

**Minutes of 871st Meeting of the
Town Planning Board held on 10.11.2006**

Present

Permanent Secretary for Housing, Planning and Lands (Planning and Lands) Mrs. Rita Lau	Chairperson
Dr. Peter K.K. Wong	Vice-chairman
Mr. Michael K.C. Lai	
Mr. Nelson W.Y. Chan	
Mr. Leslie H.C. Chen	
Dr. Lily Chiang	
Mr. Tony C.N. Kan	
Mr. Edmund K.H. Leung	
Professor N.K. Leung	
Professor Bernard Vincent W.F. Lim	
Dr. C.N. Ng	
Mr. Daniel B.M. To	
Mr. Alfred Donald Yap	
Ms. Sylvia S.F. Yau	
Mr. B.W. Chan	
Mr. Walter K.L. Chan	
Mr. Raymond Y.M. Chan	
Mr. Y.K. Cheng	
Ms. Anna S.Y. Kwong	
Dr. James C.W. Lau	
Mr. K.Y. Leung	

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

Director of Environmental Protection
Ms. Anissa Wong

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

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

Mr. C.T. Ling

Senior Town Planner/Ordinance Review
Ms. Jacinta K.C. Woo

1. The Chairperson welcomed Ms. Anissa Wong, the Director of Environmental Protection, who attended the full Board meeting for the first time under her chairmanship.

Agenda Item 1

(Open meeting)

Confirmation of Minutes of the 869th (23.10.2006) and 870th (27.10.2006) Meetings

2. The minutes of the 869th (23.10.2006) and 870th (27.10.2006) meetings were confirmed without amendments.

Agenda Item 2

(Open meeting)

Matters Arising

- (i) Judicial Review of Town Planning Board's Decision
with respect to the Draft Tsuen Wan Outline Zoning Plan
No. S/TW/20

3. The Secretary reported that the decision of a judicial review (JR) case relating to the objection of United Grand Limited (the Applicant) against the Town Planning Board's (the Board) decision of not upholding its objection to the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/20 had been received. The JR was filed by the Applicant on three grounds:

- (a) legitimate expectation – the rezoning of the objection site from “Residential (Group B)” (“R(B)”) to “Residential (Group C)” (“R(C)”) and “Green Belt” (“GB”) was contrary to his legitimate expectation, and had frustrated his development right;
- (b) procedural unfairness – the Board's refusal to the Applicant's request to allow him an additional two weeks to put forward further submission (i.e. a tree survey) for the objection hearing was unfair; and
- (c) Wednesbury unreasonableness – the Board's decision and the reasons for not

upholding the Applicant's objection was Wednesbury unreasonable. The Board had not properly considered and examined his objection, and failed to take into account relevant information provided by the Applicant.

[Dr. James C.W. Lau, Messrs. Nelson W.Y. Chan, Edmund K.H. Leung and Leslie H.C. Chen arrived to join the meeting at this point.]

4. The Secretary said that the Court handed down the Judgment on 25.10.2006 refusing the JR application and ruled that the three grounds for the JR were not substantiated for the following reasons :

Legitimate expectation

- (a) an expectation would not be regarded as reasonable or legitimate if the Applicant could have foreseen that the subject matter of the representation was likely to alter. In this respect, the entitlement of development of the objection site to a plot ratio (PR) of 2.1 was not borne out by the facts and evidence. There was no PR restriction on the draft OZP No. 18; and a PR of 2.1 was prescribed as the maximum plot ratio on the draft OZP No. 19;
- (b) the objection site was mostly made up of agricultural lots which required land exchange or lease modification. There was no automatic development right, not to say a guaranteed right of development to a PR of 2.1;
- (c) it was stated in the Explanatory Statement of the OZP that the OZP provides a broad land use framework within which more detailed non-statutory plans are prepared. In considering the planning applications, the Board would take into account planning considerations, including layout plans;
- (d) the development set out in the Layout Plan had been followed in land exchanges in the Yau Kom Tau area and had also been taken into account when planning the access road and road improvement project;
- (e) for the reasonableness of the expectation, draft plans and even approved plans were expected to be subject to constant changes which were provided for under the Town Planning Ordinance;

- (f) before the Applicant contracted for the purchase of the Objection Site on 23.6.2004, his professional representatives had met with the District Planning Officer on 17.6.2004. The attention of these professionals, who had been advising the Applicant, was drawn to the adopted Layout Plan which stipulated a plot ratio of 0.4 for the Objection Site. Hence, the expectation claimed by the Applicant could not be reasonably held;

Procedural Unfairness

- (g) the refusal to allow an additional two weeks had not inhibited the Applicant from preparing additional materials for the Board's consideration as additional materials were subsequently tabled and considered by the Board at the objection hearing;
- (h) at the objection hearing, the Applicant did not request the Board for more time or an adjournment of the hearing for the preparation of the tree survey and agreed to proceed with the hearing and determination of the objection without the tree survey;
- (i) the non-availability of the tree survey did not occasion any substantial prejudice to the Applicant as the focus of the consideration was on the landscape on the upper slope and the visual impact of the "R(B)" zone;
- (j) irrespective of whether the Secretary declined the two-week extension for a good reason, there was no unfairness to the Applicant. Neither had the Applicant suffered any prejudice as a matter of substance;

Wednesbury Unreasonableness

- (k) as far as planning merits and decisions were concerned, they had to be within the remit of the Board and were not for the court. Further, in terms of planning considerations, it was for the Board to decide what weight to be attached to them;
- (l) the evidence submitted by the Applicant to substantiate his objection to the OZP had been evaluated by PlanD for consideration by the Board. There was no reason to believe that the Board had not given due consideration to the grounds of objection; and

(m) the evidence showed that the Board had embarked upon a planning exercise and in their planning judgment concluded “R(C)” and “GB” zones were appropriate for the objection site. That was a view that the Board was entitled to on the materials before it and there was also no need for the Board to provide evidence and information to counteract those put forward by the Applicant.

5. The Secretary said that the Court also ordered that the costs of the JR application be paid by the Applicant. A copy of the JR judgement had been distributed to Members for information.

