the area. Whether the buildings were suitable and comfortable for living was not up to the URA to decide; and
- (c) to turn the area into a commercial area was not preservation.

31. In response to a Member's enquiry, Mr. Yam said that he had lived in the Blue House after the Second World War before going to the U.K.

32. Ms. Huen Sze Mui made the following main points:

- (a) as an existing resident in the Blue House, she asked why she was required to move. Her existing residence was very convenient; and
- (b) although there was no toilet in the flat, she was accustomed to it and

the URA could consider some measures to resolve the problem.

33. Mr. Lai Ka Chun made the following main points:

- (a) the time of the meeting was not convenient to them as many people had to go to work and could not come. If the Board meeting was open and transparent, it should be held at a more convenient time to encourage people to come and speak; and
- (b) he doubted the reasons for not putting 'Flat' use under Column 1 just because of fire safety and Buildings Ordinance requirements. It was ridiculous and unfair to allow eating place and other uses under Column 1, which in fact required major alteration works.

Further Representation No. 53

34. Mr. Lo Keng Chi made the following main points:

- (a) he shared similar views with the other further representers;
- (b) it was good to allow residents to express their views in the meeting but there were some areas for improvement. The meeting could be held at a more convenient time to encourage participation. The Paper could be written more clearly and the minutes could be more elaborated to allow the public to understand the views and reasoning of the Board members. The minutes of meeting of the Board should be put on the main page of the Board's website and made easily accessible to encourage public access. This was particularly useful for visually-impaired persons.

[Mr. Edmund K.H. Leung returned to the meeting and Dr. C.N. Ng left the meeting temporarily at this point.]

Further Representation No. 63

35. Mrs. Kam Fok Lai Jing made the following main points:

- (a) planning should be people-oriented. Respect should be paid to those residents who wanted to stay. They lived there for generations and did not mind without toilet at their homes. They should be consulted on their preference;
- (b) putting 'Flat' use under Column 2 of the Notes would deprive residents of their existing right to live there as 'Flat' would require planning approval. 'Flat' use should be put under Column 1; and
- (c) allowing the residents to stay would preserve the social network which promoted mutual assistance among residents. Residential use and preservation of social network should be explicitly spelt out in the planning intention of the DSP. This would protect residents' right and allow them to choose to stay.

36. Mr. Tse Pak Chai made the following main points:

- (a) compared with flat use, the uses currently put under Column 1 like restaurant and other commercial uses would require more substantial alteration works and would destroy the heritage building. It was inexplicable to find restaurant and commercial uses put under Column 1 but not flat use;
- (b) residents were part of heritage. They should be given the choice to stay. There was no need to have kitchen and toilet facilities for all units;
- (c) the Urban Renewal Authority Ordinance (URAO) required the URA to preserve local character and social network. Such compulsory requirements were not included in the planning intention of the DSP but were only included in the PB to be followed as far as possible. If the Board did not require the URA to follow the requirements of URAO, it failed in performing its duties;

- (d) the Social Impact Assessment (SIA) conducted by the URA was crude and misleading. A proper SIA should be prepared and re-submitted for the Board's consideration; and
- (e) he questioned the neutrality of the Board as both the Chairperson and the URA were under the Secretary for Housing, Planning and Lands. Members also had close relationship with the URA and developers. There were faults in the composition of the Board.

37. Ms. Sin Wai Fong made the following main points:

- (a) the SIA submitted by the URA was crude and inadequate. The local residents had different views on the findings of the SIA;
- (b) the residents were part of the local history and heritage. If they could not stay, there was no value for preservation. Moreover, according to the Urban Renewal Strategy, it was a compulsory requirement for the URA to preserve the social network in the local community; and
- (c) as the Board did not have adequate information for consideration, it had to reconsider the DSP and asked the URA to conduct a proper SIA to avoid irrevocable adverse social impact on the local community. Alternatively, the Board should consider the views of the residents and also the research findings of the scholars in the community and to put 'Flat' use in Column 1 and also in the planning intention of the DSP.

38. Mr. Ha Chun Cheong made the following main points:

- (a) the authority of the Government was empowered by people; and
- (b) the Board was also empowered by people and should not ignore people's views.

39. Mr. Chow Chun Yam made the following main points:
- (a) unlike planning for new land, redevelopment decision would affect residents' livelihood, displace the aged from their old base and disrupt the social network. The Board should therefore exercise its power carefully;
 - (b) many people came to the meeting because their request for preservation of the local character and social network had been ignored. It should be a Government policy to protect the residents' social network; and
 - (c) he requested 'Flat' use be put under Column 1 of the Notes and to include preservation of social network in the planning intention.

[Professor Peter R. Hills left the meeting at this point.]

40. After the presentations of the further representers, the Chairperson invited representers to address the Board in response to the further representations.

Representation No. 21

41. Ms. Yip Mee Yung made the following main points:
- (a) the redevelopment scheme was unreasonable. To displace the residents would destroy their families. Being forced to move their homes was the greatest pain in life and the URA had put many people in misery; and
 - (b) it was unacceptable to require the existing residents who had lived in the community to apply for planning permission in order to continue staying there. Many residents wanted to stay despite the lack of toilet facility and they were mindful of fire risk.

42. Mr. Yeung Kwok Kin made the following main points:

- (a) the residents were given no choice to stay. This would destroy the social network. Without the people, the Blue House would become a replica of other preservation schemes in which only the external walls were preserved;
- (b) there were already adequate museums in Hong Kong. To destroy others' homes for a surplus museum which was not financially viable was unjustified;
- (c) the URA in Singapore was committed to preserving historical buildings but the URA in Hong Kong targeted at demolition. As a metropolitan city, we should adopt more innovative ways of urban redevelopment, not demolition only;
- (d) the Buildings Ordinance aimed at promoting the health of the residents. As the Government was the owner of almost all the properties in the DSP area, it had the obligation to retrofit the units to let the residents live in a more sanitary condition; and
- (e) he supported preservation of the cluster of historical buildings including Orange House and the proposal to let residents stay in their own homes.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

Representation No. 31

43. Mr. Sham Hok Man made the following main points:

- (a) the Home Affairs Bureau had recently published a consultation document to preserve heritage buildings. Contrarily, the URA proposed to demolish the invaluable Orange House which was part of the local community and the cluster of historical buildings;

- (b) the URA had committed in the Wan Chai Master Thinking to actively engage the community in their projects. Arranging visits to rehousing units for the residents and conducting a crude SIA were clearly not active engagement;
- (c) it was vital to keep the residents there in order to preserve the culture and the social network. It would help promote cultural tourism;
- (d) 'Flat' use was not included in Column 1 of the Notes because of the lack of detailed studies. However, there were many overseas examples demonstrating that heritage buildings could be used for residential purpose; and
- (e) he questioned why the Board considered that many issues including implementation were outside its jurisdiction. The Board should be the gatekeeper.

Representation No. 38

44. Ms. Huen Sze Mui reiterated her wish to live in the area.

Representation No. 42

45. Ms. Tai Yi Lin made the following main points:
- (a) it was unconvincing to put 'Flat' use under Column 2 and required detailed studies to justify its feasibility. For eating place and other commercial uses, the requirements on sanitation and fire safety were more stringent and the modification works would be more damaging to the heritage buildings but they were put under Column 1 without the need for detailed studies;
 - (b) the URA should have completed the detailed studies on the feasibility of flat use as three months had lapsed since the last hearing. The URA had also not put forward concrete conservation details;

- (c) preservation of social network in the PB should not be a slogan but needed to be implemented. The right of the residents to live in the area was fundamental to preserve the social network;
- (d) the right of participation of residents in the decision-making of the scheme should be included in the PB and the Notes of the DSP;
- (e) the preamble of the Town Planning Ordinance was to promote the health and welfare of the community. The community was the local residents, not the developers and businessmen; and
- (f) the planning procedures were complicated and there were many jargons in the Paper. It was not user friendly to the affected residents and the aged. The Board should respect the residents and listen to them.

