

**Minutes of 954th Meeting of the
Town Planning Board held on 12.3.2010**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch W.W. Chan

Deputy Director of Environmental Protection
Mr. Benny Y.K. Wong

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Dr. Winnie S.M. Tang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Senior Town Planner/Town Planning Board
Ms. Donna Y.P. Tam

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 953rd Meeting held on 26.2.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 953rd meeting held on 26.2.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

[Ms. Maggie M.K. Chan and Mr. Stanley Y.F. Wong arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Study on the Enhancement of the Lau Fau Shan Rural Township
and Surrounding Areas – Stage 2 Community Engagement
(TPB Paper No. 8498)

[The meeting was conducted in Cantonese.]

3. The following representatives of the Planning Department (PlanD) and Study Consultants were invited to the meeting at this point:

Mr. Michael C.F. Chan

Chief Town Planner/Strategic Planning, PlanD

Mr. Rico W.K. Tsang	Senior Town Planner/Strategic Planning, PlanD
Ms. Theresa W.S. Yeung	Ove Arup and Partners Hong Kong Limited
Mr. Frank P.W. Chow	FRC Design Limited

4. The Chairman extended a welcome and invited the representatives to brief Members on the Study.

5. Mr. Michael C.F. Chan briefed Members on the background of the Study as detailed in the Paper. He said that the Stage 1 Community Engagement of the Study was conducted from mid-July to mid-August 2009. As part of the engagement, the Rural & New Town Planning Committee (RNTPC) was consulted in July 2009. Taking into account the views/comments collected in the Stage 1 Community Engagement and the findings of the baseline review study, the Consultants had now formulated the planning framework and conceptual improvement schemes for the Study Area. The Stage 2 Community Engagement was launched today to solicit public views on the proposed planning framework and conceptual schemes.

[Mr. Andrew Y.T. Tsang and Mr. Rock C.N. Chen arrived to join the meeting at this point.]

6. With the aid of a Powerpoint and flythrough presentation, Mr. Frank P.W. Chow briefed Members on the major views collected in the Stage 1 Community Engagement and the proposed planning framework and conceptual schemes for the Study Area, as follows:

- (a) Lau Fau Shan had a unique cultural background and natural environment which provided opportunities for tourism and recreational uses of the area. Lau Fau Shan also possessed a number of valuable resources as it was located within the vicinity of the Ramsar Site and the Hong Kong Wetland Park. The Study thus focused on how to link up these cultural heritage, natural environment and resources both within and outside the Study Area;

Major Public Views Collected

- (b) there was a general consensus in the local community to develop Lau Fau Shan as a tourist and recreational centre, and that the natural environment

should be duly respected and conserved;

- (c) adaptive re-use of the ex-Lau Fau Shan police station to other beneficial uses was generally supported. Accessibility to the waterfront should be enhanced to facilitate the visitors to enjoy the magnificent sunset view and promote tourism;
- (d) Tsim Bei Tsui area should be preserved due to its ecological sensitivity;
- (e) the waterfront of Lau Fau Shan should be a potential tourist destination, and open storage and container yards along Lau Fau Shan Road should be gradually phased out;
- (f) a better road network would enhance the connectivity with the surrounding areas and generate business opportunities for the area. A comprehensive network of cycle tracks and hiking trails to link up various tourist attractions within the Study Area and the adjacent areas should be developed;

Proposed Planning Framework and Conceptual Schemes

- (g) given the predominant rural setting and natural environment with high ecological value, the planning framework for the Study Area should focus on preservation of its natural resources and no large-scale development schemes would be proposed;
- (h) the proposed planning framework would strengthen the area as an “Eco-cultural Park” to realize the concept of “education through recreation”, where tourists could have more direct encounter with the natural and cultural landscape;

[Ms Anna S.Y. Kwong and Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

- (i) under the proposed planning framework, the four focus areas would be

enhanced under different themes:

[Mr. Tony C.N. Kan, Ms. Sylvia S.F. Yau, Mr. Daniel B.M. To arrived to join the meeting at this point.]