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 20 of 2006 (20/06)

Proposed Conversion of an Existing Commercial/Office Building
for Hotel Use in “Residential (Group A)” zone,

83 Wuhu Street, Hung Hom, Kowloon

(Application No. A/K9/206)

6. The Secretary reported that an appeal against the decision of the Board to reject on review an application for the proposed conversion of an existing commercial/office building for hotel use at a site at Wuhu Street, Hung Hom, was received by the Town Planning Appeal Board on 6.11.2006. The application was rejected by the Board on 8.9.2006 on the ground that there was no provision for the Board to grant planning permission for the proposed hotel development, which had a non-domestic plot ratio exceeding the maximum plot ratio restriction for a non-domestic building in “Residential (Group A)” zone under the outline zoning plan. A copy of the notice of appeal had been distributed to Members for information. The date of appeal hearing was yet to be fixed.

(iii) Town Planning Appeal Statistics

7. The Secretary said that as at 10.11.2006, 29 cases were yet to be heard by the Town Planning Appeal Board, and three decisions were still outstanding. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	119
Yet to be Heard	:	29
<u>Decision Outstanding</u>	:	<u>3</u>
Total	:	255

Agenda Items 3 & 4

(Open meeting)

Draft Kai Tak Outline Zoning Plan No. S/K22/A
Consideration of a New Plan to Replace the
Approved Kai Tak (North) OZP No. S/K19/3 and
the Approved Kai Tak (South) OZP No. S/K21/3
(TPB Paper No. 7712)

Proposed Amendments to the Approved Hung Hom
Outline Zoning Plan No. S/K9/18
(TPB Paper No. 7706)

[The meeting was conducted in Cantonese.]

8. As the two items were related, the Chairperson suggested and Members agreed that the items should be considered together.

9. Mr. Raymond Y.M. Chan declared an interest in this item as he was involved in a development project in the area.

[Mr. Raymond Y.M. Chan arrived during the discussion on these items but left temporarily after declaration of interest.]

10. The following representatives of Government departments were invited to the meeting at this point:

Mr. Raymond Lee	District Planning Officer/Kowloon, Planning Department
Mr. Kelvin Chan	Senior Town Planner/Kowloon, Planning Department
Mr. Talis Wong	Chief Engineer/Kowloon, Civil Engineering and Development Department

11. The Secretary reported that a letter from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) were received yesterday and tabled at the meeting for Members' information. A replacement page (pages 7 and 8 of the Explanatory Statement of the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/A) was also tabled at the meeting.

12. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the proposals in the draft Kai Tak OZP No. S/K22/A and the consequential amendments to the approved Hung Hom OZP No. S/K9/18.

13. With the aid of a Powerpoint presentation and a physical model displayed at the meeting, Messrs. Raymond Lee and Kelvin Chan made the following points as detailed in the Papers:

- (a) background to the preparation of the draft OZPs;
- (b) amendments to the planning scheme boundaries of the two OZPs;
- (c) detailed land use proposals in the draft Kai Tak OZP as highlighted in the TPB Paper No. 7712;

- (d) the stepped height profile adopted for the development at Kai Tak;

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

- (e) development restrictions including plot ratio, site coverage and maximum building height specified for the various zones on the draft Kai Tak OZP; and
- (f) proposed way forward for consultation with the relevant District Councils.

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

14. After the presentation, the Chairperson invited questions and comments from Members. Members had the following comments/questions on the draft Kai Tak OZP:

General

- (a) it was a difficult task to accommodate different interests and expectations from the various sectors of the community. The draft Kai Tak OZP was the result of extensive public consultation reflecting broadly based consensus;
- (b) the planning of Kai Tak area was subject to major constraints imposed by the Protection of the Harbour Ordinance (PHO). The resulting land use, transport and infrastructure proposals were a compromise rather than an ideal solution;
- (c) the land use proposal and the proposed development restrictions stipulated in the OZP had taken into account public opinions where appropriate;
- (d) the relationship of the Kai Tak development with the developments in the hinterland, such as Kowloon Bay, Ngau Tau Kok and San Po Kong, in terms of urban design and transport and pedestrian linkages were of great importance and as such their development should be planned and implemented in tandem;
- (e) the design concept including the podium-free environment and stepped building height profile were welcomed and should be implemented by imposing appropriate control on the future developments through the land disposal process;

- (f) an overall implementation programme should be worked out to guide the developments in Kai Tak;

Public Observation Gallery

- (g) some Members considered that although the public had expressed support for the proposed public observation gallery, the current proposal to allow a public observation gallery to form part of the tourism-related development with a maximum gross floor area (GFA) of 190,000m² and building height of not exceeding 200mPD might result in a commercial building similar to the International Financial Centre Phase 2 (IFC II) at Central. A building of such scale would be incongruous with the surrounding developments and in contrary to the design concept of having low-rise developments at the waterfront and might overtax the transport network in the area;
- (h) other Members had different views. Given that the development of the tourism-related uses including the public observation gallery would be subject to approval by the Board, there would be appropriate control on the development in terms of development intensity, visual impact and impact on infrastructure including the transport network. Public comments would also be solicited during the publication of the planning application and would be taken into account by the Board in considering the development proposal;
- (i) subject to the design of the building structure, a public observation tower rising to 200mPD might not necessarily be obtrusive when viewed from and across the harbour;
- (j) the Board had all along been particularly careful in scrutinizing development proposals which might have adverse visual impact, especially with regard to the harbour and the ridgelines. Each application would be examined not only on its technical feasibility but also on the compatibility with the surrounding area. Subjecting the development proposal to the approval by the Board was an effective mechanism to ensure that the future development of the site zoned for tourism-related uses including the possible public observation tower would be acceptable;
- (k) the Eiffel Tower was not accepted by most people when it was first built but was

now heralded as a signature landmark and tourist attraction worldwide. The possibility of creating an attractive landmark which would complement the tourism-related uses at the harbour should not be ruled out at this stage;

Connections with the Hinterland

- (l) a rail-based transport system serving the Kai Tak area and connecting with Kwun Tong was supported. However, a monorail was only one of the options. Other environmentally friendly transport system should not be ruled out. In particular, the connection to Kwun Tong across the KTAC could be in other forms as the distance was not too long;
- (m) the visual impact of a monorail and its relationship with the high level roads, such as the Kwun Tong Bypass and Road T2, and the proposed bridges across the KTAC should be carefully considered as part of the feasibility study. At present, the monorail was shown as a reserve on the draft OZP. The elevation as well as the alignment should be further considered if the monorail system were finally adopted;
- (n) whilst linkages to the San Po Kong, Kowloon City and To Kwa Wan areas had been improved, the linkage to Ngau Tau Kok and Kowloon Bay had to be further strengthened. The possibility of providing a better connection to the Ngau Tau Kok Mass Transit Rail (MTR) Station should be explored;
- (o) the residents of Rhythm Garden would likely be adversely affected by the nearby major roads and high-density public housing development. Attempts should be made to address the possible concerns of the residents;
- (p) the Kwun Tong waterfront promenade was underutilized at present. The connection to the Kai Tak development should be further improved to enhance the vibrancy of this area;
- (q) the proposed underground shopping streets connecting Kai Tak to the commercial developments at Kowloon City was supported. The connection to San Po Kong should not only be confined to the MTR Station but also be extended to cover adjacent commercial developments, and the land uses in the surrounding area should be subject to further review;

