

**Minutes of 1144th Meeting of the
Town Planning Board held on 16.6.2017**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Michael W.L. Wong

Chairman

Professor S.C. Wong

Vice-Chairman

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Mr Andy S.H. Lam

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr K.F. Tang

Assistant Director/Regional 1, Lands Department
Mr Simon S.W. Wang

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Dr Frankie W.C. Yeung

Mr Philip S.L. Kan

Dr Lawrence K.C. Li

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Ms Sally S.Y. Fong

Senior Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1142nd Meeting held on 2.6.2017

[The item was conducted in Cantonese.]

1. The minutes of the 1142nd meeting held on 2.6.2017 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) Judicial Review lodged by Excelsior Hotel (BVI) Limited against the Decision of the Town Planning Board in respect of the Draft Causeway Bay Outline Zoning Plan
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2. The Secretary reported that the following Members and the Secretary had declared interests on the item for living/owning property in the Causeway Bay area or having affiliation/business dealings with the Jardines Group Companies (Jardines), Hongkong Land (HKL) and/or Mandarin Oriental, affiliated companies of Excelsior Hotel (BVI) Limited (Excelsior) i.e. applicant of the subject judicial review (JR):

Ms Sandy H.Y. Wong - being an ex-employee of Maxim's Group Companies, an associate company of Jardines, and self-occupying a flat in Tai Hang

Mr Wilson Y.W. Fung - being an ex-employee of Jardines

Mr Ivan C.S. Fu]	having current business dealings with
Mr Thomas O.S. Ho]	HKL
Mr K.K. Cheung]	their firm having current business
Mr Alex T.H. Lai]	dealings with Jardines, HKL and Mandarin Oriental
Mr Stephen L.H. Liu	-	having past business dealings with HKL
Dr Lawrence K.C. Li	-	co-owning with spouse a flat in Tai Hang Road
Ms Janice W.M. Lai	-	spouse owning a flat in Tai Hang
Ms Jacinta K.C. Woo (Secretary)	-	self-occupying a flat in Tai Hang Road

3. Mr Dominic K.K. Lam also declared an interest on the item as his spouse owned a property in Happy Valley in close proximity to the Causeway Bay area.

4. Members noted that Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. As the item was to report on the disposal of proceedings of the JR, Members agreed that the above Members and the Secretary who had declared interests could stay at the meeting.

5. The Secretary reported that on 10.3.2017, the Town Planning Board (the Board) agreed to Excelsior's proposal to dispose of the proceedings of the subject JR. A Consent Order was prepared by both parties and filed at the court on 24.5.2017. The terms of the Consent Order were as follows:

- (a) the Board's decision made on 11.3.2011 not to propose amendments to the draft Causeway Bay Outline Zoning Plan (OZP) to meet Excelsior's representation be quashed, and the Board should reconsider the decision;

(b) the interim stay of submission of the draft Causeway Bay OZP to the Chief Executive in Council be discharged; and

(c) no order as to costs.

6. On 2.6.2017, the Court of First Instance granted order for disposal of the JR. The Planning Department (PlanD) would review the relevant restrictions on the draft Causeway Bay OZP and submit proposed amendments to the Board for consideration in due course.

7. Members noted the progress of the JR.

(ii) Judicial Review lodged by Designing Hong Kong Limited against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan

8. The Secretary reported that the judicial review (JR) was lodged by Designing Hong Kong Limited (DHKL). Mr Thomas O.S. Ho had declared an interest on this item as he personally knew Mr Paul Zimmerman, the co-founder and Chief Executive Officer of DHKL.

9. As the item was to report on the progress of the JR and Mr Thomas O.S. Ho had no involvement in the subject matter, Members agreed that Mr Ho's interest was indirect and he could stay at the meeting.

10. The Secretary reported that the JR application was lodged by DHKL against the decision of the Town Planning Board (the Board) not to amend the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 in respect of the Central Military Dock site. On 24.2.2017, the Board was briefed on the Court of Appeal (CA)'s judgment dismissing the applicant's appeal in respect of Protective Cost Order.