Representations No. 46 and 51

46. Ms. Lee Wai Yi responded to the minutes of the hearing held on 8.12.2006 and made the following main points:

- (a) on the request to keep the people to preserve the social network expressed in her representation, the Board paper for the last hearing stated that rehousing and compensation arrangements were outside the purview of the Board. She had queried this in the last meeting but was not recorded in the minutes;
- (b) in paragraph 38(c) of the minutes, her request to include preservation of social network in the planning intention was not fully recorded;
- (c) paragraph 38(d) of the minutes was not accurate. In the last meeting, she said that in preserving those heritage buildings with residents, the residents, who were the soul of the buildings should be allowed to stay;
- (d) paragraph 38(e) of the minutes was also inaccurate. She did not

consult other artists as recorded. She had actually got signatures from 60 artists/organizations to ask the Board to consider the scheme carefully. They indicated their position that if the HKHS forced the residents to move out to provide accommodation for the artists, they would not move in and she had tabled a document for record in the last meeting;

- (e) following PlanD's view that rehousing and compensation arrangements were outside the jurisdiction of the Board, Members also made similar views in responding to her representation in the minutes. If these issues were outside the Board's purview, why the Board had included preservation of social network in the PB of the H15 Scheme;
- (f) on the Board's consideration of striking a balance between the planning gain to the general public and the local community in paragraph 61(c) of the minutes, it should not be used as an excuse to ask others to sacrifice. Sacrifice should be voluntary, otherwise it was exploitation; and
- (g) as indicated in paragraph 83(b) of the minutes, the Board did not support the provision of community plant nursery as it was not in line with the planning intention to provide public open space. However, the planning intention was unclear and the community plant nursery could also be used as a community open space accessible to the general public.

Representation No. 49

47. Mr. Yeung Kin-bun made the following main points:

- (a) as their requests had not been seriously considered, they had to come to repeat their views and be heard. In preserving heritage buildings, the principle should be minimum alteration. However, the URA would only retain the external walls and demolish all the internal partitions;

- (b) people's will should be accorded priority. The rationale to put 'Flat' use under Column 2 of the Notes was not known. Who and how to apply for planning permission were not clear. The buildings might be converted into flats after obtaining planning permission, but the existing residents would be removed and replaced by another group of residents. The existing social network could not be preserved;
- (c) had a people-oriented approach been adopted, the request for retention of the Wan Chai Market would not have been ignored. In daily life, residents needed to go to market for necessities and it was unreasonable to use an artificial scheme boundary to exclude the Market;
- (d) if public participation was given weight, more information and public views should have been collected with a view to retaining the Orange House since the last hearing. Demolition of the Orange House would not provide much open space but its retention could provide more public space; and
- (e) the SIA was grossly inadequate. The impact on the car repair workshops and small shops was not covered in the SIA. The pedestrianization proposal at King Sing Street would also be detrimental to the shop operators. Approving the scheme without conducting a proper SIA would lead to irrevocable social, cultural and economic loss.

48. As all the representers who wanted to speak had finished their presentations, the Chairperson invited presentations from the representatives of Comments No. 2 and 4.

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

Comment No. 2

49. Ms. Li Chui Mei made the following main points:

- (a) There was no need to revitalize the Blue House as there were existing

residents using the buildings. The good use of heritage buildings were for use compatible with the original use. The existing residential use of the Blue House and the residents should be retained. Preservation of culture should be based on mutual respect. Modern day standard on sanitary fitments should not be imposed to displace the residents; and

- (b) Members should not make a decision on the scheme just based on information in the Paper but should visit the area and see the conditions on site.

50. Mr. Lai Ka Chun made the following main points:

- (a) the car repair workshop operators were unable to come and they were concerned when the traffic impact assessment would be conducted and whether it would be put for public consultation. They also requested for the inclusion of the impact on their livelihood in the assessment; and
- (b) the Board should apply the same standard in determining the uses under Columns 1 and 2. For flat, school and other commercial uses, detailed studies should be required and all the study reports should be made available for public consultation before making a decision.

[Ms. Maggie M. K. Chan left the meeting at this point.]

51. Ms. Sin Wai Fong made the following main points:

- (a) according to the preamble, the Town Planning Ordinance was to promote health and welfare of the community, among other things. Hence, it was within the Board's purview to consider the SIA. According to the Urban Renewal Strategy, the URA was required to conduct SIA for each project covering population characteristics, socio-economic characteristics (including small shop operators), social welfare facilities, historical background, cultural and local

characteristics, initial assessment on social impact and mitigation measures required, etc. In stage two of the SIA, more elaborate assessments including population characteristics, rehousing needs, educational needs, elderly needs, special needs, social network and detailed mitigation measures were required. The SIA report prepared by the URA was crude. It was grossly inadequate and did not reflect the actual situation;

- (b) although it was not explicitly written in the Town Planning Ordinance, the Board, through the Notes of Outline Zoning Plans, required submission of traffic impact assessment and environmental impact assessment for its consideration. The Board could similarly ask for submission of SIA for consideration of URA's schemes;
- (c) there were concerned government departments responsible for evaluation of the respective impact assessments. However, for SIA, there was no specific department responsible for assessment and provided advice to the Board for consideration; and
- (d) the Board should address the above issues in consideration of the scheme.

Comment No. 4

52. Mr. Daniel Lau of the HKHS made the following main points:

- (a) HKHS supported inclusion of 'Flat' use under Column 2 and would proceed with the detailed study on the feasibility of flat use in the heritage buildings. The best endeavour would be made to preserve the heritage buildings including the external walls and as far as possible, the internal partitions;
- (b) HKHS considered that the Orange House should be demolished as it had no historical and preservation value. Its existence would also affect the provision of public open space for the district;

- (c) pedestrianization of King Sing Street was not part of the scheme. It was a concept only and there was no time-table for implementation. Before implementation, detailed studies would be conducted and the public would be consulted;
- (d) HKHS had already done some consultation work in the area. Upon completion of the planning procedures, land acquisition would commence, followed by more thorough consultation with the residents. In the Blue House, there was 35 households involving about 60 residents. In the past year, about 300 enquiries were received and there were 150 enquiries just in the last four months. HKHS was very receptive to local views and had arranged various activities for the residents including visit of rehousing units for those who were willing to move;
- (e) HKHS would consider seriously local residents' views on preservation and the strong wish to stay. There were also many people who wanted to be rehoused and adequate flats had been reserved to satisfy their needs;
- (f) the concrete uses of the area had yet to be decided. The proposed tea and medicine theme reflected the local history. The different views on preservation of the heritage buildings would be carefully considered before a decision was made; and
- (g) on the financial aspect, the HKHS was responsible for the project. They paid for the costs of acquisition and construction and the scheme would be self-financed.

53. As the presentations from all concerned parties had been completed, the Chairperson invited questions from Members. Members raised the following questions:

- (a) how the URA and HKHS would respond to the queries relating to the alleged inadequacy of the SIA ;

- (b) whether the social worker team had contacted all the affected residents as there were still strong sentiments in the local community;
- (c) whether the residents' wish to stay would be respected;
- (d) why did the URA and HKHS support putting 'Flat' use under Column 2 of the Notes;
- (e) whether planning permission would be required for both Column 1 and Column 2 uses if they involved alteration works;
- (f) if it was proved technically feasible, whether the buildings would be put to flat use;
- (g) who would be responsible for the submission of planning application for flat use; and
- (h) whether open space could be covered or put on the roof and whether open space should be open to the public 24 hours a day like the one at the ground floor of the Hongkong Bank Headquarters building in Central.