Heliport

- (r) the proposed heliport at the tip of the runway would occupy the best location for the public enjoyment of the harbour view, whether there was any alternative site;

Public Cargo Handling Area

- (s) the relocation of the public cargo handling area should be carefully worked out by the Government so as to ensure that the cargo handling industry and the operators' livelihood would not be adversely affected; and

Others

- (t) the present position on the feasibility of resolving the environmental problems posed by the Kai Tak Approach Channel (KTAC).

15. In response, Mr. Raymond Lee, Mr. Kelvin Chan and Mr. Talis Wong made the following points:

General

- (a) the development restrictions such as plot ratio, site coverage and building height, stipulated under the OZP would be enforced through imposition of lease conditions where appropriate on new sites and upon redevelopment of existing sites. For sites requiring submission of Master Layout Plans, appropriate control would be exercised through the planning application system;

Public Observation Gallery

- (b) development in the tourism node to the north of the proposed cruise terminal was subject to a maximum building height of 100mPD, with the exception of a building including a public observation gallery which might be permitted up to a maximum building height of 200mPD upon application to the Board. All developments within this zone would be subject to the approval of the Board in the form of a Master Layout Plan submission, and the necessary technical assessments such as traffic impact assessment, visual impact assessment and environmental assessment would be included;

Connection with the Hinterland

- (c) a reserve was shown on the OZP for an environmentally friendly transport system but whether it would be a monorail or any other rail-based system was still subject to feasibility study. Members' concerns on environmental and visual impacts were noted and would be addressed in the study. Other options for connecting to the hinterland area across the KTAC would also be considered;
- (d) the land uses in the hinterland area would be under review to take into account the Kai Tak development. The connection points at San Po Kong would be further considered;
- (e) the closest distance between Rhythm Garden and the proposed public housing site was about 100 metres. There should not be any adverse impact on the residents. In fact, the residents would benefit from a convenient connection to the proposed Kai Tak Station;

Heliport

- (f) there was a strategic need for a heliport. Other alternative sites had been examined and the currently proposed site was considered most suitable in terms of its relatively further distance from residential area and meeting the flight path requirement. Whilst the impact arising from the operation of the proposed heliport was inevitable, such impact would be minimized by appropriate control over its operation;

Others

- (g) the environmental problems of the KTAC were being examined under the on-going engineering study, the result of which would be reported to the Board in due course; and
- (h) the development of Kai Tak area was expected to take 10 to 15 years. Early commencement of the engineering feasibility studies would be undertaken. A submission would shortly be made to the Finance Committee of the Legislative Council for the funding required.

16. The Chairperson said that she could understand some Members' concern over the design and particularly the building height, of the public observation gallery. Given that the

development on the site zoned for tourism-related uses would be subject to approval by the Board and that the application would be published for public comments, she believed that the Board would be able to play its due role to serve and safeguard the best public interest. The current zoning would provide flexibility in encouraging innovative design and mix of uses to be proposed on the site that would sustain the operation of a public observation gallery whilst maintaining control on the overall development. There would be a transparent process for examining the development proposal put forward by the developer. Members should be rest assured that they would have the opportunity to take into account urban design considerations and public comments in considering the application in future.

17. In summary, the Chairperson said that the preparation of the draft Kai Tak OZP had undergone thorough and extensive discussions at various meetings of the Board. She appreciated Members' dedication to the discussion and the valuable comments provided. Subject to the agreement of the Board, the draft OZP would be gazetted under the Town Planning Ordinance signaling the commencement of the statutory public consultation process. The public would have yet another opportunity to express their views and be heard by the Board before the plan was submitted to the Chief Executive in Council for approval. As regards the implementation programme, the Board should defer to the concerned Government departments to work out an appropriate programme and to report to the Board in due course.

18. After deliberation, the Board agreed that:

- (a) the draft Kai Tak OZP No. S/K22/A (to be renumbered as S/K22/1 upon exhibition) at Annex II and the Notes at Annex III of Paper No. 7712 subject to fine-tuning as mentioned in Paragraph 6.10 of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the Explanatory Statement at Annex IV subject to fine-tuning as mentioned in Paragraph 7.1 of the Paper should be adopted as an expression of the planning intentions and objectives of the Board for the various land use zonings on the draft Kai Tak OZP; and
- (c) the Explanatory Statement at Annex IV was suitable for exhibition for public inspection together with the draft Kai Tak OZP.

19. The Board also agreed that:

- (a) the draft Hung Hom OZP No. S/K9/18A (to be renumbered as S/K9/19 upon exhibition) at Annex II and the Notes at Annex III of Paper No. 7706 were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the Explanatory Statement at Annex IV should be adopted as an expression of the planning intentions and objectives of the Board for the various land use zonings on the draft Hung Hom OZP; and
- (c) the Explanatory Statement at Annex IV was suitable for exhibition for public inspection together with the draft Hung Hom OZP.

[There was a ten-minute break at this point.]

Agenda Item 5

(Open Meeting)

Planning Brief for the Urban Renewal Authority
Development Scheme at Peel Street/Graham Street (H18),
Sheung Wan
(TPB Paper No. 7713)

[The meeting was conducted in Cantonese.]

20. The Secretary said that as the Agenda Item was related to an Urban Renewal Authority (URA) development project, the following Members had declared interests in this item:

Mrs. Ava S.Y. Ng - being a non-executive director of the URA
(as Director of Planning)

Mr. Patrick L.C. Lau - ditto

(as Director of Lands)

- | | |
|---|--|
| Ms Margaret Hsia
(as Assistant Director (2) of the
Home Affairs Department) | - being a co-opt member of the Planning,
Development and Conservation Committee
of the URA |
| Mr. Walter K.L. Chan | - being a non-executive director of the URA |
| Dr. Greg C.Y. Wong | - having current business dealings with the
URA |
| Professor Bernard V.W.F. Lim | - ditto |
| Mr. Michael K.C. Lai | - being an ex-member of the URA |

21. Members noted that Dr. Greg C.Y. Wong and Ms Margaret Hsia had tendered their apologies for not being able to attend the meeting, and Mr. Michael Lai had not arrived to join the meeting.