11. On 10.3.2017, DHKL filed a Notice of Motion (NOM) for leave to appeal seeking leave from the CA to appeal to the Court of Final Appeal (CFA). On 7.6.2017, the

CA handed down its judgment dismissing the NOM as the questions of great or general public importance raised by the applicant were not reasonably arguable. The CA ordered DHKL to pay the Board's costs in the NOM, fixed at \$100,000.

12. Pursuant to the Hong Kong Court of Final Appeal Ordinance (Cap. 484), DHKL could within 28 days from the date of the CA's judgment make application to CFA for leave to appeal. The proceedings of the substantive JR had been stayed until the final determination of the applicant's application for leave to appeal, or after the final determination of the ensuing appeal before the CFA.

13. Members noted the progress of the JR and agreed that the Secretary would represent the Board in all matters in relation to the JR and the follow up actions in the usual manner.

14. Since the applicant's representatives attending the review hearing under Agenda Item 3 had not yet arrived, Members agreed to consider other agenda items first.

[Ms Janice W.M. Lai and Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KTS/447

Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone,
Lot 911 S.A ss.6 in D.D. 100, Hang Tau Village, Sheung Shui, New Territories

(TPB Paper No. 10292)

[The item was conducted in Cantonese]

Presentation and Question Sessions

15. The Secretary reported that the applicant had indicated not attending the meeting.

16. Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East, Planning Department (DPO/FS&YLE, PlanD), was invited to the meeting at this point.

17. The Chairman extended a welcome and briefly explained the procedure of the review hearing. He then invited DPO/FS&YLE to brief Members on the review application.

18. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10292 (the Paper).

[Professor K.C. Chau and Miss Winnie W.M. Ng arrived to join the meeting during DPO/FS&YLE's presentation.]

19. As the presentation of DPO/FS&YLE was completed, the Chairman invited questions from Members.

20. A Member asked whether there were different planning considerations for the three latest similar applications (No. A/NE-KTS/443, 444 and 445) as the first application was rejected by the Board on review in January 2017 while the other two applications were approved by the RNTPC in February 2017. In response, Ms Maggie M.Y. Chin explained that the Board had adopted a more cautious approach in assessing Small House applications in recent years. While the assessment on the availability of land within the "Village Type Development" ("V") zone to meet the outstanding Small House applications was one of the planning considerations, due consideration would also be given to other factors such as whether the sites were located close to the existing village clusters and whether the sites had previous planning approvals for Small House development. Given that the sites under applications No. A/NE-KTS/444 and 445 were the subject of previous planning permission for Small House development granted by the RNTPC in 2012, sympathetic consideration had been given to those two applications.

21. As Members had no further question, the Chairman said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairman thanked the representative of PlanD for attending the meeting. Ms Maggie M.Y. Chin left the meeting at this point.

Deliberation Session

22. A Member remarked that the Board had taken a more cautious approach in considering Small House application. In the past, in considering whether there was a general shortage of land to meet Small House, the Board would take into account the number of outstanding Small House applications as well as the 10-year Small House demand forecast as provided by the indigenous inhabitant representatives of the concerned village. However, in recent years, more weighting had been put on the number of outstanding Small House applications provided by the Lands Department. The Member continued to say that the current application should not be approved as the applicant had not provided any new information or justification to warrant a departure from the previous decision of the RNTPC. Another Member shared the same view.

23. Members noted that the proposed development was not in line with the planning intention of the “Agriculture” zone and land was still available within the “V” zone of Hang Tau Village for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern. There was no major change in planning circumstances since the rejection of the application.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Hang Tau Village which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the

planning intention; and

- (b) land is still available within the “Village Type Development” zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Kowloon District

Agenda Item 5

[Open Meeting]

Request for Deferment of Review of Application No. A/K14/742

Proposed Private Club in "Other Specified Uses" annotated "Business" Zone, 1/F, Fook Cheong Building, 63 Hoi Yuen Road, Kwun Tong, Kowloon

(TPB Paper No. 10293)

[The item was conducted in Cantonese]

25. The Secretary reported that Mr Patrick H.T. Lau had declared an interest on the item for having current business dealings with the applicant’s consultant, Kenneth To & Associates Ltd.. As the item was a request for deferment and Mr Patrick H.T. Lau had no direct involvement in the project, Members agreed that Mr Lau should be allowed to stay at the meeting.

