

**Minutes of 950th Meeting of the
Town Planning Board held on 8.1.2010**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Dr. Greg C.Y. Wong Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

Deputy Director of Environmental Protection

Mr. Benny Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mrs. Ava Ng

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Mr. B.W. Chan

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Senior Town Planner/Town Planning Board
Miss Vivian M.F. Lai

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 949th Meeting held on 11.12.2009

[The meeting was conducted in Cantonese.]

1. The minutes of the 949th meeting held on 11.12.2009 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) Town Planning Appeal Received

Town Planning Appeal No. 10 of 2009

Temporary Vehicle Parking (Oil Tank Trailer) and Workshop
for a Period of 1 Year in “Village Type Development” zone
Lot 1981 RP (Part) in D.D. 130 and adjoining Government Land
Lam Tei, Tuen Mun
(Application No. A/TM-LTYY/174)

2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 15.12.2009 against the decision of the Town Planning Board (TPB) to reject on review an application for a temporary vehicle parking (oil tank trailer) and workshop in the “Village Type Development” (“V”) zone on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYY/6. The application was rejected by the TPB on 25.9.2009 for the following reasons:

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. There was no strong planning justification in the submission for a departure from such planning

intention, even on a temporary basis;

- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) there was no information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) no similar application for parking of oil tank trailers was previously approved in the same and nearby “V” zones. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

3. The hearing dates of the appeal were yet to be fixed. The Secretary would represent the Board to handle the appeal in the usual manner.

[Messrs. Leslie H.C. Chen and Andrew Tsang arrived to join the meeting at this point.]

(ii) Town Planning Appeal Statistics

4. The Secretary reported that as at 8.1.2010, 22 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	136
Yet to be Heard	:	22
Decision Outstanding	:	0
Total	:	293

Agenda Item 3

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-LTYY/189

Temporary Vehicle Repair Workshop for a Period of 3 Years in "Green Belt" zone,
Lot 2440RP (Part), 2429(Part), 2431RP (Part) and Adjoining Government Land in DD 130,
Lam Tei, Tuen Mun
(TPB Paper No. 8468)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

5. Ms. Amy Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), the applicant and her representative were invited to the meeting at this point:

Ms. Yeung Wai Chung	- Applicant
Mr. Tam Hung Wah	- Applicant's representative

6. The Chairman extended a welcome and explained the procedures of the review hearing. The Chairman then invited Ms. Amy Cheung to brief Members on the background to the application.

[Messrs. Tony C.N. Kan, Y.K. Cheng, and David W.M. Chan, Dr. Winnie S.M. Tang, Dr. Daniel B.M. To and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

7. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application on review and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a temporary vehicle repair workshop for a period of 3 years in an area zoned "Green Belt" ("GB") on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYY/6;

- (b) the background of the section 16 (s.16) application as set out in paragraph 4 of the Paper. In support of the s.16 application, the applicant claimed that the vehicle repairing business on Lot No. 2431 in DD130 was affected by the road works back in 2003. In this regard, a staff member of the Lands Department said that the vehicle repairing business could continue on Lot No. 2431RP and 2440RP in DD 130, i.e. part of the application site. Upon the advice, the vehicle repair workshop was moved from Lot No. 2431 in DD 130 to the application site. However, she had recently received a letter from the PlanD indicating that the subject vehicle workshop was unauthorised. Therefore, she submitted a planning application seeking the Board's approval for continuing the business;
- (c) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the s.16 application on 18.9.2009 were set out in paragraph 1.2 of the Paper;
- (d) no written submission in support of the review application was submitted by the applicant;
- (e) departmental comments –the District Lands Officer/Tuen Mun of Lands Department (LandsD) advised that, having re-examined their records again, there was no information showing that they had made any agreement to allow the applicant's vehicle-repairing workshop to continue the business by shifting the workshop to the current location in return for their willingness to vacate the land affected by the Deep Bay Link project. The Chief Estate Surveyor/Acquisition of LandsD also advised that he was unable to locate any record of the verbal agreement as claimed by the applicant of allowing the operator to continue the vehicle repairing business at the unaffected portion of the land outside the Deep Bay Link project limit. According to his file record, land compensation had been paid to the registered owner of Lot No. 2431 for the portion of land resumed for the project. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the