[Mrs. Ava S.Y. Ng left the meeting temporarily at this point and Messrs. Patrick L.C. Lau and Walter K.L. Chan and Professor Bernard V.W.F. Lim left the meeting at this point.]

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

22. The following representative from the Planning Department (PlanD) was invited to the meeting:

- | | |
|------------------------|---------------------------------------|
| Ms. Christine K.C. Tse | - District Planning Officer/Hong Kong |
|------------------------|---------------------------------------|

23. The Chairperson extended a welcome and then invited Ms Christine Tse to present the Paper.

24. With the aid of a Powerpoint presentation, Ms Christine Tse made the following points as detailed in the Paper:

- (a) background to the preparation of the Planning Brief;
- (b) land use proposals and development parameters proposed in the Planning Brief;
and
- (c) outcome of consultation with the Central and Western District Council (CWDC).

25. After the presentation, Members had the following comments/questions:

- (a) it was noted that there was no plot ratio restriction in the Planning Brief. What would be the development intensity of the development and how the local character of the area would be preserved upon redevelopment;
- (b) the area was characterized by narrow sloping streets. Whether the traffic impact assessment (TIA) to be undertaken by the URA would take into account the traffic capacities in the surrounding area and the cumulative effect arising from redevelopment of other sites;
- (c) whether Gutzlaff Street would be closed off upon redevelopment;
- (d) whether there was any proposal to retain the old shop within a pre-war building at the junction of Wellington Street and Graham Street;
- (e) whether there was any historic buildings in the area which were related to Dr. Sun Yat-sen and needed to be preserved;
- (f) the existing hawkers at Gage Street were part of the local character in the area. Whether there was any plan for their relocation or re-provision in the area;
- (g) what the age of the buildings in the development area was;
- (h) the proposed preservation of three pre-war buildings might pose a constraint on the design of the comprehensive development. Very often, the preservation of a few individual historic buildings amongst a large development scheme would not result in a harmonious design. The preservation of an area would be more effective in

preserving the historical character of the buildings;

- (i) there were usually two approaches in incorporating historic buildings in a comprehensive development. One was to blend in with the new development and the other was to make the historic buildings a distinctive statement in the design. It was considered that either way would be less satisfactory than preservation of an area as a whole; and
- (j) the existing street pattern in the area was part of the character in this part of Central. Whether the existing street pattern would be retained or amalgamation of the streets would be proposed in the redevelopment.

26. In response, Ms Christine Tse made the following points:

- (a) there was no development restriction under the statutory plan. The site could be allowed to be redeveloped up to the maximum plot ratio permitted under the Building (Planning) Regulation. For domestic development, the maximum plot ratio ranged between 8 and 10 depending on the class of site, and for non-domestic development, the maximum plot ratio was 15. However, in considering the appropriate development intensity on the site, reference should be made to the development intensity of surrounding developments;
- (b) the TIA would take into account the traffic capacities in the vicinity of the site, including the capacities of major road junctions and would propose improvement measures where necessary. The Transport Department would consider whether the TIA submitted by URA would be acceptable;
- (c) there was no requirement to retain Gutzlaff Street in the Planning Brief, nor proposal to retain the old shop as pointed out by a Member. However, it was the URA's intention that small shops would be provided on the ground floor of the development to re-create the existing character of the area. If some historical shops were identified as worthy of preservation, the URA could consider whether it would be appropriate to re-provision the shops in the development;
- (d) no historic buildings, particularly associated with Dr, Sun Yat-sen, had been

identified in the development scheme plan area. The three pre-war buildings were proposed for preservation only because of their distinct character and not for historical reasons;

- (e) there was no information in hand on the age of buildings in the area. The information would be provided to Members after the meeting; and
- (f) the Food and Environmental Hygiene Department would follow-up on the relocation and reprovisioning of the existing hawkers if they were affected during or after the implementation of the development.

[Post-meeting note: the buildings in the development scheme plan area composed of a majority of buildings constructed between the pre-war period and 1960s with some constructed in the 1970s.]

27. The Chairperson said that the views expressed by Members at the meeting should be relayed to URA for consideration in the preparation of the Master Layout Plan.

28. After deliberation, the Board decided to endorse the Planning Brief as a framework for the preparation of a Master Layout Plan by the Urban Renewal Authority.

29. The Chairperson thanked the representative of PlanD for attending the meeting. Ms Christine Tse left the meeting at this point.

Agenda Item 6

(Open Meeting – presentation and question session only)

Draft Urban Renewal Authority Yu Lok Lane/Centre Street
Development Scheme Plan No. S/H3/URA2/1
Consideration of Further Representation
(TPB Paper No. 7711)

[The hearing was conducted in Cantonese.]

30. The Secretary said that as the Agenda Item was related to the Urban Renewal Authority (URA) who was also the commenter on the representations, the following Members had declared interests in this item:

- | | |
|---|--|
| Mrs. Ava S.Y. Ng
(as Director of Planning) | - being a non-executive director of the URA |
| Mr. Patrick L.C. Lau
(as Director of Lands) | - Ditto |
| Ms Margaret Hsia
(as Assistant Director (2) of the
Home Affairs Department) | - being a co-opt member of the Planning,
Development and Conservation Committee
of the URA |
| Mr. Walter K.L. Chan | - being a non-executive director of the URA |
| Dr. Greg C.Y. Wong | - having current business dealings with the
URA |
| Professor Bernard V.W.F. Lim | - Ditto |
| Mr. Michael K.C. Lai | - being an ex-member of the URA |

31. Dr. Daniel B.M. To also declared an interest in this item as he belonged to an organization related to the Tsung Tsin Mission of Hong Kong, which ran Kau Yan Church, the owner of one of the representation sites under Representation No. 1.

[Dr. Daniel To left the meeting at this point.]