26. The Secretary briefed Members that on 7.6.2017, the applicant’s representative requested deferment of the consideration of the review application for two months in order to allow more time to prepare further information to address the comments from relevant government departments. It was the first time that the applicant requested deferment of the review application.

27. After deliberation, the Board agreed to defer a decision on the review application, as requested by the applicant, pending the submission of further information (FI) from the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed two months for preparation of submission of FI and no further deferment would be granted unless under very special circumstances.

[Mr David Y.T. Lui and Ms Christina M. Lee arrived to join the meeting at this point.]

General

Agenda Item 6

[Open Meeting]

Proposed Amendments to the Master Schedule of Notes to Statutory Plans, Definition of Terms Used in Statutory Plans and Broad Use Terms

(TPB Paper No. 10295)

[The item was conducted in Cantonese]

28. The following Members had declared interests on the item as some of the proposed amendments under consideration were related to the uses of industrial buildings;

Mr Dominic K.K. Lam - his company owning a property in an industrial building

Mr Wilson Y.W. Fung - being a director of a dance company

29. As the proposed amendments relating to industrial buildings were not site-specific, Members agreed that Mr Dominic K.K. Lam and Mr Wilson Y.W. Fung could stay at the meeting.

30. The following government representatives were invited to the meeting:

Mr Kevin C.P. Ng - Chief Town Planner/Town Planning Board,
Planning Department (CTP/TPB, PlanD)

Mr Stephen K.S. Lee - Senior Town Planner/Town Planning Board,
(STP/TPB), PlanD

31. The Chairman extended a welcome and invited PlanD's representative to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr Stephen K.S. Lee, STP/TPB, briefed Members on the background, proposed amendments to the Master Schedule of Notes to Statutory Plans (MSN), Definitions of Terms used in Statutory Plans (DoT) and Broad Use Terms (BUT), as detailed in TPB Paper No. 10295 (the Paper).

[Mr H.F. Leung arrived to join the meeting during STP/TPB's presentation.]

32. As the presentation of STP/TPB was completed, the Chairman invited questions and comments from Members.

Art Studio

33. Some Members raised the following questions and comments:

- (a) whether 'Art Studio' use covered both visual and performing arts activities, and whether venues for performance and rehearsal of those performing arts groups would be regarded as a kind of 'Art Studio' use which was always permitted within the industrial buildings;
- (b) while the creation of paintings and other artworks would be always permitted in the 'Art Studio', whether the exhibition of those artworks would also be allowed under the use;
- (c) whether the free-lance artists and accompanying parents of children attending the rehearsal would be classified as 'visitors';

- (d) whether audio-visual, and design and media production would be classified as 'industrial use' and permitted within the industrial buildings;
- (e) whether it was the Government's policy to encourage art development in industrial building;
- (f) whether the current proposed amendments to the MSN would have any implication on the existing 15 Outline Zoning Plans (OZPs) which had already incorporated such uses in the Notes of the relevant zones, as listed in Annex A of the Paper; and
- (g) if the Fire Services Department (FSD)'s fire safety concern on industrial buildings was mainly due to the attraction of a large number of visitors who were unfamiliar with the means of escape of the buildings, the same rationale should also be applicable to those visitors of commercial buildings.

34. Mr Kevin C.P. Ng, CTP/TPB, PlanD, made the following responses:

- (a) PlanD had been liaising closely with the concerned departments including FSD and Home Affairs Bureau (HAB) on measures that could support art development and optimize the use of industrial floor space without compromising building and fire safety over the past two years. Given that the fire risk associated with the industrial buildings would be higher than that of other developments due to the presence of industrial operations within the buildings, FSD considered that any use that would attract a large number of visiting members of the public ('visitors') due to direct provision of services and goods should not be permitted as of right in the industrial buildings. In this regard, 'Art Studio' use would be always permitted in an industrial building only if they did not involve direct provision of services or goods;
- (b) the venues for performance and rehearsal, which might attract a large number of visitors would normally be regarded as a 'Place of Recreation,