vicinity of the site and environmental nuisances were expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD objected to the application from the landscape planning point of view as approval of the application would encourage encroachment of non-conforming uses onto the “GB” zone resulting in further degradation of existing landscape amenity and landscape resources in the area despite the fact that some of the land within the “GB” had been disturbed by open storage yards, workshops, or other rural industrial uses. The Chief Engineer/Mainland North of the Drainage Services Department (CE/MN, DSD) commented that the applicant should demonstrate that the proposed use of the application site would not have adverse drainage impacts on the area;

- (f) no local comment/objection was received by the District Officer (Tuen Mun) on the review application;
- (g) PlanD’s view - PlanD maintained its previous view of not supporting the review application for the reasons stated in paragraph 7 of the Paper. There was no change in planning circumstances since the rejection of the planning application by RNTPC on 18.9.2009 in that:
 - (i) the site was involved in a previously rejected application (No. A/TM-LTYY/11) in 1997 for temporary open storage of container tractors and trailers and a vehicle repair workshop submitted by the same applicant. Compared with the rejected application, the current application was smaller in size (reduced by 58.4% or 814 m²);
 - (ii) the current application did not comply with the Town Planning Board Guidelines No.10 for Application for Development within Green Belt Zone in that there were no strong planning grounds to justify the application, the design and layout of the development was not compatible with the surrounding area, and the development itself was a source of environmental pollution;

- (iii) the development was not in line with the planning intention of the “GB” zone, which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (iv) the development was not compatible with the green features and the landscape character of the “GB” zone. Although some of the land within the “GB” zone had been disturbed, approval of the application would encourage encroachment of non-conforming uses onto the “GB” zone resulting in further degradation of existing landscape amenity and landscape resources in the area. As such, CTP/UD&L of PlanD objected to the application from the landscape planning point of view;
- (v) the development was not compatible with the surrounding areas in environmental and drainage terms. Residential dwellings were located in the close vicinity of the site. The existing dwellings in the vicinity would be subject to the environmental nuisance arising from the applied use for vehicle repair workshop. In this regard, DEP did not support the application. There was no information in the submission to demonstrate that the applied use would not have adverse environmental impact on the surrounding areas. Besides, there was no information in the submission to demonstrate that the applied use would not create adverse drainage impact on the surrounding areas. CE/MN, DSD had requested the applicant to submit and implement drainage proposals to his satisfaction; and
- (vi) no similar application had previously been approved in the same and nearby “GB” zones. The approval of the application would set an undesirable precedent for similar applications within “GB” zones. The cumulative effect of approving such applications would result in

a general degradation of the environment.

8. The Chairman then invited the applicant to elaborate on the application.

[Ms. Anna S.Y. Kwong and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

9. With the aid of a plan and an extract of a Chemical Waste Producer Registration, Ms. Yeung Wai Chung made the following points:

- (a) since 1969, her father- and mother-in-law had started farming activities at Lots No. 2431 and 2440. Pigsties and domestic structures were built on these lots in 1977. The farming activities continued until 1989 when the Government resumed parts of the subject lots for the construction of Yuen Long Highway. In 1990/1991, she and her husband had started a vehicle repair workshop in the pigsties in Lot 2431, which was later extended by an additional cover. Up to 1997, she had operated the vehicle repair workshop and open storage of container tractors and trailers in Lot 2431 and its adjacent areas without being informed by any government departments that the operation was against any government legislation;
- (b) in 1997 she received an enforcement notice from PlanD notifying her that the site formation and the container trailer and tractor park at Lots No. 2431 (part), 2438RP (part), 2440RP, 2441 RP (part) and the adjacent Government land was an unauthorised development (UD). She therefore applied for planning permission for open storage of container tractors and trailers and a vehicle repair workshop (application No. A/TM-LTYY/11) but it was rejected by the Board. To comply with the notice, she discontinued the UD and confined the vehicle repair workshop under the pigsties in Lot 2431;
- (c) in March 2003 an acquisition team of LandsD paid a visit to her workshop and informed her that the land occupied by the vehicle repair workshop had to be resumed under the Deep Bay Link project. In order to earn a living, she proposed to move and continue the workshop business at Lots