32. Members noted that Dr. Greg C.Y. Wong and Ms Margaret Hsia were not present at the meeting, and Mr. Michael Lai had not arrived to join the meeting. Mrs. Ava S.Y. Ng, Messrs. Patrick L.C. Lau and Walter K.L. Chan and Professor Bernard Lim had already left the meeting for the last item.

33. The Chairperson said that the further representation was submitted by Ms Ho

Wai-fun, a resident of Tsung Tsin Mansion, which was the site subject to amendment of the URA Development Scheme Plan (DSP). Ms Ho was given reasonable notice of the hearing and she confirmed that she would not attend the hearing. The representative of Representer No. 2 also confirmed that she would not attend the hearing. The Chairperson suggested and Members agreed that consideration of the further representation should proceed in the absence of the further representer and Representer No. 2.

Presentation and Question Session

34. The following representative from the Planning Department (PlanD) was invited to the meeting:

Ms. Christine K.C. Tse - District Planning Officer/Hong Kong

35. The following representatives of the representer and commenter were also invited to the meeting at this point:

Representation No. 1

Ms. Cheng Lai-king - Representer's representative

Comment No. 1

Mr. Michael Ma) Commenter's representatives

Mr. David Au)

36. The Chairperson extended a welcome and explained briefly the procedures of the hearing. She then invited Ms Christine Tse to brief Members on the background to the further representation.

37. With the aid of plans shown at the meeting, Ms. Christine K.C. Tse covered the following main aspects as detailed in the Paper:

- (a) the proposed amendment to the draft URA Yu Lok Lane/Centre Street DSP;
- (b) the main grounds of the further representation as summarized in Paragraph 2.2 of the Paper;

- (c) the assessment of the further representation as detailed in Paragraph 3 of the Paper; and
- (d) PlanD's views – the further representation was not supported and the DSP should be amended to partially meet Representation No. 1 and to meet Representation No. 2 by including Tsung Tsin Mansion into the boundaries of the DSP.

38. The Chairperson then invited the representatives of Representer No. 1 and the commenter to elaborate on their representation and comment.

Representation No.1

39. Ms. Cheng Lai-king, representing the Food, Environment, Hygiene and Works Committee of the Central and Western District Council (CWDC), made the following main points:

- (a) the Food, Environment, Hygiene and Works Committee of the CWDC discussed the proposals in the URA Yu Lok Lane/Centre Street DSP on 19.1.2006, 12.2.2006 and 6.4.2006. The Committee supported the early implementation of the redevelopment scheme by URA;
- (b) the retaining walls at High Street currently posed danger to the residents in the existing buildings. Early acquisition of the buildings should take place; and
- (c) upon redevelopment, sufficient setback of buildings along Third Street should be provided to improve pedestrian movement, and more open space should be provided to improve the general environment and amenity for the residents in the area.

Comment No. 1

40. Mr. David Au made the following points:

- (a) the CWDC's comments were noted by URA;

- (b) there was reservation on the expansion of the DSP area. Although only one further representation was received by the Board, URA was aware that there were objections by some other residents in Tsung Tsin Mansion to the inclusion of the building in the redevelopment. It was envisaged that some difficulties might be encountered during the acquisition stage; and
- (c) notwithstanding the above comments, the URA had discussed the implications and agreed to the Board's decision.

41. As the representatives of the representer and commenter had finished their presentations and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the further representation had been completed, and the Board would deliberate on the further representation in their absence and inform them of the Board's decisions in due course. The Chairperson thanked the representatives of the representer and commenter, and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

42. The Chairperson said that the concerns raised by the further representer were outside the ambit of the Board and should be addressed by URA at the implementation stage. Members echoed the Chairperson's view and considered that the residents', particularly elderly people's, needs should be properly addressed when the development project was implemented by URA.

43. After deliberation, the Board decided to amend the Draft Urban Renewal Authority Yu Lok Lane/Centre Street Development Scheme Plan No. S/H3/URA2/1 by the proposed amendment, and not to uphold the further representation for the reason that the concerns on rehousing and compensation arrangements were acquisition issues outside the ambit of the Town Planning Ordinance and could be addressed during the acquisition and implementation stages of the development scheme. Besides, any concern with regard to the social aspect could be referred to the Urban Renewal Authority's social service team or appropriate authorities for follow-up action.

44. The Board also agreed that the amendment made by the Board should form part of

the draft plan and be made available for public inspection until the Chief Executive in Council had made a decision on the draft plan in accordance with the provisions of the Town Planning Ordinance. The Building Authority and relevant Government departments should be informed of the decision of the Board and be provided with a copy/copies of the amendment.

[Mrs. Ava S.Y. Ng returned to join the meeting at this point.]

[Professor N.K. Leung and Mr. Leslie H.C. Chen left the meeting at this point.]

Agenda Item 7

(Open Meeting – presentation and question session only)

Review of Application No. A/YL-PS/245

Temporary Open Storage of Construction Materials and Machinery
for a Period until 5.3.2007 in “Green Belt” zone,

Lots 3236RP(Part), 3237(Part), 3238RP(Part), 3239(Part),
3241(Part), 3242RP(Part), 3243RP(Part), 3244(Part), 3246(Part),
3247(Part), 3248(Part), 3337(Part) and 3338(Part) in DD 124,
Hung Shui Kiu, Ping Shan, Yuen Long

(TPB Paper No. 7708)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

45. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr. Wilson So District Planning Officer/Tuen Mun and Yuen Long

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

Ms. May Ng) Applicant's Representatives
Mr. K.C. Ng)
Mr. Li Wai-kit)

47. 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.

48. With the aid of plans shown at the meeting, Mr. Wilson So covered the following main aspects as detailed in the Paper:

- (a) the background to the applications concerning the subject site and the adjoining sites;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the subject application on 19.5.2006;
- (c) the written representation from the applicant in support of the review application as summarized in Paragraph 3 of the Paper;
- (d) departmental comments – the Environmental Protection Department did not support the application as the concern on environmental nuisance had not been addressed. There were no objections from the Drainage Services Department and the Urban Design and Landscape Section of PlanD on drainage and landscape aspects;
- (e) no public comment was received on the review application; and
- (f) PlanD's view – the review application was not supported for the reasons detailed in paragraph 6.2 of the Paper.