54. Ms. Christine Tse had the following responses:

- (a) if the use involved major alteration and/or modification works, it would require planning permission regardless of whether it was a use under Column 1 or Column 2 of the Notes of the DSP;
- (b) the planning intention for an open space was open air. Generally, open spaces were provided on ground or podium level. If an open space was provided on the roof of the Orange House as proposed by some of the further representers, it would not be readily accessible to the public; and

- (c) public open spaces should be open to the public 24 hours a day or at reasonable hours. It should be noted that the public space at the ground floor of the Hongkong Bank Headquarters building was a public passageway, not a public open space.

55. Messrs. Michael Ma and Daniel Lau, representing the URA and HKHS respectively (Comment No. 4), made the following responses:

- (a) they had conducted the SIA following the requirements of the Urban Renewal Strategy. It comprised two parts: the SIA Stage 1 (preliminary assessment) and the SIA Stage 2 (detailed assessment). The SIA had been submitted to the Board and concerned departments for consideration and no queries had been raised on the SIA;
- (b) they supported putting 'Flat' use under Column 2 of the Notes. If there was no need for building alterations to add toilet and kitchen facilities for residential purpose, the buildings could continue to be used for flats. However, since building alterations for improvement were required, such works had to comply with the Buildings Ordinance and detailed study had to be conducted to ascertain if the buildings could be fit for habitation meeting current day building and sanitary standards;
- (c) they would consider the residents' wish to stay;
- (d) the project proponent, not the residents, would be responsible for submitting a planning application; and
- (e) their social worker team had contacted all affected local residents. After completion of the planning procedures, they would arrange more in-depth and thorough contact with the residents.

56. The Chairperson asked if any further representers, representatives, commenters and their representatives would like to respond to the points made by DPO/HK and URA/HKHS.

57. Mr. Lam Kwok Wai, Mr. Tse Pak Chai and Ms. Sin Wai Fong raised the following main points:

- (a) the social worker team was much constrained. Their work was focused on rehousing and could not address the concerns of the residents who wanted to stay. The team was also under close scrutiny and was tasked to implement the objective of URA/HKHS. It was not able to provide adequate assistance to the residents. Residents were told that they had no choice but to leave. There were many problems in the SIA and the questions asked in the survey were misleading;
- (b) although 'Flat' use was put under Column 2, the residents could not stay as the URA/HKHS implemented the scheme through the Urban Renewal Authority Ordinance and was backed up by the Land Resumption Ordinance; and
- (c) if the scheme was people-oriented, it should look into the technical feasibility of improving the living conditions and let the residents stay.

58. In response to the Chairperson's request for clarification on the difference between Column 1 and Column 2 uses, Ms. Christine Tse said that a Column 1 use was always permitted while a Column 2 use would require planning permission from the Board.

59. As the further representers, representers and commenters and their representatives had finished their presentations, the Chairperson said that the hearing procedures had been completed and the Board would deliberate on the further representations in their absence and would inform them of the Board's decision in due course. The Chairperson thanked them and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

60. A Member said that the issue for the Board to decide on the further

representations was whether 'Flat' use should be put under Column 1 or Column 2 of the Notes. This Member considered that putting it under Column 2 would be more beneficial to preservation of the buildings. It was also pointed out that demolition of the Orange House had already been decided at the Board's meeting on 8.12.2006 and had nothing to do with the currently proposed amendment to the DSP and a statement on the preservation of the social network had already been incorporated into the PB.

[Professor Nora F.Y. Tam left the meeting at this point.]

61. Another Member said that there was in effect not much difference between putting 'Flat' use under Column 1 or Column 2 of the Notes because even if it was put under Column 1, planning permission would still be required for any major alteration and/or modification works to improve the flats to meet health and safety standards. Another Member agreed and added that transferring 'Flat' use to Column 1 might mislead the residents to think that 'Flat' use was permitted as of right under all circumstances.

62. In response to a Member's request for clarification on the implications of putting 'Flat' use under Column 1 or Column 2 of the Notes, the Chairperson explained that according to the Remarks in the Notes for the subject zone, any major addition, alteration and/or modification to the existing buildings required planning permission, regardless of whether the use was a Column 1 or Column 2 use. On the other hand, even if 'Flat' use was confirmed to be put under Column 2 as proposed by the Board, the current residential use in the buildings within the DSP would be regarded as an 'existing use' and allowed to continue without any need to apply for planning permission unless major addition, alteration and/or modification works were proposed.

63. Noting the strong sentiments expressed in the hearing, a Member asked if it was appropriate to consider refining the PB to clearly state that the existing social network should be preserved, and to explore whether the Orange House was worthy of preservation. Another Member shared similar view and asked whether the minimum provision of public open space could be reduced from 220m² to 190m² to allow flexibility for the URA to retain the Orange House in detailed planning and implementation.

64. The Chairperson said that the issue relating to the Orange House and the provision of the public open space had been discussed previously and the Board had already made a conscious decision. These issues and the refinements to the PB were not the subject of amendment to the DSP proposed by the Board. Hence, there was no need to reconsider such matters. Moreover, the Orange House was of low heritage value and had not been graded by the Antiquities Advisory Board. A Member also pointed out that the other buildings which would be preserved in the scheme were either Grade I or Grade II buildings.

65. The Chairperson went on to say that according to the Board's definition for open space, open space should be open air with minimal structures and the suggested provision of a landscaped garden on the roof of the Orange House to fulfill the public open space requirement was not acceptable. A Member pointed out the wider implications if open spaces provided on the roof level were allowed to be considered as such for meeting open space requirement.

66. A Member said that adding 'Flat' use under Column 2 of the Notes was the Board's good intention to address the representers' concerns by allowing flexibility for such use while exercising appropriate planning control. However, this was misunderstood by the residents. It would be desirable to explain to the residents clearly to avoid misunderstanding. The Secretary undertook to set out the Board's intention clearly in the decision letters.

67. After deliberation, the Board decided to confirm the proposed amendment, namely to include 'Flat' as a Column 2 use in the Notes of the Plan, and not to uphold the further representations because the intention to add 'Flat' use under Column 2 of the Notes was to allow flexibility for such use while exercising appropriate planning control on any major addition, alteration and/or modification works to the heritage buildings. The viability and feasibility of converting the preserved heritage buildings for residential use to meet current building and sanitary standards could only be ascertained after detailed studies. However, the existing residential use did not require planning application if no such works were involved.

68. The Board also agreed to advise the further representers that the issues raised in the further representations relating to the preservation of social network, preservation

of 8 King Sing Street and pedestrianization of King Sing Street had already been considered in the hearing on 8.12.2006 and did not relate to the proposed amendment to the Plan.

69. The meeting was adjourned for lunch at 2:30 p.m.

[Professor N.K. Leung and Dr. James C.W. Lau left the meeting at this point.]

70. The meeting was resumed at 3:30 p.m..

71. The following Members and the Secretary were present in the afternoon session:

Mrs. Rita Lau

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Mr. Nelson W.Y. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor Bernard Vincent W.F. Lim

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Mr. Patrick L.C. Lau

Director of Planning

Mrs. Ava Ng

[Dr. Peter K.K. Wong, Mr. Michael K.C. Lai, Prof. Bernard Vincent W.F. Lim, Mr. Walter K.L. Chan and Mr. Patrick L.C. Lau arrived, and Mrs. Ava Ng returned, to join the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment in Respect of the Draft Jardine's Lookout and Wong Nai Chung Gap Outline Zoning Plan No. S/H13/11

(TPB Papers No. 7786 and 7787)

[The hearing was conducted in Cantonese.]

72. The Chairperson said that the draft Jardine's Lookout and Wong Nai Chung Gap Outline Zoning Plan (OZP) No. S/H13/11 was exhibited on 17.3.2006 for public inspection under section 7 of the Town Planning Ordinance. 60 representations and 1 comment were received. The Board decided on 14.7.2006 to consider the representations and comment itself.

