

**Minutes of 1023<sup>rd</sup> Meeting of the  
Town Planning Board held on 16.11.2012**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Professor P.P. Ho

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Mr. Patrick H. T. Lau

Ms. Christina M. Lee

Mr. H. F. Leung

Mr. Stephen H.B. Yau

Principal Assistant Secretary for Transport and Housing  
Miss Winnie Wong

Assistant Director of Environmental Protection  
Mr. K.F. Tang

Assistant Director (2), Home Affairs Department  
Mr. Eric K.S. Hui

Director of Lands  
Ms. Bernadette Linn

Director of Planning  
Mr. Jimmy C.F. Leung

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

Secretary

**Absent with Apologies**

Professor S.C. Wong

Mr. Maurice W.M. Lee

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine Tse

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

Senior Town Planner/Town Planning Board  
Ms. Johanna W.Y. Cheng

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1022<sup>nd</sup> Meeting held on 26.10.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1022<sup>nd</sup> Meeting held on 26.10.2012 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

New Town Planning Appeal Received

Town Planning Appeal No. 13 of 2012

Temporary Open Storage of Machinery for a Period of 3 Years

in “Agriculture” zone, Lot 299 RP (Part) in D.D. 113 and

Adjoining Government Land, Kam Tin South, Yuen Long

(Application No. A/YL-KTS/559)

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2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 29.10.2012 against the decision of the Town Planning Board (the Board) to reject on review the Application No. A/YL-KTS/559 for temporary open storage of machinery for a period of 3 years in “Agriculture” (“AGR”) zone on the Kam Tin South OZP. The application was rejected by the Board for the following reasons:

- (a) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the TPB PG-No. 13E in that the

development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, a plant nursery and vacant/unused land; there was no previous approval granted at the site and there were adverse departmental comments and local objections against the application;

- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

3. The hearing date of the appeal had not yet been fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Appeal Statistics

4. The Secretary reported that as at 16.11.2012, 26 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	28
Dismissed	:	124
Abandoned/withdrawn/invalid	:	162
Yet to be heard	:	26
Decision outstanding	:	1
<b>Total</b>	:	<b>341</b>

Tuen Mun and Yuen Long

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTY Y/238

Proposed House (New Territories Exempted House - Small House) in "Residential (Group E)" zone, Lots 224 S.A ss.1 and 224 S.B ss.2 in D.D. 130, Lam Tei, Tuen Mun, New Territories

(TPB Papers 9217)

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[The meeting was conducted in Cantonese.]

Presentation and Question Session

5. The following representative from Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Mr. W.W. Chan	-	District Planning Officer/Tuen Mun and Yuen Long (DPO/TM&YL), PlanD
Mr. Wong Chor Man	]	Applicant's representatives
Mr. Wong Long Hang	]	

6. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TM&YL to brief Members on the application.

7. With the aid of a powerpoint presentation, DPO/TM&YL presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for the proposed house (New Territories Exempted House (NTEH) – Small House) at the Site, which fell within an area zoned "Residential (Group E)" ("R(E)") on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/6 at the time of the section 16 application and currently in force;

- (b) the Site had an area of about 143.5m<sup>2</sup>. The proposed NTEH-Small House had a gross floor area of 195.09m<sup>2</sup>, a covered area of 65.03m<sup>2</sup>, and a building height of three storeys (8.23m);
- (c) the Site was located within the ‘village environs’ (‘VE’) of Tsing Chuen Wai / Tuen Tsz Wai / San Hing Tsuen. The Site was paved and partly used as a private carport of a nearby residential dwelling and partly used as a private garden. The Site was accessible from the northeast via a private vehicular access to San Hing Road;
- (d) on 20.7.2012, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- the proposed NTEH - Small House did not comply with the Interim Criteria for Consideration of Application for NTEH – Small House in New Territories (Interim Criteria) in that there was no shortage of land within the “Village Type Development” (“V”) zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development, and the applicant failed to demonstrate that the proposed development would have no adverse drainage and landscape impacts on the surrounding areas. There were no exceptional circumstances to warrant approval of the application;
- (e) on 22.8.2012, the applicant applied for a review of the RNTPC’s decision. The applicant had submitted drainage and landscape plans to support the review application. The main justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and highlighted below:
- (i) half of the land in San Hing Tsuen had been zoned as “R(E)”, which were not intended for building NTEH-Small House;