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

50. With the aid of plans and photos and a document tabled at the meeting, Ms May Ng and Mr. K.C. Ng made the following main points:

- (a) the applicant had been operating open storage uses in the area since the 1980s. The business had been relocated three times, first in mid 1985 due to acquisition of the land by the Government for the development of a temporary housing area and then in 1990 due to acquisition of the land by the Government for the provision of a works area for the West Rail. The applicant had not asked for compensation from the Government;
- (b) between 1995 and 2000, the applicant's operation was affected by the construction of Deep Bay Link. The applicant's land was resumed by the Government and no compensation was paid to cover the loss in business, and a relocation site had to be identified by the applicant himself to resume his business;
- (c) the site which was the subject of Application No. A/YL-PS/217 was finally identified for relocating the business, and that application was approved by the Board. The subject application was merely an extension to the site approved by the Board;
- (d) the operator was not aware of the boundaries of the site approved under Application No. A/YL-PS/217 as there was no physical demarcation on ground. The operation on the subject site had been taking place until enforcement action was taken by the Planning Authority;
- (e) the boundaries of the "Green Belt" ("GB") zone and the "Undetermined" ("U") zone could hardly be identified on ground. There was no existing vegetation in the "GB" zone, and no difference in terms of landscape character between the "GB" zone and the "U" zone. The land in the surrounding area was mainly occupied by open storage and related uses;
- (f) the subject application was merely to regularize an operation already in existence. The additional area involved was only about 7% of the area approved, and the permission sought was only for a short temporary period up to March 2007 to

tally with the expiry of the temporary permission granted for the adjacent site;

- (g) all approval conditions in respect of Application No. A/YL-PS/217 had been complied with by the applicant. If the application were approved by the Board, the applicant would be willing to comply with any other requirements of the Government departments;
- (h) the noise sensitive receivers identified by the Environmental Protection Department within 50 metres of the site were in fact living quarters occupied by the watchmen employed by the operator of the site. A declaration signed by these watchmen was shown to the Board;
- (i) the adjacent lots No. 3336, 3337 and 3249 were also owned by the company of the applicant. Apart from the watchmen, there were no other local residents living in the nearby residential dwellings;
- (j) there should not be any environmental nuisance caused by the operation of the open storage use. No complaint had been received so far and no public comment had been received on the application;
- (k) sympathetic consideration should be given to the application given the historical background of the case and the difficulties encountered by the applicant in relocating his business in the past few years; and
- (l) the present case was unique. It was simply a revision of the boundaries of the site previously approved by the Board for temporary open storage use. Approval of the application would not set an undesirable precedent for any other similar applications.

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

51. In response to some Member's question, Mr. Wilson So made the following points:

- (a) no public comment on the section 16 application was received;

- (b) there were two previous applications for the adjacent site. Application No. A/YL-PS/157 was approved by the Board on sympathetic grounds to allow time for the applicant to relocate his business. The application was subsequently revoked by the Board due to non-compliance with approval conditions;
- (c) before the revocation of the approval of Application No. A/YL-PS/157, the applicant submitted Application No. A/YL-PS/217 and it was approved by the Board for a temporary period only up to the period permitted under the previous approval of Application No. A/YL-PS/157; and
- (d) it could be seen from a photo taken in 2002 before the site and its adjacent land were occupied by open storage uses that the site was covered with vegetation. The “GB” zoning was delineated based on the site conditions then.

52. In response to some Members’ questions, Ms May Ng supplemented the following points:

- (a) the present application sought permission to regularize a use which had already taken place as an extension of the open storage use permitted by the Board on the adjacent site. It was not the applicant’s intention to look for a new site in the “GB” or other zones for open storage use; and
- (b) the applicant had no plan for the time being for operating the open storage use elsewhere. Upon the expiry of the temporary approval on the adjacent site, the operation will be removed.

53. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed the applicant’s representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform them 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.

54. The Chairperson said that there was no change in circumstances since the rejection of the application by the RNTPC, and in general, there was a presumption against open storage use in the “GB” zone.

55. After 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 “Green Belt” (“GB”) zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was a general presumption against development and no strong justification to merit a departure from the planning intention had been given;
- (b) the development was not compatible with the residential structures in the vicinity;
- (c) the application was not in line with the requirements of Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approvals, adverse departmental comments were received and insufficient information had been submitted to demonstrate that the use would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “GB” zone. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of approving such similar applications in the area would lead to a general degradation of the environment in the area.

[Ms Sylvia S.F. Yau and Messrs. Edmund K.H. Leung and Tony C.N. Kan left the meeting at this point.]

56. As the meeting was running ahead of schedule and the applicant’s representatives for Agenda Item 8 had not arrived, the Chairperson proposed to advance the consideration of Agenda Items 9, and 11 to 13.

Agenda Item 9

(Open Meeting – presentation and question session only)

Request for Deferral of Application No. A/YL-SK/132
Proposed Temporary Open Storage of Vehicles
for a Period of 3 Years in “Residential (Group D)” zone,
Lot 847RP in DD 114, Kam Sheung Road,
Shek Kong, Yuen Long
(TPB Paper No. 7714)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

57. The Secretary presented the Paper.
58. Members had no question on the applicant’s request.

Deliberation Session

59. After deliberation, the Board decided to agree to the applicant’s request to defer the consideration of the review application for one more month to allow time for him to prepare a report for submission to the Board. The application would be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed a total of three months for preparation and submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 12

(Open Meeting)

Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/29
Information Note and Hearing Arrangement for

Consideration of Representations

(TPB Paper No. 7709)

60. The Secretary presented the Paper.

61. After deliberation, the Board decided to consider the representations to the draft Cheung Sha Wan Outline Zoning Plan No. S/K5/29 without resorting to the appointment of a Representation Hearing Committee. The hearing would be accommodated in the Board's regular meeting and all the representations would be heard collectively by the Board at the same meeting.

Agenda Item 13

(Open Meeting)

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

Information Note and Hearing Arrangement for Consideration of Representations and Comments

(TPB Paper No. 7710)

62. The Secretary said that as the Agenda Item was related to the Urban Renewal Authority (URA) who was also the commenter on the representations, the following Members had declared interests in this item:

Mrs. Ava S.Y. Ng - being a non-executive director of the URA
(as Director of Planning)

Mr. Patrick L.C. Lau - ditto
(as Director of Lands)

Ms Margaret Hsia - being a co-opt member of the Planning,

(as Assistant Director (2) of the Home Affairs Department) Development and Conservation Committee of the URA

Mr. Walter K.L. Chan - being a non-executive director of the URA

Dr. Greg C.Y. Wong - having current business dealings with the URA

Professor Bernard V.W.F. Lim - ditto

Mr. Michael K.C. Lai - being an ex-member of the URA

63. Members noted that Dr. Greg C.Y. Wong and Ms Margaret Hsia were not present at the meeting, and Messrs. Patrick L.C. Lau and Walter K.L. Chan and Professor Bernard Lim had already left the meeting. The Secretary said that since the Paper only dealt with procedural matters, there was no need for the other Members to leave the meeting temporarily during the discussion of this item.