Group 1 – Representations No. 1 to 37 and 39 to 60 and Comment No. 1

Group 2 – Representations No. 38 and Comment No. 1

Presentation and Question Session

73. Ms. Christine K.C. Tse, District Planning Office/Hong Kong (DPO/HK), Planning Department (PlanD) and the following representers' representatives were invited to the meeting at this point:

Representations No. 2, 3, 6, 10, 13, 19, 20, 21, 24, 36, 44, 47, 50, 55 and 56

Mr. Wallace Tam) Representers' representatives
Ms. Suki Wong)

Representation No. 18

Mr. Jerry Chu) Representer's representative

74. Members noted that sufficient notice had been given to the remaining representers and the commenter, but they had indicated that they would not attend or be represented at the hearing, with the remainder making no response to the notice, or could not be contacted. Members agreed to proceed with the hearing in the

absence of the remaining representers and the commenter.

75. The Chairperson extended a welcome and explained briefly the procedures of the hearing. She then invited Ms. Christine K.C. Tse to brief Members on the background to the representations and comment.

[Dr. Michael Chiu returned to join the meeting at this point.]

76. With the aid of a Powerpoint presentation, Ms. Christine K.C. Tse made the following main points as detailed in Papers No. 7786 and 7787:

- (a) the background of the amendments to the draft Jardine's Lookout and Wong Nai Chung Gap OZP as detailed in paragraph 1 of the Papers. The 60 representations were divided into two groups. Group 1 comprised 59 representations and the list of representers was at Attachment 1 of the Paper, while Group 2 comprised Representation No. 38;
- (b) subject of representation – a majority of the representers in Group 1 were against all the 4 amendment items, namely to (i) revise the definitions of 'existing use of any land or building' and 'existing building' in the covering Notes; (ii) refine the planning intention of the "Open Space" ("O") zone; (iii) incorporate Gross Floor Area (GFA) restrictions for the "Commercial (1)" ("C(1)") zone; and (iv) incorporate a minor relaxation clause for GFA and building height restrictions for the "Commercial" ("C") zone. The other representers in Group 1 objected to 1 to 3 amendment items. Representer of Representation No. 38 in Group 2 was against the incorporation of a minor relaxation clause for the "C" zone only;
- (c) as directed by the Board on 24.11.2006, PlanD convened two meetings with the representers and commenter to explain to them the background to the amendments, one with 7 representers and 1 commenter, and the other with the representer of Representation

No. 38, who subsequently withdrew part of his representation;

- (d) the grounds of representations and the representers' proposals were summarized in paragraph 2 of the Papers;
- (e) the comments on the 60 representations were summarized in paragraph 3 of the Papers; and
- (f) PlanD's views – PlanD did not support any amendments to the OZP to meet the representations. The planning considerations and assessments of the representers' proposals were detailed in paragraph 5 of the Paper.

[Prof. David Dudgeon arrived to join the meeting at this point.]

77. The Chairperson then invited the representers' representatives to elaborate on the representations.

78. Mr. Wallace Tam, representative of Representations No. 2, 3, 6, 10, 13, 19, 20, 21, 24, 36, 44, 47, 50, 55 and 56, presented the views of the representers one by one, as summarized below:

- (a) working in the Estate Management Office, he attended the hearing on behalf of the Incorporated Owners of Cavendish Heights and to present the views of 15 representers;
- (b) the Jardine's Lookout and Wong Nai Chung Gap was a prime residential area. The district's pleasant environment should be sustained by keeping it a low-density area and not relaxing the building height control;
- (c) the amendments would make the area too crowded. The peaceful environment would be disturbed and there would be huge air and noise pollution when new buildings were being erected;

- (d) the amendments would bring additional traffic which the road system could not cope with. There would be worsening of traffic congestion;
- (e) the views of residents in Cavendish Heights would be blocked and the property value would be seriously affected. There would be negative impact on the air flow to the Jardine's Lookout area;
- (f) the amendments would cause enormous disturbances as well as air and noise pollution to the local community. The high-rise buildings would seriously affect the views of Cavendish Heights, Elm Tree Towers and Flora Garden, and seriously impede air ventilation; and
- (g) the amendments to the Diary Farm Perkins Road Shopping Centre and Chun Fai Centre were not supported. There should be no amendment to the restrictions of the existing land uses.

79. In response to a question from a Member if the amendment to the "C(1)" zone would cause any traffic problem in the area, Ms. Christine K.C. Tse said that the amendment was to include a maximum Gross Floor Area (GFA) restriction of 1,630m² for the "C(1)" zone to reflect the existing GFA of the shopping centre. As there was no increase in GFA, the amendment would have no traffic impact on the surrounding area.

80. As the representers' representatives had finished their presentation and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representations and comment had been completed, and the Board would deliberate on the representations and comment in their absence and inform the representers and commenter the Board's decision in due course. The Chairperson thanked the representers' representatives and DPO/HK for attending the meeting. They all left the meeting at this point.

Deliberation Session

81. The Chairperson said that the proposed amendments to the “C” zone were to maintain the character of the existing environment. Meetings had been arranged with the representers and the commenter to explain the purpose of the amendments.

82. A Member considered that there was no need to add ‘traffic and noise impacts on the locality’ in the Explanatory Statement as proposed by Representer No. 38. The Board would take into account all relevant planning considerations and the possible impacts of a proposal before coming to a decision. Highlighting the traffic and noise impacts might constrain the Board from taking into account other impacts.

Representations No. 1 to 37 and 58 to 60

83. After further deliberation, the Board decided not to propose any amendment to the Plan to meet Representations No. 1 to 37 and 58 to 60 for the following reasons:

- (a) the amendment to the definition of “Existing Use” (“EU”) in the covering Notes was a technical amendment to clarify beyond doubt that a use approved under the Buildings Ordinance (BO) that could be qualified as an “EU” must be related to an existing building, and such use also covered a change of use approved under the BO;
- (b) the amendment to the planning of open space was to clarify that the “Open Space” zone on the Outline Zoning Plan (OZP) was for the use of the general public and the local residents;
- (c) the incorporation of Gross Floor Area (GFA) restriction in “Commercial (1)” (“C(1)”) sub-area would not cause any increase in building bulk for the Diary Farm Perkins Road Shopping Centre as the maximum GFA of 1,630 m² stipulated in the Notes of the OZP was the same as the existing GFA of the shopping centre in the “C(1)” sub-area. The amendment would

not result in any increase in GFA; and

- (d) the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning considerations and possible impacts on the surrounding area.

Representation No. 38

84. After further deliberation, the Board decided not to propose any amendment to the Plan and the Explanatory Statement (ES) to meet Representation No. 38 for the following reason:

the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. The ES was already sufficient in setting out the Board's consideration of planning application and it was not necessary to amend the ES as proposed by the representer. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning considerations and possible impact on the surrounding area.

Representation No. 39

85. After further deliberation, the Board decided not to propose any amendment to the Plan to meet Representation No. 39 for the following reasons:

- (a) the amendment to the definition of "Existing Use" ("EU") in the covering Notes was a technical amendment to clarify beyond doubt that a use approved under the Buildings Ordinance (BO) that could be qualified as an "EU" must be related to an existing building, and such use also covered a change of use approved under the BO;

- (b) the incorporation of Gross Floor Area (GFA) restriction in the “Commercial (1)” (“C(1)”) sub-area would not cause any increase in building bulk for the Diary Farm Perkins Road Shopping Centre as the maximum GFA of 1,630 m² stipulated in the Notes of the Outline Zoning Plan was the same as the existing GFA of the shopping centre in the “C(1)” sub-area. The amendment would not result in any increase in GFA; and
- (c) the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning considerations and possible impacts on the surrounding area.