No. 2431RP and 2440RP without asking for any compensation from the Government. In response, the officer-in-charge of the acquisition team of LandsD said that he needed to discuss with his seniors. That officer, together with some other staff, returned to her workshop in July 2003 and advised her that she could continue the vehicle repairing business on Lots 2431RP and 2440RP in DD130. Based on the advice of this officer, she continued her vehicle repairing business on the subject lots. She still kept the name cards of the concerned officers. From 2003 to 2008, no Government department had informed her that the vehicle repair workshop was against any government legislation; and

[Miss Annie Tam arrived to join the meeting at this point.]

- (d) in December 2008, she received a warning letter from PlanD requesting her to discontinue the vehicle repair workshop at the application site as it was an UD. After informing PlanD the above history of the site, she was asked to provide written records of the agreement between her and the staff of LandsD. She tried to contact the subject officers of LandsD and the concerned consultant for the road project, but failed. Since she could not produce the required written records, she had no choice but to submit the subject planning application No. A/TM-LTYY/189 for permission to continue the vehicle repair workshop. The planning application, however, was rejected by RNTPC on 18.9.2009. She then approached LandsD, the Office of the Chief Executive and the Development Bureau hoping that the concerned departments would recognise the subject vehicle repair workshop as a legitimate use. All of them replied that there was no record of the agreement made between her and the staff of LandsD in 2003;
- (e) in 1997, DEP had issued a Chemical Waste Producer Registration to the applicant in 1997;

(Post meeting note: According to DEP, such a Registration was neither a licence nor a permit and there was no valid period for the Registration.)

- (f) as car washing activity was not undertaken in the application site, the subject vehicle repair workshop would not cause significant pollution to the area;
- (g) originally she operated her vehicle repair workshop at Lot 2431 in DD 130 . At that time, the subject lot was not zoned “GB” on the OZP. It was due to the resumption of the lot by the Government for the Deep Bay Link Project that she had to move the workshop to the application site, which was verbally agreed by the staff of LandsD. Moreover, she did not ask for any compensation from the Government under the land resumption process; and
- (h) in view of the above, she urged the Board to give sympathetic consideration to the review application.

10. In response to a Member’s questions on whether the application site was agricultural land or green belt area and whether there was any verbal agreement between the Government and the applicant on the use of the application site, Ms. Amy Cheung said that the publication of the first statutory plan covering the application site, i.e. the draft Lam Tei and Yick Yuen Development Permission Area (DPA) Plan which was published on 18.6.1993 for public inspection. The site was zoned “GB” on the first Lam Tei and Yick Yuen OZP. It was held under block Government lease demised for agricultural purpose. LandsD and HyD indicated that they had gone through their records but there was no record of the verbal agreement as claimed by the applicant.

11. With reference to the “GB” zoning of the application site, Members had the following questions :

- (a) the reasons why the application site and its surrounding area were zoned “GB” on the OZP noting that there were many structures in the area as shown in Plan A-3 and Plan R-3;
- (b) whether there were structures on and around the application site in 1993 when the first statutory plan covering the application site was published;

and

- (c) the land use of the application site in 1993.

12. With reference to a location plan and the survey records conducted in 1993 for the preparation of the DPA Plan, Ms. Amy Cheung made the following responses:

- (a) the “GB” zoning of the strip of land covering the application site was to provide buffer between the Yuen Long Highway and the nearby recognised villages such as Sun Fung Wai and Nai Wai; and
- (b) according to the survey of the application site conducted prior to the publication of the first statutory plan in 1993, temporary structures mainly related to agricultural uses such as chicken sheds and domestic dwellings were found on and adjacent to the site. The survey records also indicated that in 1993, there was a vehicle repair workshop to the immediate south of the application site. However, there was no vehicle repair workshop use on the application site in 1993.