64. The Secretary presented the Paper.

65. After deliberation, the Board decided to consider the representations to the draft Urban Renewal Authority Stone Nullah Lane/Hing Wan Street/King Sing Street Development Scheme Plan No. S/H5/URA2/1 without resorting to the appointment of a Representation Hearing Committee. The hearing would be accommodated in the Board's regular meeting and all the representations and comments would be heard collectively by the Board at the same meeting.

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

Agenda Item 11

(Open Meeting – presentation and question session only)

Review of Application No. A/NE-FTA/76

Proposed Temporary Open Storage of Construction Materials

for a Period of 3 Years in “Agriculture” zone,
Lots 184RP, 186RP(Part) and 187RP(Part) in DD 52,
Sheung Shui Wah Shan Village, Sheung Shui
(TPB Paper No. 7704)

[The hearing was conducted in Cantonese.]

66. The Chairperson said that reasonable notice had been given to the applicant and he had confirmed that he would not attend the review hearing. She then suggested and Members agreed that the consideration of the review application should proceed in the absence of the applicant.

Presentation and Question Session

67. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr. W.K. Hui District Planning Officer/Shu Tin, Tai Po and North

68. The Chairperson extended a welcome and then invited Mr. W.K. Hui to brief Members on the background to the application.

69. With the aid of plans shown at the meeting, Mr. W.K. Hui covered the following main aspects as detailed in the Paper:

- (a) the previous applications concerning the site;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 21.7.2006;
- (c) the justifications put forth by the applicant in support of the review application as summarised in Paragraph 3 of the Paper;
- (d) departmental comments - the Environmental Protection Department did not support the application as there was sensitive use in the vicinity of the site and the

access road to the site, and environmental nuisance was expected. The Transport Department also had reservation on the application since the approval of the application might set a precedent for similar applications and the cumulative effect of approving such application would have adverse traffic impact on the access road to the area. The Agriculture, Fisheries and Conservation Department, Drainage Services Department, Water Supplies Department and the Urban Design and Landscape Section of PlanD had no comment/objection;

- (e) the District Officer/North advised that objections had been received from the Village Representatives of Wah Shan Village on grounds of adverse environmental impact, disturbance to residents and fire hazard;
- (f) a public comment was received from the Village Representatives of Wah Shan Village; and
- (g) PlanD's view – the review application was not supported for the reasons detailed in Paragraph 6.1 of the Paper.

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

Deliberation Session

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

- (a) the proposed open storage of construction materials was not in compliance with TPB Guidelines for 'Application for Open Storage and Port Back-up Uses' in that there was no previous planning approval granted to the application site;
- (b) the access road leading to the application site was sub-standard and was not suitable for use by medium/heavy goods vehicles; and
- (c) there was insufficient information in the submission to demonstrate that the

proposed development would not cause adverse environmental and traffic impacts on the surrounding areas.

[Dr. Lily Chiang left the meeting at this point.]

Agenda Item 8

(Open Meeting – presentation and question session only)

Review of Application No. A/YL-HT/453

Proposed Temporary Open Storage of Construction Materials

(Steel and Scrap Metal) for a Period of 3 Years

in “Agriculture” zone, Lots 130(Part), 260(Part), 261(Part)

and 268 in DD 128 and Adjoining Government Land,

Ha Tsuen, Yuen Long

(TPB Paper No. 7707)

[The hearing was conducted in Cantonese.]

72. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr. Wilson So District Planning Officer/Tuen Mun and Yuen Long

73. The following applicant’s representative was also invited to the meeting at this point:

Ms. Cheuk Miu-fun Applicant’s Representatives

74. 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.

75. With the aid of plans shown at the meeting, Mr. Wilson So covered the following main aspects as detailed in the Paper:

- (a) the previous applications concerning the site;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 16.6.2006;
- (c) the justifications put forth by the applicant in support of the review application as summarised in Paragraph 3 of the Paper;
- (d) departmental comments - the Environmental Protection Department did not support the application as there was sensitive use in the vicinity of the site and the access road to the site, and environmental nuisance was expected. The Transport Department also had reservation on the application since the approval of the application might set a precedent for similar applications and the cumulative effect of approving such application would have adverse traffic impact on the surrounding road network. The Agriculture, Fisheries and Conservation Department and the Urban Design and Landscape Section of PlanD also had reservation as agricultural activities were active in the area, and the approval would set an undesirable precedent;
- (e) no public comment was received on the review application; and
- (f) PlanD's view – the review application was not supported for the reasons detailed in Paragraph 6.2 of the Paper.

76. The Chairperson then invited the applicant's representative to elaborate on the application.

77. Ms. Cheuk Miu-fun, representing the owner and tenant of the site, made the following main points:

- (a) the owner was aware that the land was zoned for agricultural use. He was a farmer himself but could no longer take up farming because of old age. The land was rented out for open storage use to support his living;

- (b) the site had been used for open storage since 1998. It could not be put back for agricultural use as the soil had been contaminated;
- (c) the open storage use on the site had been subject to prosecution and the owner had been fined. Without the income generating from rental of the land for open storage use, he would be subject to financial difficulties;
- (d) there were only a few residents living nearby. There was no complaint indicating that no disturbance had been caused to the residents;
- (e) if open storage use were not allowed, the owner would have no choice but to sell the land at low cost to the developers. In fact, a residential development located further up the road had recently been put up for sale. The traffic impact arising from such residential development would be much worse than that from the open storage use. It should be of more concern to the Commissioner of Police;
- (f) it would be unfair to the indigenous villagers who could not utilize their own land apart from farming, and the developers were allowed to take advantage of them and make great profit;
- (g) open storage use should be accepted as an alternative use of the resources owned by the indigenous villagers particularly as the new generation would not be willing to take up farming any more. If the land were allowed to be used for open storage, it would bring about employment opportunities and help support the logistics industry; and
- (h) open storage use could not be accommodated in the urban area. If it were not allowed in the rural New Territories, there would be no support for the industry.