Sports or Culture’ use which was a Column 2 use under the “Industrial” (“I”) zone, and Schedule II of “Other Specified Uses” annotated “Business” (“OU(B)”) and “Residential (Group E)” (R(E)”) zones and planning permission would be required;

- (c) the exhibition of paintings and other art works created in the art studio of the industrial buildings, which would attract general members of the public or other visitors, would require planning permission from the Town Planning Board (the Board);
- (d) as advised by FSD, the presence of any person who was not a regular occupant in an industrial building, and hence was unfamiliar with the means of escape of the building in case of emergency and would be exposed to higher life risk, should not be encouraged in the industrial buildings;
- (e) according to the prevailing MSN, ‘Audio-visual Recording Studio’ and ‘Design and Media Production’ were regarded as a kind of ‘Office’ use which was always permitted within industrial buildings under the “I” zone and Schedule II of “OU(B)” and “R(E)” zones;
- (f) while it was proposed that ‘Art Studio (excluding those involving direct provision of services and goods)’ use would be an always permitted use within industrial buildings, those rehearsal venue which would attract a large number of visitors would require planning permission from the Board due to fire safety concern. HAB would continue to liaise with the stakeholders and concerned departments on the possibility of further relaxing the use of industrial buildings without compromising fire safety;
- (g) since 2015, ‘Art Studio (excluding those involving direct provision of services or goods)’ use had been incorporated as a Column 1 use in the Notes of the relevant zones on 15 OZPs. The currently proposed amendments to the MSN served only to reflect such changes and guide future amendments to other OZPs; and

- (h) due to the presence of industrial operations and storage and use of combustible materials and/or dangerous goods associated with the industrial operations, the fire risk of industrial buildings would be higher than that of other commercial buildings. The fire safety requirement for industrial buildings was therefore more stringent than that for commercial buildings.

35. Regarding a Member's enquiry on the Government's policy on art development, the Chairman said that while it was the Government's intention to support art development, a careful balance had to be struck between promoting art development and ensuring fire safety within the industrial buildings. As such, those 'Art Studio' involving direct provision of services and goods, thereby attracting a large number of visitors to the industrial buildings should not be allowed.

36. Mr Raymond K.W. Lee, Director of Planning, said that the revised MSN which specified the planning intention and schedule of uses for different zonings was endorsed by the Board in 2003. 'Art Studio (excluding those involving direct provision of services or goods)' use was first added as a Column 1 use in the "I" and Schedule II of "OU(B)" zones of the Sha Tin OZP in 2015 to cater for the new trend of development. Since then, similar amendments had been made to a number of OZPs. The currently proposed amendments were mainly an updating of the MSN to incorporate the changes to the schedule of uses previously agreed to cater for emerging uses and new developments. The revised MSN would provide a reference for the preparation or amendments of statutory plans in future and would be available on the Board's website for public information. Whether the operation of individual art studios involved direct provision of services and goods would be a matter of fact and degree to be determined based on each individual case.

Non-polluting Industrial Use

37. Referring to a photo of a pottery workshop in a powerpoint slide, a Member asked whether all uses that were permitted in industrial buildings had to be related/akin to industrial production. In response, Mr Kevin C.P. Ng said that in addition to uses related to general industrial production, other industrial use which did not involve activities that were

detriment to the occupants of the building and amenity of the area due to noise, waste water discharge, vibration, smell, fume, etc. would also be allowed in existing industrial buildings.

38. Noting that aquaponics would be regarded as a 'Non-polluting Industrial Use', a Member raised concern on whether planning permission would be required if similar aquaponics activities were carried out on agricultural land in rural areas.

39. In response, Mr Kevin C.P. Ng said that aquaponics was generally considered as a kind of agricultural use though it could also be regarded as a kind of 'Non-polluting Industrial Use' if such activities were carried out within industrial buildings. The objective of the proposed amendments was to optimize the use of industrial floor space provided that the fire safety requirement would not be compromised and no nuisance would be generated to other users.