Representations No. 40 to 53 and 56

86. After further deliberation, the Board decided not to propose any amendment to the Plan to meet Representations No. 40 to 53 and 56 for the following reasons:

- (a) the incorporation of Gross Floor Area (GFA) restriction in the “Commercial (1)” (“C(1)”) sub-area would not cause any increase in building bulk for the Diary Farm Perkins Road Shopping Centre as the maximum GFA of 1,630 m² stipulated in the Notes of the Outline Zoning Plan was the same as the existing GFA of the shopping centre in the “C(1)” sub-area. The amendment would not result in any increase in GFA; and
- (b) the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning

considerations and possible impacts on the surrounding area.

Representations No. 54 and 55

87. After further deliberation, the Board decided not to propose any amendment to the Plan to meet Representations No. 54 and 55 for the following reason:

the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning considerations and possible impacts on the surrounding area.

Representation No. 57

88. After further deliberation, the Board decided not to propose any amendment to the Plan to meet Representation No. 57 for the following reasons:

- (a) the amendment to the definition of “Existing Use” (“EU”) in the covering Notes was a technical amendment to clarify beyond doubt that a use approved under the Buildings Ordinance (BO) that could be qualified as an “EU” must be related to an existing building, and such use also covered a change of use approved under the BO; and
- (b) the incorporation of minor relaxation clause was to provide flexibility for development/redevelopment with planning and design merits. Each application for minor relaxation of the development restriction would be considered by the Board based on individual merits taking into account all relevant planning considerations and possible impacts on the surrounding area.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K14/514

Proposed Wholesale Trade in “Other Specified Uses” annotated “Business” zone, Units B4 (Portion), C4 and D4, Basement, Block 4, Kwun Tong Industrial Centre, 436-446 Kwun Tong Road, Kwun Tong
(TPB Paper No. 7789)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

89. The following Government’s representatives were invited to the meeting at this point:

Mr. Eric Yue	District Planning Officer/Kowloon, Planning Department (DPO/K, PlanD)
Mr. Yeung Chung Hau	Senior Divisional Officer (New Projects), Fire Services Department (FSD)
Mr. Chan Man Hon	Senior Station Officer (New Projects), FSD

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

Mr. Lam Kin Ning) Applicant’s Representatives
Ms. Lam Angie)
Mr. Yiu Wun Sun)
Mr. Or Man Wah)
Mr. Lau Moon Chi)
Mr. M.C. Hui)
Mr. Kelvin Wong)

91. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Eric Yue to

brief Members on the background to the application.

92. Mr. Eric Yue said that Annexes Fa to Fc, which had inadvertently been missed out from the Paper, were tabled at this meeting. He covered the following main points as detailed in the Paper:

- (a) the reasons for the Metro Planning committee (MPC) to reject the application on 17.11.2006 as set out in paragraph 1.2 of the Paper;
- (b) the further written representation submitted by the applicant in support of the review application which was summarized in paragraph 3 of the Paper;
- (c) departmental comments – the Fire Services Department (FSD) did not support the application. The proposed wholesale trade would attract unreasonably large number of persons who could be exposed to higher risks in an industrial building which they would be neither aware of nor prepared to face. Besides, basements would pose serious hazards when involved in fire. The fire engineering approach adopted in the submission in support of the review application was not acceptable;
- (d) three public comments were received during the publication period. Two commenters supported the application and one raised concern that the proposed wholesale trade would increase the goods vehicle traffic inside the subject industrial centre, and cause inconvenience to other units in the building. It would also worsen the already busy traffic condition on Kwun Tong Road; and
- (e) the PlanD's view – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper. The application premises at the basement level were considered not suitable for the proposed wholesale trade from fire safety point of view.

93. The Chairperson then invited the applicant's representatives to elaborate on the application.

94. With the aid of a Powerpoint presentation, Mr. Lam Kin Ning made the following main points:

- (a) no adverse comments from relevant Government departments were received except from FSD. Wholesale trade activities did not attract large number of people as it was being operated like trading firms;
- (b) the application premises were not readily accessible by the public, and was unlikely to attract large crowd of people. The main entrance to the basement premises was through the entrance gate, which would be closed on weekends, between Blocks 3 and 4 of the Kwun Tong Industrial Centre. Visits to the premises were normally arranged by prior appointments. The other two access points at the side lane of Block 4 mainly served as fire escapes;
- (c) the application site was proposed for wholesale trade uses, such as the used furniture wholesalers in Cheung Sha Wan and the toy exporter's showroom in Tuen Mun, and garment wholesaler in Tsing Yi. The fire safety analysis had demonstrated that the proposed use was safe and would unlikely impose additional fire hazard to the building occupants; and
- (d) the application was in line with the planning intention of the "Other Specified Use" annotated "Business" ("OU(B)") zone.

95. With the aid of a Powerpoint presentation, Mr. M.C. Hui and Mr. Kelvin Wong made the following main points:

- (a) independent means of escape (MoE) had been provided for the application site. It was served by a staircase with a width of 1830mm which led directly to the street level. The whole

building was equipped with an automatic fire sprinkler system;

- (b) the proposed wholesale area was located underneath the loading and unloading and car park areas which formed a buffer zone to prevent fire spread. A dynamic smoke extraction system would be provided in addition to the existing static smoke vents for more efficient smoke dilution and removal;
- (c) there were specific sections in the Buildings Department (BD)'s Code of Practice for Fire Resisting Construction (FRC) prescribing the requirements to guard against spread of fire and smoke between floors in a multi-storey building. The design of the subject building complied with the FRC requirements. There were fire barriers between the upper floors and the basement level, and it was highly unlikely that a fire could break through the various layers of fire barriers and spread to the basement level, and vice versa. The various layers were (i) the basement level constructed with building material with 4 hours FRP slab; (ii) the buffer zone formed by the loading and unloading and car park areas; (iii) the building façade constructed with non-combustible material and each floor formed a separate fire compartment; and (iv) the non-combustible spandrel of a minimum height of 900mm provided for window and façade opening. The application premises were also separated by fire rated wall or fire shutters from the car park areas;
- (d) separate exits were provided for the evacuation of occupants in the basement and upper floors. The occupants in the basement level could be discharged to the street level directly;
- (e) making reference to BD's Means of Escape (MoE) Code, the evacuation time of the occupants was calculated. Assuming an occupant load factor of 9m²/person for the proposed use, which was similar to office use, and 3m²/person for sensitivity analysis, the estimated maximum evacuation time for the new occupant

load of the proposed use was 2.0 minutes (or 2.8 minutes in the sensitivity analysis), which was less than the notional time of 5 minutes prescribed in the MoE Code;

- (f) in conclusion, the proposed use would highly unlikely impose additional fire spread hazard. It could satisfy the building code requirements and the fire safety intent of the guidelines; and
- (g) the fire statistics in Hong Kong showed that both the average number of fire per annum and average number of fatalities per fire per annum were higher in commercial premises than factory building.

96. Members raised the following questions:

- (a) under the OZP, whether there was any difference between 'godown' and 'wholesale trade' uses;
- (b) the estimated number of customers for the proposed wholesale trade and whether there were any measures to control the number of customers;
- (c) the proposed operation hours for the proposed use;
- (d) whether the three staircases leading from the basement level directly to the street level could satisfy the fire safety requirements;
- (e) if located on the 1/F, whether the proposed use could satisfy the fire safety requirements; and
- (f) whether the car park on the G/F could serve as a buffer zone.

97. Mr. Eric Yu, DPO/HK, made the following main points:

- (a) in an area zoned “OU(B)” on the OZP, ‘godown’ was a use always permitted in an existing industrial building. Planning permission was however required for ‘wholesale trade’ use which was defined as ‘any place or premises where goods, products or foodstuff were displayed and for sale in large quantities to mainly retailers or wholesalers’; and
- (b) BD advised that according to the MoE Code 1996, the occupant load factor should be 2m²/person, instead of 9m²/person used by the applicant’s consultant, for a wholesale trade area. The estimated occupant load of the proposed wholesale trade area should thus be over 500.