78. In response to a Member's question, Mr. Wilson So said that the area north of Deep Bay Road was zoned for "Coastal Protection Area" ("CPA") and residential development would not be permitted. The residential development pointed out by the applicant's representative was located within a site further north and was planned for low-density residential development on the outline zoning plan (OZP).

79. Ms Cheuk Miu-fun supplemented that the zonings on the OZP could be subject to review. Even the area zoned as “CPA” might change and residential development put forward by the developers might be permitted in future. It was unfair to the indigenous villagers who could not better utilize their land and were eventually forced to sell their land at low cost to make way for more profitable development by the developers. After all, the applicant was only asking for temporary permission which would not jeopardize the long term use of the site.

80. The Chairperson said that whether the owner of the land would sell his land to the developers was entirely his own choice. His right to use the land was not affected by the zoning on the OZP which was for agricultural use. However, the Board had a statutory duty to regulate any change of use in the land.

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

Deliberation Session

82. Members generally considered that there was insufficient ground to justify a departure from the decision of the RNTPC.

83. After 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. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;

- (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, and that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in future degradation of the environment.

Agenda Item 10

(Open Meeting – presentation and question session only)

Review of Application No. A/NE-TK/207

Proposed Temporary Barbecue Site for a Period of 3 Years in
“Agriculture” zone, Various Lots in DD 17, Ting Kok Village,
Ting Kok, Tai Po

(TPB Paper No. 7705)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

84. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr. W.K. Hui District Planning Officer/Shu Tin, Tai Po and North

85. The following applicant and his representatives were also invited to the meeting at this point:

Mr. Mak Ho-bong - Applicant

Mr. Hui Kwan-yi) Applicant's Representative
Ms. Yeung Chor-yu)

86. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. W.K. Hui to brief Members on the background to the application.

87. With the aid of plans shown at the meeting, Mr. W.K. Hui covered the following main aspects as detailed in the Paper:

- (a) the previous application concerning the site;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 21.7.2006;
- (c) the justifications put forth by the applicant in support of the review application as summarised in Paragraph 3 of the Paper;
- (d) departmental comments - the Agriculture, Fisheries and Conservation Department had concern on possible adverse impacts of the development. The Environmental Protection Department, Transport Department, Drainage Services Department and the Urban Design and Landscape Section of PlanD had no comments/objections;
- (e) the District Officer/North advised that the application was supported by the Tai PO District Council (DC) member but the Indigenous Inhabitants Representatives objected to the application on grounds of adverse environmental impacts;
- (f) no public comment was received; and
- (g) PlanD's view – the review application was not supported for the reasons detailed in Paragraph 6.1 of the Paper.

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

89. Mr. Hui Kwan-yi made the following main points:

- (a) the barbecue site had been in operation for some time and it was a popular resort for families and young people. Barbecue sites in Tai Po were insufficient to meet the demand and such facilities should be encouraged as it was a healthy outdoor recreational activity for the whole family;
- (b) the Tai Po DC member had visited the barbecue site and considered that the site was maintained in clean and tidy conditions and therefore lent his support to the application. The DC member would help monitor the operation of the barbecue site;
- (c) apart from being a good community facility, the barbecue site would also help create employment opportunities for local people; and
- (d) the operator did not have the knowledge on how to protect the environment. If he were given the expert advice on what was required to be done, he would be willing to comply with the requirements of the Government.

90. In response to the Chairperson's and some Members' questions, Mr. W.K. Hui made the following points:

- (a) the site was zoned "Agriculture" ("AGR") on the outline zoning plan. The barbecue site under application was part of a Hobby Farm (known as Tai Mei Tuk Barbecue King) within which some of the activities were always permitted under the "AGR" zoning. Hence the application was confined to the three separate pieces of land shown on Plan R-2. The boundaries of the Hobby Farm were not delineated on ground nor fenced off by the operator. The boundaries shown on Plan A-3 were drawn by PlanD's staff based on their land use survey;
- (b) a previous application for the same use in roughly the same location was approved for a temporary period of two years by the Board in 2002. The temporary permission had expired and owing to a change in operators, the applicant did not realize that a fresh permission was required for the barbecue

site;

- (c) a schematic car park was shown in the submission of the previous application. There was no car park proposed in the current application and no information on access to the barbecue site; and
- (d) some temporary structures were found on the site and they were indicated on Plan R-2 and the photos on Plans A-4 and A-5. The applicant had been informed by the Lands Department that a short term waiver was required for these temporary structures.

91. In response to the Chairperson's and some Members' questions, Mr Hui Kwan-yi made the following points:

- (a) the applicant sought permission to use only the three pieces of land indicated in the application for a barbecue site. The barbecue site would be confined to the areas covered by existing temporary structures. The applicant had no control over the remaining part of the Hobby Farm;
- (b) people coming to the barbecue sites would park their cars elsewhere. There was no clear demarcation of a public car park in the area;
- (c) the operator would advise the clients to keep the area clean and undertook to clean up the area after use. There would not be any adverse impact on the environment. The applicant would also provide the necessary fire safety equipment on site and comply with any conditions imposed by the Board if the application were approved; and
- (d) some of the structures indicated on Plan R-2 were not present on site. In any case, if there were any illegal structures falling outside the site, they would be demolished.

92. Some Members had concern on the inconsistency in the demarcation of the boundaries of the site and the existing temporary structures shown on Plan R-2 and queried the exact locations of the barbecue site. There were also concerns on the piecemeal development on three separate pieces of land with insufficient information provided by the

applicant, such as access, car parking and other ancillary facilities, and relationship with the operation of the remaining part of the Hobby Farm which was not owned by the applicant. There could be applications in the future from other owners/operators of the adjoining land, and there was no mechanism for monitoring the cumulative impacts arising from such piecemeal operations.

93. The Chairperson said that in view of insufficient information available to the Board, the Board should defer a decision on the review application pending further information to be submitted by the applicant and PlanD in response to Members' comments/questions raised at the meeting. The hearing for the review would be adjourned to another meeting.

94. As the applicant/applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson thanked the applicant/applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

95. After deliberation, the Board decided to defer a decision on the application pending further information to be provided by the applicant and PlanD in response to Members' comments/questions raised at the meeting.

Agenda Item 14

(Open Meeting)

Any Other Business

96. There being no other business, the meeting was closed at 1:35 p.m.