- (ii) the applicant pointed out that Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen were three adjacent but different villages. Instead of estimating the total land supply together, the land supply of each village should be estimated individually and there was a shortage of land for building NTEH-Small House in San Hing Tsuen. Hence, the proposed NTEH-Small House would meet the requirement of the Interim Criteria;
- (iii) the applicant was an indigenous villager of San Hing Tsuen and he only had one piece of land which was located completely within the 'VE' of San Hing Tsuen. The applicant could only build the proposed NTEH-Small House in San Hing Tsuen. The Board had previously approved similar applications for six village type houses in the "R(E)" zone in San Hing Tsuen;
- (iv) the application was supported by the First Deputy Chairman of the Tuen Mun Rural Committee, the Village Representative of San Hing Tsuen and villagers of San Hing Tsuen;
- (v) for the drainage issue, the applicant would connect all sewage pipes to the septic tank, and sewage would be discharged to the public sewer via the rainwater pipes. There would be no negative impacts on the environment. In this regard, a proposed drainage plan was submitted;
- (vi) for the landscape issue, trees and flowers would be planted at the Site after construction of the proposed NTEH-Small House. In this regard, a proposed landscape plan was submitted; and
- (vii) for fire service installations, there were two fire hydrants near the Site. One was located about 42m south from the Site and the other one was located about 36m north from the Site. Besides, emergency vehicles could also access the Site;



- (f) similar application – there was one similar application within the same “R(E)” zone on the OZP for three proposed houses (Application No. A/TM-LTYYY/204). The application was rejected by the RNTPC for the main reason that the proposed NTEH-Small House did not comply with the Interim Criteria in that over 50% of the footprints of each of the three proposed Small House fell outside both the ‘VE’ and the “V” zone. There were no exceptional circumstances to warrant approval of the application;
  
- (g) departmental comments - comments from relevant government departments were detailed in paragraph 5 of the Paper as highlighted below:
  - (i) the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that the Site fell within the ‘VE’ of Tsing Chuen Wai/Tuen Tsz Wai/San Hing Tsuen. Other than the Small House application submitted by the applicant, there was no other pending Small House application nearby being processed by his office;
  
  - (ii) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the drainage plan submitted by the applicant was not a drainage proposal as there was no information in the submission to demonstrate how the applicant would collect, convey and discharge rainwater falling on and flowing to the Site. He maintained his view at the section 16 stage that the applicant should demonstrate that the proposed development would not increase flooding susceptibility in the adjacent areas;
  
  - (iii) Director of Environmental Protection (DEP) considered that the proposed septic tank was not acceptable and maintained his previous view at the section 16 stage that sewerage of the proposed development should be connected to the public foul

sewer. However, such connection should be made via a terminal manhole instead of a septic tank and there should be no connection of rainwater pipe to public sewer, as proposed by the applicant;

- (iv) the other government departments consulted maintained their previous views of having either no adverse comment or no objection to the application;
  
- (h) public comments – a total of three supporting public comments were received on the review application. Those comments were submitted by a Tuen Mun District Councillor, an Indigenous Inhabitant Representative of San Hing Tsuen and a Resident Representative of San Hing Tsuen;
  
- (i) PlanD's view - the PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the subject "V" zone covered three villages, namely Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen. The demand and supply of Small House development in the three villages were therefore assessed together. The proposed NTEH-Small House did not comply with the Interim Criteria in that there was no shortage of land within the subject "V" zone to meet the demand forecast for Small House development. According to the DLO/TM, LandsD, the 10-year demand forecast for Small House for these three villages was estimated to be a total of 455 Small Houses or equivalent to 11.38 ha of land. According to the latest estimates, there was still about 16.61 ha of land within the "V" zone covering Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen which was adequate to accommodate about 664 Small Houses. Since there was sufficient land for Small House developments in the subject "V" zone, the current application

did not warrant sympathetic consideration;