98. Messrs. Kelvin Wong, M.C. Hui, Lam Kin Ning and Yiu Wun Sun made the following main points:

- (a) adopting the occupant load factor of 2m²/person, the occupant load of the proposed wholesale trade area would be increased from 347 to 520 and the total occupant load would be increased from 744 to 917 persons. The queueing time would be increased from 2.53 minutes to 3.12 minutes. While the average travel distance remained unchanged, the estimated maximum evacuation time would be increased from 2.74 minutes to 3.33 minutes, which was still below the notional time of 5 minutes prescribed in the MoE Code;
- (b) the application premises did not have any formal access from street level. Visitors were normally arranged by prior appointments. The entrance gate between Blocks 3 and 4 would be closed on weekends. The proposed operation hours would follow the operation hours of other industrial firms and offices in the industrial building;
- (c) if not for the proposed change of use, the fire safety measures for the basement level in the industrial building could satisfy FSD’s

fire safety requirements; and

- (d) the buffer zone coupled with a smoke extraction system would help prevent fire spread hazard. As shown in the fire incident statistics, private factory building scored better than private commercial premises in terms of the average number of fire per annum, average number of fatalities per fire per annum, and average number of inquiries per fire per annum.

99. Mr. Yeung Chung Hau of FSD made the following main points:

- (a) the proposed wholesale trade would inevitably attract a larger number of customers to the industrial building. Such persons would be exposed to higher risks in an industrial building, which they would be neither aware of nor prepared to face;
- (b) industrial uses and commercial uses were incompatible uses from fire safety point of view. Only in view of the strong demand for commercial floor space in industrial buildings that the FSD had agreed to allow the aggregate commercial floor areas on the ground floor of an existing industrial or industrial–office building with and without sprinkler systems to be up to 460m² and 230m² respectively. Such allowance on the ground floor level represented the ultimate level of tolerance by FSD, and it did not apply to the upper floors and the basement levels; and
- (c) the loading/unloading and car park area on the ground floor level could not be taken as a buffer zone as it did not occupy the whole floor. Besides, the buffer zone concept was only applicable to the above-ground levels, not basement levels. Basements posed more serious hazards when involved in fire.

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

Deliberation Session

101. A Member said that having regard to the findings of the fire safety analysis prepared by the applicant's consultant, he was sympathetic to the applicant. This Member wondered if an approval condition could be imposed, requiring the applicant to restrict the number of customers so as to address the fire safety concern raised by FSD. Other Members noted that commercial use in the basement levels of an industrial building was not acceptable to FSD from fire safety point of view, as basement levels were more susceptible to fire risk. They considered that fire safety consideration should be the overriding factor in assessing the planning application.

102. The Chairperson said that while the planning intention of the "OU(B)" zone was to allow greater flexibility in the use of existing industrial buildings, fire safety remained a prime consideration and any concern must be adequately addressed.

103. After further deliberation, the Board decided to reject the application on review for the reason that the application was not acceptable from fire safety point of view.

[Ms. Sylvia S.F. Yau left, and Mr. Patrick L.C. Lau temporarily left, the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-HT/471

Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years in "Agriculture" zone, Lot 384RP in DD 128,

Ha Tsuen, Yuen Long
(TPB Paper No. 7790)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Tai Wing-sun) Applicant's Representatives
Mr. Chung Chi-king)

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

106. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 15.12.2006 as set out in paragraph 1.2 of the Paper;
- (b) the previous applications as detailed in paragraph 5.1 in Annex A of the Paper;
- (c) departmental comments – the Environmental Protection Department did not support the application as environmental nuisance generated from the proposed development was expected. The Chief Town Planner/Urban Design and Layout, PlanD objected to the application on the ground that the site was surrounded by green belts and coastal protection areas. There were active farmlands, fishponds, orchards and natural landscape

with large trees in the surrounding areas. Significant amount of vegetation and greenery on the site were cleared in 2005 and the proposed development had already caused significant landscape impact. The Transport Department also commented that approval of the application might set an undesirable precedent for other similar applications in the surrounding area, which would induce cumulative adverse traffic impact on the nearby road network;

- (d) one public comment was received during the publication period. A villager of Sheung Pak Nai Tsuen, enclosing 8 villagers' signatures, raised objection to the application on the ground that the proposed development would cause adverse traffic impact on the one-way road to Lau Fau Shan and nuisance to the livelihood of Sheung Pak Nai and Ha Pak Nai villagers.
- (e) PlanD's view – the application was not supported for the reason stated in paragraph 6.1 of the Paper.

107. The Chairperson noted that the applicant's representatives had decided not to make any representation on the application.

108. Members had no questions on the application.

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

Deliberation Session

110. The Chairperson said that there had been no change in planning

circumstances nor new grounds to justify a departure from the previous decisions.

111. 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” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation. No justification had been given in the current submission for a departure from such planning intention, even on a temporary basis;
- (b) there was no information in the current submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTN/264

Temporary Open Storage of Private Vehicles for Re-export for a Period of 3 Years in “Village Type Development” zone, Lots 511A, 512A, 513, 515RP and 517B in DD 109 and Adjoining Government Land, Kam Tin, Yuen Long

(TPB Paper No. 7791)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Chan Kon-ming)	Applicant
Ms. Tao Hing-nga)	Applicant's Representatives
Mr. Wat Chi-keung)	

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

114. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 1.12.2006 as set out in paragraph 1.2 of the Paper;
- (b) the further written representation submitted by the applicant in support of the review application as summarized in paragraph 3 of the Paper;
- (c) the previous applications concerning the site and similar applications within the same "Village Type Development" ("V") zone and the "V" zone in the vicinity as detailed in paragraph 6 and 7 in Annex A of the Paper respectively;
- (d) departmental comments – no adverse comments from concerned Government departments;
- (e) no public comment was received during the publication period and no local objection was received from the District Officer; and

- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper. The development was not in line with the planning intention of the “V” zone. The continuous occupation of the site for open storage use would frustrate the permanent development of the “V” zone. The site fell within Category 4 areas under the Town Planning Board Guidelines No. 13D (TPB PG-No.13D) which was to phase out the non-confirming uses as soon as possible. Adequate time had been allowed for the applicant to relocate his business to other suitable locations. There was insufficient information to demonstrate that the applicant has taken genuine effort to relocate his business to other areas.

115. The Chairperson then invited the applicant's representatives to elaborate on the application.

116. Mr. Chan Kon Ming made the following points:

- (a) the site had been operated for the same use for 9 years. When the trade was consulted on TPB PG-No. 13D, they were told that the application would be approved if relevant departments did not raise any objection and no complaint related to the site was received. It was unfair to the applicant that the application was rejected when no Government departments except PlanD objected;
- (b) the site was surrounded by open storage uses. There was no recognized village nor any residential dwellings around the site. The proposed use was not incompatible with the surrounding environment and had not created any environmental nuisance nor adverse impact. There was no complaint received on the site during its 9-year operation;
- (c) the trade was difficult to survive, operating in unfavourable conditions even in an improving economy. The applicant had

tried to search for a relocation site but failed; and

- (d) upon obtaining the first approval in 1998, the applicant had already invested a million dollar on site formation, greening, drainage, etc. No adverse environmental impact nor flooding had occurred in the surrounding area over the past years. If approved, the applicant would further enhance the surrounding environment by carrying out more greening work.

117. Referring to Plan R-2 of the Paper, a Member asked about the progress of work of the residential development to the north of the application site. Mr. Wilson So said that work for the residential development started in June 2006. Construction work was in progress, but the anticipated completion date of the residential development was not available.

118. In response to the Chairperson's enquiry, Mr. Wilson So showed at the meeting the approval letter of 21.10.2005 for Application No. A/YL-KTN/225 issued by the Secretary of the Board, advising the applicant that 'a shorter approval period of 12 months was granted in order to allow additional time for you to relocate the current use on site to other suitable areas'. The applicant had been alerted to the need for relocation by the approval letter.