Focus Study Area A – Eco-Tourism Destination

- i. Focus Study Area A was located within the Ramsar Site and it was proposed that the existing trail (Border Fence Road) be made use of for visitors to get access to various potential vantage points to appreciate the natural scenery. The vantage points would include areas next to the existing sluice gates along Border Fence Road with provision of signage with information on the natural habitat and the look-out point at Tang Xia Liao Pavilion at the knoll of Tsim Bei Tsui. A bird watching hide was also proposed to be provided on the existing bridge at the southern end of Border Fence Road;

[Mr. Nelson W.Y. Chan, Professor David Dudgeon and Miss Annie Tam arrived to join the meeting at this point.]

Focus Study Area B – Enhancement of the Cultural Township

- ii. there were at present about 13 seafood restaurants in the Lau Fau Shan Main Street area. It was proposed that this focus study area be enhanced and strengthened as a major tourist attraction. As substantial alteration of the existing access road would inevitably damage the rural township, it was proposed that the existing roundabout be reconfigured as a gateway plaza, while the existing secondary road (Kau Nam Street) would be improved to connect with the proposed parking and loading/unloading area at the existing Lau Fau Shan Rest Garden. The existing waterfront area, with the unique oyster shell landscape, would be enhanced to become a new attraction for tourists. The ex-police station could be re-used as a restaurant with exhibition space to reminisce the history of the oyster farming

industry;

Focus Study Area C – Unique Cultural Landscape and Sunset View

- iii. it was proposed that a boardwalk be provided along the waterfront to offer visitors a special walking experience, and enable them to enjoy the magnificent sunset scenery. A pedestrian loop system would be developed to facilitate visitors to return back to the main road;

[Professor Bernard W.F. Lim arrived to join the meeting at this point.]

Focus Study Area D – New Gateway • New Experience

- iv. this study area was proposed for tourism-related facilities and/or residential development with public recreational facilities. The two abandoned fish ponds in Tin Shui Wai Areas 122 and 123 with high ecological value would be preserved. The unnamed road in the area could be improved to link up the Hong Kong Wetland Park with Lau Fau Shan to bring the imagery of the wetland to Lau Fau Shan and act as the new gateway to Lau Fau Shan. Visitor centre and cycle parking facilities would be provided at the end of the unnamed road; and

Transport Strategy

- (j) for the transport strategy, the main improvement works included the minor improvement of Deep Bay Road, upgrading of the existing unnamed road as an alternative route and future gateway to Lau Fau Shan, and enhancement of the pedestrian and bicycle network.

[Mr. David W.M. Chan arrived to join the meeting at this point.]

7. Ms Theresa W.S. Yeung said that the second stage community engagement would last for two months until mid-May 2010. The Yuen Long District Council, the relevant Rural

Committees and green groups would be consulted on the proposed planning framework and conceptual schemes. Public forum and roving exhibitions would also be held, with the promulgation of pamphlets and consultation materials to facilitate the public to understand the proposal of the study and provide their comments. Upon completion of the second stage community engagement, detailed design and technical assessments would be carried out to ascertain the feasibility of the recommended proposals.

[Mr. Leslie H.C. Chan and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

8. The Chairman and 14 Members had commented on the proposals of the Study and their views were:

- (a) the proposals of the Study were supported in principle;
- (b) enhancing the area to become a tourism and recreational centre would attract more people to visit the area by coaches and private vehicles. This would aggravate the existing traffic congestion problem in the area, and would also be against the objective of the Study to respect and conserve the natural environment. A proper balance between development and preservation of the area should be struck. Consideration should be given to providing a mass transit system in the form of light rail to serve the public. Connectivity between the area and the Hong Kong Wetland Park should also be improved;
- (c) in order to respect and conserve the natural and sensitive environment of Focus Study Area A, proposals for the area should not have any adverse impact on its existing wetland ecosystem and wild bird habitat. Hence, it should only focus on the enhancement of the existing Tang Xia Liao pavilion and the existing look-out points there which already had vehicular access. There should not be any widening of Deep Bay Road lest it would attract unauthorized development in the area. The unique rural character and local heritage of Lau Fau Shan should be preserved, rather than copying the character of other tourist spots. Green groups should be consulted on the Study proposals, in particular those for Focus Study Area A;