13. Mr. Tam Hung Wah, the applicant’s representative, remarked that the vehicle repairing activities found in the 1993 survey were at Lot 2431, and they had to be discontinued because of land resumption by the Government. The applicant then relocated the vehicle repair workshop to the application site, which was to the north of the previous site and also formed part of Lot 2431. Given the above history, he asked the Board to give sympathetic consideration to the application so that the business could continue.

14. As the applicant and her representative had no further comment to make and Members had no further question to raise, the Chairman 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 Chairman thanked the applicant and her representative and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

15. A Member asked whether the current vehicle repair workshop on the application site could be treated as an existing use (EU) and sympathetic consideration could be given to the subject application as the application site fell within the same lot where the applicant operated her previous vehicle repairing business from 1990/1991 to 2003. In response, Mrs. Ava Ng, the Director of Planning (D of Plan), advised that land use surveys were undertaken immediately prior to the publication of a DPA Plan to record existing land uses of the areas covered by the DPA Plan. The record was based on land uses found on individual sites at the time of the survey. Given the application site was not used as a vehicle repair workshop prior to the publication of the DPA Plan in 1993, the current vehicle repair workshop under the subjection application was not considered as an EU and was subject to planning enforcement and prosecution action.

16. Some Members opined that sympathetic consideration might be given to the subject application on the following grounds :

- (a) due to road projects and land resumption by the Government, the applicant had to relocate her vehicle repairing business. Otherwise, she could continue to operate her pervious vehicle repair workshop, which was an EU;
- (b) the applicant had relocated her vehicle repair workshop within the same lot, which was privately owned. The rejection of the subject application might create hardship to the applicant; and
- (c) as the application site and its surrounding areas were covered by many structures, it was doubtful whether the subject areas should be zoned "GB" on the OZP.

17. Some other Member however, held opposite views and considered that sympathetic consideration should not be given to the subject application on the following grounds :

- (a) the subject vehicle repair workshop was not an EU;
- (b) no similar application had previously been approved in the same and nearby “GB” zones. The approval of the subject application would defeat the “GB” policy for the rural areas and would set an undesirable precedent for similar applications within “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the environment; and
- (c) although the applicant claimed that she had obtained the agreement from the staff of LandsD to allow her to relocate the vehicle repair workshop within the same lot, she failed to prove to the Board that there was evidence, either in the form of letters or documents, recording such agreement. In any event, agreement with a government department, even if it could be proven by written record, should not be a relevant consideration of the Town Planning Board (TPB) operating under the statute.

[Messrs. Felix W. Fong and Timothy K.W. Ma left the meeting at this point.]

18. In response to some Members’ enquiries, Miss Annie Tam, the Director of Lands (D of Lands), advised that the applicant had lodged a complaint to the Ombudsman against PlanD and LandsD, and LandsD had provided input to the Ombudsman in late December 2009. She also pointed out that, according to the records of LandsD,

- (a) the applicant was not the leasee of the private lots where a previous vehicle repair workshop situated when parts of the private lots concerned were resumed by the Government for the Deep Bay project. The applicant apparently now operated a vehicle repair workshop near the resumed land involving Old Scheduled Agricultural Lots and government land;

(Post meeting note : According to Land Registry record, the applicant acquired Lot 2440RP in DD 130, i.e. one of the application lots, on 29.7.2009. Before that date, she was not the registered land owner.)