119. A Member noted that 6 similar applications for temporary open storage uses within the "V" zone to the west of the application site had been rejected and asked whether there were any suitable areas for relocation of the current use. Mr. Chan Kon Ming said that relocating his business away from Kam Tin would not be viable. Mr. Wilson So said that the 6 similar applications were rejected mainly due to the presence of Small House development in the vicinity. For the subject site, previous approvals were granted as there was no planned village development within the "V" zone for the time being.

120. Mr. Wat Chi Keung, representative of the Hong Kong Auto (Parts and Machinery) Association Ltd., made the following main points:

- (a) the proposed use had been in operation for 9 years. The

applicant had obtained planning permissions and complied with the approval conditions. No environmental nuisance had been created and no complaint was received;

- (b) the Kam Tin and Pat Heung area had been widely used by the trade for business related to vehicles and vehicle parts. It would be unfair to force out the operator if the Government could not provide the trade other suitable sites for operation. The TPB-PG No. 13D would affect not only individual operator but the whole trade;
- (c) the Government should follow the examples of Japan, Singapore and Malaysia and provide assistance to the trade; and
- (d) the trade was facing unfavourable condition even in an improving economy. Sympathetic consideration should be given to the application.

121. Mr. Chan Kon Ming said that as the residential development to the north had not yet been completed, the Board should give sympathetic condition to his application by granting temporary approval for three years.

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

Deliberation Session

123. Some Members were sympathetic to the application, particularly noting that the residential development to the north of the application site had not yet been completed. While the approval letter for Application No. A/YL-KTN/225 issued

to the applicant had indicated that the permission was granted for one year to allow time for relocation to other suitable site, it had not explicitly stated that no further renewal would be granted. In this regard, consideration might be given to approving the application for another year and to clearly stating in the advisory condition that no further renewal would be granted.

124. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 12 months up to 30.3.2008 on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no vehicle dismantling, maintenance, repairing, paint spraying and other workshop activities should be carried out on site at any time during the planning approval period;
- (b) the setting back of the development from the Government Land resumed for Kam Tin Bypass at all times during the planning approval period;
- (c) all landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities on the site should be maintained as under Application No.A/YL-KTN/225 at all times during the planning approval period;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 30.6.2007;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) a shorter approval period for 1 year so as to provide additional time for relocation of the use to other suitable location. No further renewal of approval would be given;
- (b) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (c) to note Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comment in paragraph 10.1.2 of Annex A of the Paper that the land status between the gate of the site and Kam Tin Road and the management and maintenance responsibilities of the access leading to the gate of the site from Kam Tin Road should be checked;
- (d) to note Chief Highway Engineer/New Territories West, Highway Department (HyD)'s comment in paragraph 10.1.3 of Annex A of the Paper that the access proposal should be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point at Kam Tin Road in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;

- (e) to note Chief Engineer/Mainland North, Drainage Services Department's comment in paragraph 10.1.6 of Annex A of the Paper that the applicant should consult District Lands Officer/Yuen Long or the relevant lot owner for any drainage works outside the site boundary and consult Director of Environmental Protection for the sewage treatment/disposal aspect of the application;

- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisances;

- (g) to note Chief Building Surveyor/New Territories West, Buildings Department's comment in paragraph 10.1.8 of Annex A of the Paper that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (h) to note Director of Electrical and Mechanism Services' comments in paragraph 10.1.10 of Annex A of the Paper that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his contractors shall liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed

development.

[Prof. Bernard Vincent W.F. Lim left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NTM/204

Proposed Temporary Open Storage Uses (Cargo Handling and Forwarding Facility, Container Storage, Logistic Centre and Freight Forwarding Services) for a Period of 3 Years in “Comprehensive Development Area” zone, Various Lots in DD 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long

(TPB Paper No. 7792)

[The hearing was conducted in Cantonese.]

Presentation and Question Session only

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

Mr. Kim Chan)	Applicant’s Representatives
Miss Canetti Yu)	
Mr. William Lam)	
Mr. Alex Au Yeung)	
Mr. Lee Chi Keung)	

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

128. Mr. Wilson So said that a replacement page 7 of the Paper was tabled at this meeting. With the aids of some plans, he covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 15.12.2006 as set out in paragraph 1.2 of the Paper;

- (b) the previous applications concerning the site and similar application within the same “Comprehensive Development Area” (“CDA”) zone as detailed in paragraphs 6 and 7 in Annex A of the Paper respectively;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and Chuk Yau Road and environmental nuisance was expected;
- (d) no public comment was received during the publication period at the s.17 review stage, but one public comment was received during the s.16 application stage from a Yuen Long District Council member, raising objection to the application on traffic and environmental nuisance grounds. The District Officer/Yuen Long also advised that a few Village Representatives, including Chuk Yuen, Wai Tsai and Yau Tam Mei, had expressed concern that the proposed use might bring about traffic congestion along Chuk Yau Road, which was a narrow road not suitable for heavy vehicles; and
- (e) PlanD’s views – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper.

129. The Chairperson then invited the applicant’s representatives to elaborate on the application.

130. With the aid of a Powerpoint presentation and some materials tabled at the meeting, Mr. Kim Chan made the following main points:

- (a) the proposed development would not cause any significant adverse noise impact on the nearby residential dwellings. In the Noise Impact Assessment, a 5m tall noise barrier at the south-eastern boundary of the site and measures to improve the surface of the

local access road had been proposed. EPD's concern on environmental nuisance was unfounded and there was no methodology laid down in the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage on assessment of environmental nuisance;

- (b) the subject application was for temporary use and would not harm the long-term planning intention. The site had been surrounded by many active open storage uses, warehouses and workshops, and was compatible with the surrounding developments. It was highly unlikely that the planned "CDA" zone would be realized in the next 5 years. The proposed short-term use could facilitate the local economy;
- (c) out of 23 residential dwellings were found within a distance of 20m from the application site, 8 were vacant. The applicant had contacted the residents of the remaining 15 residential dwellings, and they had no objection (10 written and 5 verbal) to the application. The Chairman of the San Tin Rural Committee and the village representatives of Chuk Yuen Tsuen and San Wai Tsuen had also signed the no-objection letters;
- (d) in the past 3 years, no complaints had been received from the local residents, showing that the proposed development would not cause any environmental nuisance to them;
- (e) two similar applications, namely applications No. A/YL-HT/464 and A/YL-TYST/344 were approved by the Board, notwithstanding similar concern on environmental nuisance raised by EPD;
- (f) the application site was the subject of three previous approved applications (namely application No. A/YL-NTM/77, 78 and 113), though the previous tenants had failed to comply with the approval conditions and thus the applications were subsequently

revoked. The current applicant should not be penalized for the act of others;

- (g) the Board should duly take into account that the application site had been considered as suitable for open storage use, and the subject application was in compliance with the criteria set out in the Town Planning Board Guidelines No. 13D;
- (h) the applicant was willing to comply with Government's requirements to improve the environment, drains and road surface condition. The operation hours would be restricted to 8:00 a.m. to 6:00 p.m. from Monday to Saturday. Peripheral screen planting of 56 trees of 3m to 5m high would be carried out; and
- (i) should sympathetic consideration be given to the application, the applicant was willing to comply with the approval conditions within a shorter time period and to accept a shorter approval period of 12 months. The applicant was also willing to assure that should complaints be received on the proposed use and the complaints could not be resolved within a month, the Board might revoke the planning approval granted.

131. A Member asked whether the proposed use was in operation without planning permission. Referring to paragraph 4 in Annex A of the Paper, Mr. Wilson So replied that the western part of the application site was subject to enforcement action and the responsible persons pleaded guilty in the Court on 28.6.2006 and were fined. A site inspection later revealed that the unauthorized development had not yet been discontinued. Further prosecution action was being considered by the Planning Authority. Mr. William Lam said that the open storage uses had been in operation for years. There were neither complaints from the local residents, nor adverse impact on the environment. The applicant should be allowed to continue operation.