- (d) consideration should be given to preserving the unique culture of the rural township and local heritage of Lau Fau Shan area, including its oyster farming activities, local seafood particularly crabs, Hakka culture and customs, and temples. Cycling as a form of tourist activities should not be encouraged in the area. Visitors should be encouraged to walk around the area instead;
- (e) the proposed waterfront piazza and boardwalk along the mudflat at the waterfront in Focus Study Area C would have adverse impact on the existing habitats of the mudflat, in particular the mudskippers. To minimize the adverse impact, using elevated structures and elevated boardwalk with covers could be considered;
- (f) instead of using the ex-police station to accommodate an ordinary restaurant, it should be a specially designed restaurant cum museum reflecting the local culture and oyster farming activities. Consideration could also be given to provide oyster bars and wine cellar at the site. The access road to the site, which at present was not accessible by emergency vehicles, should be upgraded to facilitate the adaptive re-use of the site. To provide easy pedestrian access, the proposed observation lift should be relocated to a more central and convenient location. Car parking facilities should also be provided for the visitors of the restaurant;
- (g) adequate parking facilities for private cars and coaches should be provided to cater for the increase in visitors coming by coaches and private vehicles. To optimize land resources, consideration could be given to putting the car parks underground;
- (h) upgrading works of the pedestrian way in the main street should be carried out to enhance pedestrian access to the waterfront;
- (i) existing drainage and sewerage facilities in the area should be upgraded to cater for the increase in tourist activities. However, the upgrading and

improvement works should be carefully designed and undertaken so as not to create adverse impact on the existing environment. The existing toilet facilities should also be improved; and

- (j) additional forum should be organized on Sunday to allow more local people to participate and raise comments and suggestions on the Study proposals.

9. Mr. Michael C.F. Chan, Mr. Frank P.W. Chow and Ms. Theresa W.S. Yeung had the following main responses to Members' comments and questions:

- (a) one of the major objectives of the Study was to bring people to the natural environment while not affecting the natural environment. Only minimum works and improvement to the existing facilities would be suggested in sensitive areas such as areas within the Ramsar Site. Regarding the enhancement of the main street, it was also the view of local people that minimum works should be carried out in order not to affect their existing daily lives and activities. Members' suggestions and proposals, such as elevated boardwalk system along the waterfront, adaptive re-uses of the ex-police station and location of the observation lift, etc. would be considered together with all other views collected in the second stage community engagement, before finalizing the detailed design plans in the third stage of the Study;
- (b) the proposed transport strategy was to segregate the pedestrian and vehicular traffic. Boardwalk and cycle tracks were therefore proposed along the waterfront for pedestrian and cyclists. The loop system along the waterfront proposed in Focus Area C was to provide alternative routes for visitors who did not want to walk back along the waterfront boardwalk. More detailed studies would be undertaken to improve accessibility to the area and connection with the Hong Kong Wetland Park;
- (c) vehicular access to the existing trail along Border Fence Road was not allowed and it was expected that the Study proposals in Focus Study Area A, which included only the making use of and minor improvement to the

existing facilities, would not attract too many people to visit the sensitive area of Tsim Bei Tsui;

- (d) additional public forum could be conducted if required. In particular, green groups would be consulted on proposals affecting the environmentally sensitive areas; and
- (e) the Drainage Services Department (DSD) already had a plan to upgrade the drainage and sewerage system in the area. They would closely liaise with DSD to make sure that local environment would not be affected by any drainage and sewerage works.

10. The Chairman asked PlanD and the Study Consultants to take note of the comments raised by Members in drawing up the detailed design plans.

11. As Members had no more question to raise, the Chairman thanked the representatives of PlanD and Study Consultants for attending the meeting. They all left the meeting at this point.