- (ii) the applicant stated that he was an indigenous villager of San Hing Tsuen and the Site was the only piece of land owned by the applicant. However, from the town planning point of view, ownership of land, which might be subject to change from time to time, was not a material consideration in the assessment of the planning application. Noting that there was a surplus of land for Small House development in the subject “V” zone, it was considered that Small House should be developed within the “V” zone to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (iii) the applicant failed to demonstrate that the proposed development would have no adverse drainage, sewerage and landscape impacts on the surrounding areas; and
- (iv) there were storage area, godowns, vehicle parking and vehicle repair workshop in close proximity to the Site. These uses would cause environmental nuisance to the proposed NTEH-Small House on the Site; and
- (v) the approved similar applications mentioned in the applicant’s submission were approved in 1994 to 1995 before the first promulgation of the Interim Criteria in 2000 (i.e. Applications No. A/DPA/TM-LTY Y/21, 22, 23, 24, 25 and 58). These applications were approved when those sites were designated as ‘Unspecified Use’ area at the time of consideration by the Board. The planning considerations for approving these applications were different from the current application.

8. The Chairman then invited the applicant’s representative to elaborate on the review application. Mr. Wong Chor Man made the following main points:

- (a) he was the Resident Representative of San Hing Tsuen and he represented the applicant to make a presentation to the Board;
- (b) the applicant, an indigenous villager of San Hing Tsuen, wanted to build a Small House on the Site. The Site was located within the 'VE' and owned by the applicant. The application was supported by the First Deputy Chairman of the Tuen Mun Rural Committee, the Village Representative of San Hing Tsuen and villagers of San Hing Tsuen;
- (c) the Board rejected the application on the grounds that the proposed NTEH-Small House was not in line with the Interim Criteria in that there was no shortage of land within the "V" zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development. As Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen were three different villages, it was wrong for PlanD to estimate the land supply for Small House development for the three villages together. If the demand forecast and land supply were calculated on the basis of each individual village, there would be shortage of land in San Hing Tsuen to meet the forecast Small House demand. Hence, the application would meet the requirement of the Interim Criteria;
- (d) Mr. Wong Chor Man made reference to a plan, namely 'Delineation of Area of San Hing Tsuen (Tuen Mun) for Election of Resident Representative' (VEB/2002/L/TM-14) (Plan for RR Election) published by the Home Affairs Department, to show the boundary of San Hing Tsuen (the village boundary). He said that only a small portion of land with the village boundary of San Hing Tsuen was zoned "V", and about half of the land in the village was zoned "R(E)" and the other areas were zoned "Green Belt";
- (e) according to DLO/TM, LandsD, the 10-year demand forecast for Small House for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen was

estimated to be a total of 455 (i.e. a demand of around 150 Small Houses for each village). Hence, it was not correct to indicate in paragraph 5.3.1(c) of the Paper that the Small House demand for San Hing Tsuen was only 80. He said that within San Hing Tsuen, 30 houses were already built in Lot 525 to 529 in DD130 and another 10 houses were built in Lot 190 in DD130. Even if the forecast demand of Small Houses in San Hing Tsuen was 80 as assumed in the Paper, there was requirement for land to build an additional 40 Small Houses to meet the forecast demand. However, the remaining land in San Hing Tsuen was mainly Tso Tong land or government land, and there was a shortage of land to meet the Small House demand for San Hing Tsuen;

[Mr. Dominic K.K. Lam and Professor P.P. Ho arrived to join the meeting at this point.]