Public Utility Installation (PUI)

40. Two Members raised the following questions:

- (a) what the approximate size of the small-scale sewage treatment/screening plant (STP) would be, and whether such development would cause adverse visual impact on the surrounding area;
- (b) whether there was any relationship between the treatment capacity of a STP and the size of the structures; and
- (c) the rationale for using the daily treatment capacity of 5,000m³ as a criterion for classifying a small-scale STP as a PUI.

41. Mr Kevin C.P. Ng made the following responses:

- (a) there was no definite size for a small-scale STP and the dimension of which would be determined by EPD based on the specific operational need and design to suit the local circumstances. Given that the proposed STP would still be subject to planning approval in most land use zones if

the proposed amendment was agreed, Members' concern on the potential visual and other impacts of the STP on the surrounding area could be addressed through the planning application mechanism;

- (b) based on the advice of the Environmental Protection Department (EPD), a small-scale STP in rural area would normally have a daily treatment capacity of not more than 5,000m³. To expedite the process of sewerage improvement in rural or village areas, it was proposed to classify STPs provided by the Government with a treatment capacity of less than 5,000m³ per day as PUI such that these small-scale STPs could be processed by way of section 16 planning application;

42. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD) supplemented with the following main points:

- (a) it was all along the Government's intention to provide public sewerage facilities in the rural areas such that the sewage disposal facilities of the Small Houses could be connected to the public sewerage system to minimise the adverse environmental impacts. For those remote areas, it was considered more cost effective if the sewage could be treated by some small-scale STPs in the local area instead of connecting to those existing large-scale STPs via public sewers. The classification of small-scale STP as a 'PUI' to facilitate the provision of such facility in the rural area through the planning application system was considered appropriate; and
- (b) the treatment capacity of the STP would have a direct correlation with the size of the structure though there was no definite dimension for the STPs. While the construction of a STP with a daily treatment capacity of more than 5,000m³ close to (less than 200m) an environmentally sensitive area would be a designated project under the Environmental Impact Assessment Ordinance (EIAO), a STP with a smaller treatment capacity would still be controlled under the EIAO if the concerned STP fell within an environmentally sensitive area. Although a small-scale STP provided by the Government might not be subject to the EIAO, an administrative

environmental assessment would be conducted to ensure that no insurmountable environmental impact would be generated by the proposed STP.

Government Use

43. In response to a Member's question on whether other government uses, in addition to government offices, would be permitted as of right in the "OU(B)" zone after the proposed amendments were agreed, Mr Kevin C.P. Ng said that the proposed amendments to the BUT for 'Government Use' and 'Office' were mainly to specify that government offices located in commercial building would be considered as 'Office' use. Such proposed amendments would facilitate government offices to be provided as of right under Schedule I of the "OU(B)" zone in which 'Office' was a Column 1 use while 'Government Use' was a Column 2 use.

Diversion of streams

44. In response to a Member's question on the scope of works covered by 'diversion of streams', Mr Kevin C.P. Ng said that since works related to diversion of streams including the construction of embankments might have adverse impacts on the existing ecology and environment of the area, prior planning permission from the Board would be required in sensitive areas. It was proposed to incorporate such restriction into the MSN for those conservation-related zonings to guide future amendment to OZP, where appropriate.

Others

45. Some Members raised the following questions and comments:

- (a) to amend the word 'fruit' to 'fruits' in the definition of 'Cooked Food Centre' in Annex D of the Paper;
- (b) to appropriately revise the Chinese translation in the remarks of the definition of 'Sewage Treatment/Screening Plant', as shown on the powerpoint slide, to better tally with the English version; and

- (c) how the proposed amendments would be promulgated after endorsement by the Board.

46. Mr Kevin C.P. Ng made the following responses:

- (a) textual amendments to the DoT and BUT would be made as appropriate taking into account Members' suggestions; and
- (b) after the proposed amendments were endorsed by the Board, a press release would be issued to promulgate the amendments to the public for information. The revised MSN, DoT and BUT would be uploaded to the Board's website.

47. After deliberation, Members agreed to:

- (a) the proposed amendments to the MSN in Annexes B, G and H of the Paper,
- (b) the proposed revisions to the DoTs and BUTs in Annexes C, D, E and F of the Paper subject to the amendments as proposed by the Board; and
- (c) promulgate the revised MSN, DoTs and BUTs to the public for information.

48. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the proposed amendments before their publication. Any major revision would be submitted for the Board's consideration.

49. The Chairman thanked the government representatives for attending the meeting. They left the meeting at this point.

[Mr Franklin Yu left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/I-LWKS/2

Proposed Temporary Warehouse (for Furniture Parts, Assembled Products and Tools), Workshop and Domestic Use for a Period of 3 Years as well as Filling and Excavation of Land in “Green Belt” zone, Lot No. 288 in D.D. 311L, Lower Keung Shan, Lantau Island, New Territories

(TPB Paper No. 10291)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

50. The following government representative and the applicant’s representatives were invited to the meeting at this point:

Ms Donna Y.P. Tam	-	District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)
Mr Lam Kam Chung]	Applicant’s representatives
Mr Lam Chun Pong]	

51. The Chairman extended a welcome and briefly explained the procedure of the review hearing. He then invited DPO/SKIs to brief Members on the review application.

52. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10291 (the Paper).

[Dr Wilton W.T. Fok arrived to join the meeting during DPO/SKIs' presentation.]

53. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr Lam Chun Pong made the following main points:

- (a) the applicant was willing to further revise the development scheme taking into account the departmental comments as detailed in the Paper. More emphasis would be given to the need for striking a balance between development and conservation;
- (b) to address government departments' concern on incompatibility of the proposed development with the surrounding areas and the potential adverse visual and landscape impacts, consideration would be given to significantly reducing the site coverage of the proposed development from 70%, as currently proposed, to 20-30%. The uncovered area would be vegetated and landscaped with a view to reinstating the site to its original state;
- (c) the proposed warehouse would mainly store some building materials such as timber, ceramic tiles and tools to be used by the applicant's interior design and decoration company. No chemical or electronic waste would be stored on the site and adverse environmental impact on the surrounding area was not anticipated;
- (d) with a view to addressing the fire safety concern on the incompatibility of the industrial and domestic uses within the same structure as currently proposed, an alternative scheme to erect two structures, one for warehouse/workshop use and the other for staff rest room, would be explored in future;
- (e) the current proposal was only preliminary subject to further refinements. Further information could be submitted to address the departmental concern; and

- (f) the proposed development was only temporary in nature and would not generate long-term impact on the surrounding area.

54. Mr Lam Kam Chung supplemented with the following main points:

- (a) due to the substantial increase in the rent of storage space in other areas which had become unaffordable to him, he would like to use the site for a warehouse;
- (b) he would spare no effort to revise the development scheme and carry out necessary mitigation measures with a view to addressing the departmental concerns; and
- (c) should the application be approved by the Board, technical proposals would be submitted and implemented to enhance the compatibility of the proposed development with the surrounding area and to minimise the adverse impacts.

55. As the presentations of PlanD's representative and the applicant's representatives were completed, the Chairman invited questions from Members.

56. Some Members raised the following questions:

- (a) whether the types of storage materials currently proposed were the same as those proposed at the s.16 application stage;
- (b) noting the possible changes in the types of storage materials, site coverage and number of structures of the proposed development as presented by the applicant's representatives at the meeting, whether the applicant would continue to pursue the proposed scheme as submitted;
- (c) whether the existing footpath leading to the site would be widened to facilitate the use of electric vehicles and whether approval from concerned departments on the widening of footpath had been obtained;

- (d) whether the proposed widening of footpath would involve tree felling, and if so, whether compensatory planting would be provided;
- (e) whether there was any proposal to reinstate the site after the expiry of the planning permission; and
- (f) the reason for using the site for warehouse use.