- (b) no compensation for the Deep Bay Link project had been given to the applicant because she was not the leasee of the land resumed by the Government for the project but it was not clear if the leasee was related to the applicant;
- (c) a joint site visit to the land affected by the resumption for the Deep Bay project had been carried out by concerned government departments on 11.12.2002 and 6.3.2003. According to the questionnaire collected at the site to assess the ‘risk’ involved in the subject land resumption, the vehicle repair workshop affected by the land resumption had started moving to the adjoining land outside the resumption limit for the Deep Bay Link project limit; and
- (d) subject to TPB’s approval of the application, LandsD might at its discretion consider granting Short Term Tenancy (STT) for the government land involved and Short Term Waiver (STW) for erection of structures on the Old Schedule Agricultural Lots involved to the owner(s) on application. In the absence of such STT and STW, LandsD reserved the right to take the enforcement action .

19. To answer Members’ enquiry, the Secretary advised that planning enforcement action against the current vehicle repair workshop, which was an UD, was initiated upon receipt of complaints. An enforcement notice was issued to the applicant on 1.12.2009 requesting her to discontinue the UD by 1.3.2010. The Secretary also informed Members of the following:

- (a) a 30m-wide strip of land along and on the western side of the Yuen Long Highway was zoned “GB” on the OZP to act as a buffer protecting the nearby villages from being adversely affected by the highway. The suitability of the “GB” zone on the application site should be viewed from a wider context;
- (b) as shown in Plan R-2, there were many suspected UDs in the vicinity of the

application site. The approval of the subject application would set an undesirable precedent and adversely affect the planning enforcement of other UDs in the area; and

- (c) in the review of Town Planning Ordinance in 1990, a definitive interpretation was accorded to EU and development. The record of EU in the land use survey undertaken prior to the publication of a DPA Plan was based on the land use of a particular site, rather than a lot.

[Mr. Fletch Chan left the meeting at this point.]

20. A few Members cast doubt on the suitability of “GB” zoning of the application site. They considered that the application merited special consideration as the land resumption of the road project displaced the previous vehicle repair workshop to the current application site. The applicant might not be aware of the need to obtain permission nor did not have the knowledge as to how to apply for the permission. The Board had previously approved applications in other “GB” zones based on special considerations.

[Mr. Rock C.N. Chen left the meeting at this point.]

21. A Member noted that the application site was larger than the area of the previous vehicle repair workshop. In addition to private lot, the application site also covered government land. Another Member said that according to official record the applicant indicated her intention to relocate her vehicle repair workshop due to land resumption but did not obtain the necessary permission from TPB prior to the relocation of the workshop. This Member opined that having no knowledge of planning procedures was not a justification for not obtaining the necessary permission for the operation of the workshop. These two Members did not consider that the subject application merited special consideration and had reservation on approving the application.

22. The Chairman summarised and clarified the issues as follows :

- (a) having no knowledge as to how to apply for planning permission was not a relevant consideration of the subject application;

- (b) the Board had approved applications in other “GB” zone based on the merits of individual cases; and
- (c) the LandsD’s questionnaire had recorded the applicant’s intention of relocating her workshop, but not the verbal agreement by the government officials for the relocation as claimed by the applicant. PlanD also did not have any record of giving agreement to the applicant for the relocation of her workshop.

23. Regarding the suitability of “GB” zoning of the application site, Mrs. Ava Ng, D of Plan, briefed Members that a Chairman of the Appeal Panel (Town Planning) had once remarked that the appeal panel was not to question the planning intention of a site as stipulated on the OZP because it had gone through the due process in plan-making and approved by the Chief Executive in Council. The TPB, in reviewing a planning application, should base on the planning intention of the zoning of an application site as stipulated on the OZP, rather than questioning the appropriateness of the zoning/ planning intention of the site. In case the zoning of a site was considered by the TPB as obsolete, it should be amended under the plan-making process as set out in the Town Planning Ordinance.

24. In response to a Member’s query, the Secretary said that two complaints against the subject vehicle repair workshop were received. The one in December 2008 was concerned about the use of the site as vehicle repair workshop, and the other in June 2009 was about the unauthorised structures on the application site.