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

Deliberation Session

133. The Chairperson noted that the proposed use had been subject to enforcement action and had not been discontinued even after conviction by the Court. Since 2002, all previous applications had been rejected and there was no change in planning circumstances to merit a departure from the previous decisions.

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

- (a) the proposed development was not compatible with the residential dwellings and village settlements in the surrounding areas;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval for similar use, and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts on the surrounding area.

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

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-SK/137

Proposed Temporary Car Park (Private Cars and Light/Medium Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lot 782 in DD 114 and Adjoining Government Land, Shek Kong, Yuen Long
(TPB Paper No. 7793)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Lau Tak)	Applicant’s Representative
Ms. Regina Chang)	
Mr. Chan Chun Kit)	

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

137. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 15.12.2006 as set out in paragraph 1.2 of the Paper;
- (b) the previous applications concerning the site and similar application within the same “Village Type Development” (“V”)

zone were detailed in paragraphs 5 and 6 in Annex A of the Paper respectively;

- (c) departmental comments – the Environmental Protection Department (EPD) had no objection to the application if the car park was for the parking of private cars only. Otherwise, the applied use might generate environmental nuisance to the nearby sensitive receivers;
- (d) no public comment was received during the publication period; and
- (e) PlanD's view – the application was not supported for the reasons stated in paragraph 6.1 of the Paper. The proposed development was not in line with the planning intention of the “V” zone and was not compatible with the surrounding residential dwellings. No previous approval had been granted on the site.

138. The Chairperson then invited the applicant's representatives to elaborate on the application.

[Mr. K.Y. Leung returned to join the meeting at this point.]

139. With the aid of some plans, photos and letters tabled at the meeting, Mr. Lau Tak made the following main points:

- (a) the application was submitted by Lai Wui Wan Tso and with the support of the Rural Association of Pat Heung Sheung Tsuen;
- (b) the application was to provide more parking spaces for the villagers living in the vicinity. There was strong demand for car parks in Sheung Tsuen, particularly in areas near the restaurants. The situation was particularly problematic during weekends and special festivals. Illegal on-street parking had caused road safety concern;

- (c) as the site would not be used for Small House development for the time being, it could be used for temporary car park for a period of 3 years; and
- (d) should the Board have concern on the parking of medium goods vehicle, the applicant was willing to restrict the use of the application site for parking of private cars and light goods vehicles only.

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

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

Deliberation Session

141. Members generally considered that sympathetic consideration could be given to the application. A Member was of the view that it might not be necessary to restrict the application site for parking of private cars and light goods vehicles only. Some Members considered that no medium or heavy good vehicles (i.e. vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance), should be allowed in consideration of the environmental nuisances generated by such vehicles.

142. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years up to 30.3.2010 on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no operation between 11 p.m and 7 a.m. was allowed on the site during the planning approval period;

- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Regulations were allowed to be parked on the site;
- (d) no open storage, repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 30.9.2007;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 30.12.2007;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 30.9.2007;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 30.12.2007;
- (i) the submission of vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by

30.9.2007;

- (j) in relation to (i) above, the implementation of vehicular access proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 30.12.2007;
- (k) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 30.9.2007;
- (l) in relation to (k) above, the implementation of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 30.12.2007;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note District Lands Officer/Yuen Long's comments in paragraph 4.1.1 of the Paper that no structures were allowed to be erected without prior approval from his office. The applicant should apply for Short Term Waiver and Short Term Tenancy so as to regularize the unauthorized structures erected on the site;
- (b) to note Assistant Commissioner for Transport/New Territories,

Transport Department's comments in paragraph 9.1.2 of Annex A of the Paper that the land status of the proposed vehicular access leading to the site from Kam Sheung Road and the management and maintenance responsibility of the same should be checked;

- (c) to note Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments in paragraph 9.1.3 of Annex A of the Paper that a run-in should be constructed at the access point at Kam Sheung Road in accordance with HyD Standard Drawing Nos. H1113B and H1114A. His department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Director of Environmental Protection; and
- (e) to note Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 9.1.6 of Annex A that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future.

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-ST/326

Proposed Temporary Open Storage of Recyclable Metal for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lots 5 and 6(Part) in DD 105, and Adjoining Government Land,

San Tin, Yuen Long

[The hearing was conducted in Cantonese.]

Presentation and Question Session

144. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) and Mr. Lam Kuen, the applicant, were invited to the meeting at this point.

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

146. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 15.12.2006 as set out in paragraph 1.2 of the Paper;
- (b) the previous applications concerning the site and similar applications within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone as detailed in paragraphs 6 and 7 in Annex A of the Paper respectively;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department (AFCD) advised that the site fell within the Wetland Buffer Area and was close to the Wetland Conservation Area (WCA). No information to demonstrate that the proposed use would not have a negative off-site disturbance impact on the ecological integrity and ecological value of fish ponds within the WCA. The Environmental Protection Department (EPD) did not support the application as there were

sensitive uses in the vicinity and environmental nuisance was expected. The Drainage Services Department (DSD) advised that there was insufficient information on the drainage impact;

- (d) 3 public comments were received during the publication period. The first 2 comments were made by Ming Yuen Tso Tong, objecting to the application on ground of illegal use of the site without consent. The last comment was made by a farming operator, raising suspicion on fuel-refilling activities carried out on site; and
- (e) PlanD's view – the application was not supported for the reasons stated in paragraph 5.2 of the Paper. The proposed development was not in line with the planning intention of the “OU(CDWRA)” zone and did not comply with Town Planning Board Guidelines No. 12B for Application for Development within Deep Bay Area.

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

148. Mr. Lam Kuen made the following main points:

- (a) as the surrounding areas were occupied by open storage uses, the current application for open storage of recyclable metal would not affect the surrounding land uses;
- (b) consent from Tso Tong had been obtained from Messrs. Man Kam Wah and Man Kam Fei. The two public comments from Ming Yuen Tso Tong were on other illegal uses of the site; and
- (c) the proposed use would not generate any environmental nuisance to the nearby residents and there was no report of flooding in the areas.

149. Members had no question on the application.

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

Deliberation Session

151. The Chairperson said that no strong justification had been submitted in support of the review application. The application was subject to adverse departmental and local comments.

152. 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 "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;
- (b) the development did not comply with the revised Town Planning Board Guidelines No. 12B for Application for Developments within Deep Bay Area in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

Agenda Item 11

[Open Meeting]

Request for Deferral of Review of Application No. A/NE-TKL/287

Proposed Temporary Asphalt Batching Plant for a Period of 3 Years in “Open Storage” zone, Lots 437, 439RP(Part) and 477RP in DD 77, Ng Chow Road, Ping Che
(TPB Paper No. 7795)

[The hearing was conducted in Cantonese.]

153. The Secretary presented the Paper and said that the request was for further deferment of consideration of the review application for two months in order to allow more time for the applicant to resolve local comments. As the deferment would unlikely affect any third party, and the time sought was only two months, the request for deferment could meet the criteria set out in the Town Planning Board Guidelines No. 33. Besides, as the Court of Appeal had just handed down reasons for judgment on a similar case which might have implications on the subject application, it was advisable to defer consideration of the review application for the time being.

154. After deliberation, the Board decided to agree to the request for further deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Dr. Michael Chiu left the meeting at this point.]

Agenda Item 13

[Open Meeting]

Submission of the Draft Sha Tin Outline Zoning Plan No. S/ST/22A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 7798)

[The meeting was conducted in Cantonese.]

155. The Secretary briefly introduced the Paper.

156. After deliberation, the Board:

- (a) agreed that the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/22A 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 Sha Tin OZP No. S/ST/22A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Any Other Business

157. There being no other business, the meeting was closed at 7:45 p.m.