57. Mr Lam Chun Pong and Mr Lam Kam Chung made the following responses:

- (a) the storage materials currently proposed would be different from those previously proposed at the s.16 application stage. While it was the applicant's latest intention to store those building materials related to the operation of the applicant's company, such as timber, bricks and tiles, the specific kinds of storage materials would still be subject to change in future but they would not be the kind of polluting materials;
- (b) the possibility of further changes to the development proposal could not be ruled out though such changes would not be substantial;
- (c) the existing footpath of about 1m wide could serve as a vehicular access to the site if small-sized electric vehicles were used. The Government had previously carried out some waterworks in the area and small vehicles were used for transportation of tools and water pipes via the existing footpath;
- (d) consideration could also be given to widening the existing footpath as it would better serve the needs of the applicant and the general public. The applicant would liaise with concerned departments on the widening proposal if the application was approved by the Board;
- (e) the adverse impacts on the existing trees due to the widening of footpath would be minimised and concerned departments would be consulted on the widening proposal with a view to minimizing tree felling;

- (f) given that the site coverage of the proposed development would be reduced to about 20-30%, which was equivalent to an area of about 2,000 to 3,000 ft², it would be technically feasible for the applicant to reinstate the site upon the expiry of the planning permission; and
- (g) the applicant ran an interior design and decoration company in Wong Tai Sin which required storage space for its building materials. Due to the recent increase in the rent of warehouses, it would be more cost-effective to use the site, which was owned by the applicant, for the company's warehouse. Taking into account the rural and natural setting of the site, no large-scale development was proposed.

58. In response to the Chairman's question on whether the site was subject to any enforcement action by government departments, Ms Donna Y.P. Tam, DPO/SKIs, said that the western part of the site was currently subject to planning enforcement action against unauthorized development (UD) involving storage use. Enforcement Notice (EN) was issued on 6.12.2016 requiring the discontinuance of the UD. However, the UD was not yet discontinued upon the expiry of the EN on 6.3.2017 and the concerned parties would be subject to prosecution action.

59. Mr Simon S.W. Wang, Assistant Director/Regional 1, Lands Department (LandsD), said that the existing structure on the site had been constructed without the prior approval from LandsD, and lease enforcement action was currently undertaken by his department.

60. In response to a Member's question on the lease conditions of the site, Ms Donna Y.P. Tam said that according to LandsD's information, the site was an old schedule agricultural lot where associated agricultural structures might be permitted subject to approval of District Lands Office (DLO). Erection of structures without approval of DLO including those for the proposed uses would constitute a breach of lease conditions.

61. As Members had no further question, the Chairman informed the applicant's representatives that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the

applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and the government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

62. Some Members had the following views:

- (a) the applicant had yet to submit a definite development proposal and indicated that the current proposal would still be subject to change, which was unacceptable;
- (b) the proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone and there was no strong justification which warranted a departure from the planning intention;
- (c) the proposed development was incompatible with the natural and rural environment of the area;
- (d) the current application, which was a 'Destroy First, Build Later' case, should not be approved; and
- (e) the proposed development would cause adverse impacts on the surrounding area in terms of visual, landscape, environment, traffic and slope stability, and was not acceptable from fire safety point of view.

63. Members also noted that while the proposed development was a temporary use, the proposed land filling and excavation works would generate permanent impact on the site and its surrounding rural and natural environment. There was no vehicular access to the site and the applicant had not provided information to demonstrate the feasibility of providing such an access. Moreover, the proposed development did not comply with the Town Planning Board Guidelines for application for development within "GB" zone on various aspects including land use compatibility, landscape and visual impacts, nature conservation, environmental impact, traffic impact and slope stability.

64. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily intended for defining the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development does not comply with the Town Planning Board Guidelines for application for development within “GB” zone in that its development scale and intensity are incompatible with the surrounding area. It would involve extensive clearance of existing natural vegetation and affect the existing natural landscape. No information has been provided in the submission to demonstrate that the proposed development would not have adverse impacts on visual, landscape, environment, nearby stream, traffic and slope stability;
- (c) the proposed industrial use on the lower floor is not compatible with the proposed domestic use and staff resting place on the upper floor and is unacceptable from fire safety point of view; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving the similar applications would result in a general degradation of the natural environment.”

Agenda Item 7

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

Vote of Thanks

65. The Chairman informed Members that this was the last meeting of the Board for Mr K.F. Tang, the Assistant Director (Environmental Assessment), prior to his retirement. On behalf of all Members, the Chairman expressed a vote of thanks to Mr Tang for his contributions to the Board and wished him a happy retirement.

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