- (f) he had lived in San Hing Tsuen for more than 50 years and he had been the Resident Representative of San Hing Tsuen for more than 10 years. He was sure that the Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen had separate village boundaries, and there were different Village Representatives and vested interests in the three villages. Hence, it was not possible for an indigenous villager of San Hing Tsuen to build a Small House in the other two villages. He knew that some villages, such as Tsz Tin Tsuen in Tuen Mun, did not allow cross-village application (「飛丁」) for Small Houses within their village. If Tsing Chuen Wai and Tuen Tsz Wai also did not allow such arrangement, there would be insufficient land to meet the Small House demand of villagers of San Hing Tsuen. It was generally difficult to acquire land for building Small Houses, especially when the land was not within their own village boundary;
- (g) with regard to the drainage matters, as the Chinese version of the Paper was only received on Tuesday, there was insufficient time for the applicant to prepare a revised drainage proposal. However, if the Board approved the application, the applicant would submit landscape,

drainage and fire services proposals as required by the Government as soon as possible; and

- (h) Mr. Wong Chor Man concluded his presentation as follows:
- (i) the applicant only wanted to build a Small House on his own land which was within the 'VE' and his application had gained a lot of support from local villagers;
  - (ii) it was difficult to acquire other sites or build a Small House in another village;
  - (iii) there was shortage of land within San Hing Tsuen to build 100 more houses to meet the forecast Small House demand. Hence, the proposed NTEH-Small House met the requirements in the Interim Criteria; and
  - (iv) if the planning application was approved, the applicant would submit the necessary technical proposals as soon as possible.

[Dr. W.K. Lo arrived to join the meeting at this point.]

9. As the presentations were completed, the Chairman invited questions from Members.

*Forecast of Small House Demand and Land Supply for Small House Developments*

10. Two Members requested DPO/TM&YL to explain the query raised by the applicant's representative as to why the demand and land supply for Small Houses were calculated as a total for the three villages rather than separately for each village. In response, Mr. W.W. Chan (DPO/TM&YL) said that calculation of land available for Small House was based on the boundary of the "V" zone that covered the three villages.

11. The Chairman said that it was stated in paragraph 7.1 of the Paper that the estimated 10-year forecast for Small House for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen was 455 or equivalent to 11.38ha of land; and according to PlanD's estimate, there was about 16.61ha of land within the subject "V" zone which was adequate to

accommodate about 664 Small Houses. He asked DPO/TM&YL to explain the method for estimating land supply for Small House developments, in particular, whether land not suitable for development had been discounted from the estimate. Mr. W.W. Chan said that when preparing the estimate on land supply for Small Houses, land not suitable for development such as slope area had been discounted. The estimate on land supply was based on an average development intensity of 40 Small Houses per ha of land, which was quite lenient and reflected the general pattern of Small House developments in other villages.

12. In response to two Members' question, Mr. W.W. Chan said that the 'VE' shown on the Plan was drawn up by LandsD. There was only one 'VE' covering the three villages, Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen. He referred to Plan R-1 on the Paper and said that since the "V" zone was much larger than the 'VE', there should be sufficient land for the forecast Small House demand for the three villages. He also pointed out that the boundary of San Hing Tsuen shown by the applicant's representative at the meeting was only the boundary shown on the Plan for RR Election and not the 'VE'. The boundary of the 'VE' was smaller than the village boundary shown on the Plan for RR Election. Only a small portion of land within the 'VE' was zoned "R(E)" and that was contrary to the applicant's representative's claim that 50% of the land within the village boundary of San Hing Tsuen (as shown on the Plan for RR Election) was zoned "R(E)".

13. Mr. Wong Chor Man said that the Plan for RR Election was a good indication of the boundary of San Hing Tsuen. He had to use that plan because he was unable to obtain a plan showing the independent 'VE' of San Hing Tsuen at the Survey and Mapping Office of LandsD, which advised him that the subject 'VE' covered Tsing Chuen Wai/Tuen Tsz Wai/San Hing Tsuen. He did not understand why LandsD had not prepared separate 'VE' for the three villages. Being a resident in San Hing Tsuen for many years, he was sure that there were clear delineation of boundaries between the three villages and each village had different ancestral background and culture.