25. The Chairman summarised Members’ views and concluded that the majority of the Board members considered that the application did not merit special consideration. The proposed vehicle repair workshop was not in line with the planning intention of the “GB” zone nor compatible with the surrounding green landscape and residential dwellings in the vicinity. The applicant also did not submit any information to demonstrate that the workshop would not cause any adverse impacts. Members were concerned about the precedent effect it might cause, if the application was approved. Members also agreed that having no knowledge to apply for permission should not be considered as a relevant planning ground to merit sympathetic consideration. The RNTPC’s decision of rejecting

the subject application should be upheld.

[Mr. Stanley Y.F. Wong, Ms. Starry W.K. Lee and Dr. Winnie S.M. Tang left the meeting at this point.]

26. After further deliberation, the Board decided to reject the application on review for the following reasons:

- (a) the proposed development was not in line with the planning intention of “GB” zone. There was a general presumption against development within this zone. No strong planning justification had been given in the submission for a departure from such planning intention of the “GB” zone, even on temporary basis;
- (b) the development was not compatible with the surrounding green landscape and the residential dwellings in the close vicinity;
- (c) there was no information in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within these zones. The cumulative impact of approving such applications would result in general degradation of the environment.

Remarks

27. The Chairman said that Agenda Item 4 would not be open for public viewing since it was in respect of review of a section 16 planning application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 5

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/13

(TPB Paper No. 8470)

[The meeting was conducted in Cantonese.]

30. The Secretary referred to the Paper and briefed Members that on 28.8.2009, the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/13 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, three representations and one comment on the draft OZP were received. Given the small number of the representations and comment received and that they were similar in nature, it was considered more efficient for the full Board to hear the representations and comment collectively in one group.

31. After deliberation, the Board agreed that the representations and the comment on the draft OZP should be heard collectively by the Board in the manner as proposed in paragraphs 2.1 to 2.3 of the Paper.

Agenda Item 6

[Open Meeting]

Submission of the Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/11A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8471)

[The meeting was conducted in Cantonese.]

32. The following Members had declared interests on the item:

Professor David Dudgeon

- Being a trustee of World Wide Fund for Nature (WWF) Hong Kong and a

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| | member of Mai Po Management Committee of WWF (Representer No. 785 (R785)) |
| Mr. Edmund K.H. Leung | - Being a member of the Hong Kong Airport Authority |
| Dr. Greg C.Y. Wong | - Being a panel member for tunnel construction technique of the Hong Kong Zhuhai Macau Bridge (Pearl River territory section) |
| Mr. Fletch Chan | - Being the Principal Assistant Secretary for Transport and Housing Bureau (THB) which was the responsible policy bureau for the proposed cross boundary facilities project planning on the subject OZP |
| Mr. Benny Wong
as the Deputy Director of Environmental Protection | - Being an alternate member for the Director of Environmental Protection which was the authority to approve EIA reports of the cross boundary project under the Environmental Impact Assessment Ordinance |
33. Members noted that Professor David Dudgeon and Mr. Edmund K.H. Leung had tendered apologies for not being able to attend the meeting and Mr. Fletch Chan had already left the meeting. As the item was procedural in nature, Members agreed to allow Dr. Greg C.Y. Wong and Mr. Benny Wong to stay in the meeting.
34. The Secretary briefed Members as detailed in the Paper.
35. After deliberation, the Board:
- (a) agreed that the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/11A and its Notes at Annexes A and B of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;

- (b) endorsed the updated Explanatory Statement (ES) for the draft Chek Lap Kok OZP No. S/I-CLK/11A at Annex C of the Paper as an expression of the planning intentions and objectives of the Board for various land-use zonings on the draft OZP and to be 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 7

Any Other Business

Condolence

36. The Chairman informed Members that Mr. Anthony G. Eason, CBE, JP, the former Secretary for Planning, Environment and Lands, passed away on 28.12.2009. Mr. Eason was the Chairman of the Town Planning Board (the Board) from March 1992 to April 1995. On behalf of the Board, the Chairman would send a letter to Mrs. Eason to express the Board's condolences.

37. There being no other business, the meeting was closed at 10:50 a.m.