[Messrs Edmund K.H. Leung, Timothy K.W. Ma, Fletch W.W. Chan, Walter K.L. Chan, B.W. Chan and Raymond Y.M. Chan and Professor Bernard W.F. Lim left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/248

Temporary Outdoor Mini-Motorcycle Ground with Ancillary Barbecue Area
for a Period of 3 Years in “Agriculture” Zone

Lots 1811 (Part), 1812 (Part), 1813, 1814 (Part), 1815s.A to s.D & s.E to s.J (Part)
in DD 117 and Adjoining Government Land

Wong Nai Tun Tsuen, Yuen Long

(TPB Paper No. 8499)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

12. The following representative of the Government and the applicants and applicants’ representatives were invited to the meeting at this point:

- | | |
|-------------------|--|
| Ms. Amy Cheung | - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD |
| Mr. Ho Yun Fat | - Applicant |
| Mr. Ho Kwai Wah | - Applicant |
| Mr. Yu Yau Fat | - Applicants’ Representative |
| Mr. Yu Yau Keung | - Applicants’ Representative |
| Mr. Yu Yau Cheung | - Applicants’ Representative |
| Mr. Chris Tang | - Applicants’ Representative |

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

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

- (a) the applicant sought planning permission for temporary outdoor mini-motorcycle (MMC) ground with ancillary barbecue area for a period of three years at the application site which fell within an area zoned “Agriculture” (“AGR”) on the approved Tai Tong Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 6.11.2009 for the reasons that adverse noise impact and nuisance from the development were envisaged and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and no technical assessment including drainage and fire service installations (FSIs) proposals had been submitted to demonstrate that the applied use would have no adverse impacts on the vicinity on the drainage and fire safety aspects;
- (c) the application site was the subject of a previous application No. A/YL-TT/221 for the same use which was approved with conditions by the TPB upon review on 16.5.2008 for a period of one year until 16.5.2009. However, the planning approval was revoked on 16.10.2008 as the applicants failed to comply with the approval conditions on the submission and implementation of drainage, landscaping and tree preservation, FSIs and emergency vehicular access proposals;
- (d) the applicants had provided justifications in support of the review application as summarized in paragraph 3 of the Paper. The applicants indicated that the current application was a replacement application of the previous approval under application No. A/YL-TT/221 which was approved on 16.5.2008 with conditions on a temporary basis. The applicants failed to comply with the approval conditions imposed by the TPB because the former consultant of the applicants had not informed the applicants of the approval conditions set out by the TPB, owing to some financial dispute between the applicants and the consultants. The applicants undertook to comply with the conditions in the current application;

- (e) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) advised that there were sensitive receivers located within 100m from the site. The proposed use was anticipated to emit noise from motor engines, human chatting, shouting and probably the use of audio amplification system. Adverse noise impact and nuisance to the nearby sensitive receivers were envisaged. Two environmental complaints were received in 2007 against the noise and air nuisance created by the subject MMC ground. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active farming activities in the vicinity of the site and the potential for agricultural rehabilitation at the site seemed high;
- (f) public comments – one public comment on the review application was received from a Yuen Long District Council member objecting to the application on grounds that the site was zoned “AGR” on the OZP and the applied use, which was incompatible with the zoned use, would spoil the natural environment; and the revocation of the previous approval due to non-compliance with approval conditions had reflected that the applicants had no sincerity in complying with the approval conditions required by the TPB; and
- (g) PlanD’s views – PlanD did not support the application based on the assessment and the reasons as stated in paragraph 8 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone. DAFC did not favour the application from the agricultural development point of view. The DEP also had concerns on the noise emission impact and nuisance to the nearby sensitive receivers. Further, no technical assessments including drainage and FSIs proposals had been submitted by the applicant to demonstrate that the applied use would have no adverse impacts on the vicinity on the drainage and fire safety aspects. The submitted landscape proposal was also considered not acceptable.

15. The Chairman then invited the applicants' representatives to elaborate on the application and Messrs Yu Yau Fat and Chris Tang make the following main points:

- (a) the current application was the same as the previously approved one;
- (b) the applicants would take this opportunity to fulfil the approval conditions if the application was approved; and
- (c) while there was a public comment objecting to the application, the proposed use was only to serve villagers of their own village and not to be open to outsiders.

16. In response to Members' enquiries on safety measures, Mr. Yu Yau Fat made the following main points:

- (a) players of the MMC ground would be requested to wear protective devices such as helmets and knee protectors;
- (b) players would be charged a fee of \$50 per day to support the operation cost of the MMC ground; and
- (c) the facilities would be used by local villagers only and many of them were interested in such activity.

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

Deliberation Session

18. The Chairman said and Members agreed that there was concern on adverse noise impact and nuisance from the development. The applicants had also not submitted any technical assessment to support the application. Members did not support the application. Members then went through the reasons for rejection as stated in paragraph 8 of the Paper and considered that they were appropriate.

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

- (a) adverse noise impact and nuisance from the development were envisaged. The applicants failed to demonstrate in the submission that the development would not generate adverse environmental impact on the surrounding areas; and
- (b) no technical assessments including drainage and FSIs proposals had been submitted to demonstrate that the applied use would have no adverse impacts on the vicinity on the drainage and fire safety aspects.

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Request for Deferral for Review of Application No. A/NE-TK/273

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lot 392 s.B in DD 28, Lung Mei Village, Tai Po

Request for Deferral for Review of Application No. A/NE-TK/274

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lot 390RP and Adjoining Government Land in DD 28, Lung Mei Village, Tai Po

Request for Deferral for Review of Application No. A/NE-TK/279

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone,
Lot 390 s.A in DD 28, Lung Mei Village, Tai Po

(TPB Paper No. 8500)

20. The Secretary reported that on 10.3.2009, the RNTPC rejected the three applications for a house (New Territories Exempted House (NTEH) – Small House) on each of the application site zoned “Green Belt” on the approved Ting Kok Outline Zoning Plan. On 5.2.2010, the applicants wrote to the Secretary of the Board requesting the Board to defer making a decision on the review applications to allow time for carrying out the slope investigation studies and applying the permits for entry into the relevant Government land.

21. The Secretary said that at the request of the applicants, consideration of the review applications had been deferred once for two months on 21.10.2009. The applicants now requested for a further deferral until August 2010. However, according to the Board’s Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, a deferment would normally be granted for two months only. It was recommended that a deferment should be granted for two months.

22. After deliberation, the Board agreed to defer a decision on the review applications and to advise the applicants that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances. The Board agreed that the review applications would be submitted to the Board for consideration within 3 months upon receipt of the further submission from the applicants.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/8
(TPB Paper No. 8495)

[The meeting was conducted in Cantonese.]

23. The Secretary briefly introduced the Paper. On 9.10.2009, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/8 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the publication period, 95 representations were received. One representation supported the zoning amendments, while 94 representations had adverse comments on the zoning amendments. No public comment on the representations were received. As the 94 representations with adverse comments were in the form of a standard letter with similar content, it was suggested that they should be considered by the full Board and in one collective hearing.

24. After deliberation, the Board agreed that the representations should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Cheung Chau Outline Zoning Plan No. S/I-CC/4
(TPB Paper No. 8501)

[The meeting was conducted in Cantonese.]

25. The Secretary briefly introduced the Paper. On 16.10.2009, the draft Cheung Chau OZP No. S/I-CC/4 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the publication period, two representations and one comment were received. As the two representations were similar in nature and related to the same

site, it was recommended that the representations and comment be considered by the full Board and in one collective hearing.

26. After deliberation, the Board agreed that the representations should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 11

[Closed Meeting]

27. This item was recorded under Confidential cover.

Any Other Business

[The meeting was conducted in Cantonese.]

28. The Secretary informed the meeting that the Chairman had invited Members to a farewell dinner on 26.3.2010 to bid farewell to Members who would retire by end March.

29. There being no other business, the meeting was closed at 10:55 a.m.