14. Mr. Wong Chor Man reiterated that land for Small House development for the three villages should not be calculated together, as it was not possible for a villager of San Hing Tsuen to build in the other two villages if there were local objections. On the contrary, the subject application was on the land owned by the applicant and was supported

by fellow villagers of San Hing Tsuen. He stressed that there was a shortage of land zoned “V” within San Hing Tsuen for meeting the Small House Demand and their planning application complied with the Interim Criteria.

*‘House’ vs ‘Small House’ Developments within “R(E)” Zone*

15. A Member asked whether there would be additional requirements if the planning application was for a ‘House’ rather than a ‘Small House’ within the “R(E)” zone. Mr. W.W. Chan replied that for a planning application for ‘House’ use within the “R(E)”, the applicant would need to submit relevant assessments to demonstrate that the residential/industrial interface issues, such as environmental and noise impacts, could be addressed. There had been previous planning applications for residential use within the subject “R(E)” zone. Mr. Wong Chor Man said that building a ‘House’, rather than ‘Small House’, in the “R(E)” zone would require more complicated submissions to government departments which would be costly and unaffordable to villagers.

16. In response to an enquiry from a Member, Mr. W.W. Chan said that Small House applications were approved by the District Lands Office in accordance with the Small House Policy. There were strict requirements on the floor area and building height for Small Houses and there were restrictions on re-sale. As for a ‘house’ development, it would be subject to approval by the Building Authority under the Buildings Ordinance and there would be no restriction on its re-sale. In terms of the planning considerations, the Board would make reference to the Interim Criteria promulgated by the Board when assessing Small House applications.

17. Mr. Wong Chor Man supplemented that for Small House development, they would submit their applications to District Lands Office and there were provisions to obtain certificate of exemptions for building works, site formation and drainage works. However, if they were to build a house, they would have to submit general building plans to the Building Authority which would involve much higher costs.

*Surrounding Land Uses*

18. In reply to a Member’s question, Mr. W.W. Chan made reference to Plan R-2



in the Paper and said that the existing industrial uses in the vicinity of the Site were godown, storage and vehicle repairing uses. Such industrial uses were incompatible with residential uses. Hence, the Site and its surrounding areas were zoned “R(E)” to ensure that residential developments would be subject to planning applications and that any residential/industrial interface problems would be satisfactorily addressed. In response, Mr. Wong Chor Man said that the previous industrial uses had mostly been relocated away from San Hing Tsuen and most of the land was currently left vacant.

19. The Chairman asked DPO/TM&YL to clarify regarding Mr. Wong Chor Man’s statement that there was no industrial operation in the vicinity of the Site. Mr. W.W. Chan said that there were still vehicle repairing uses to the north of the Site and storage, warehouse and vehicle repairing uses to the south of the Site.

20. Another Member referred to the residential uses in the vicinity of the Site as shown in Plan R-2 of the Paper and asked DPO/TM&YL to explain the planning history of those residential developments. Given the presence of those surrounding residential developments, the Member said that the applicant might consider it unfair for the Board to reject the subject application.

21. In response, Mr. W.W. Chan explained that some of those residential uses existed before the gazettal of the OZP and some residential uses were subject of planning applications approved prior to promulgation of the Interim Criteria. He continued to say that there were various types of industrial uses such as dyeing factory, warehouses and vehicle repair workshops in the locality. From a land use planning perspective, it was undesirable to allow a mix of residential uses with these incompatible industrial uses. The planning intention of the “R(E)” zone was for phasing out of existing industrial uses and during the transitional period, any proposals for residential development should be subject to planning permission from the Board to ensure that there would be no unacceptable residential/industrial interface problems.

22. Mr. Wong Chor Man replied that the industrial uses in the village had all been relocated, and the dyeing factory had stopped operation. He suggested that a better way to expedite phasing out the existing industrial uses was to change the “R(E)” zone to “V” zone. A “V” zone would allow villagers to build Small Houses only by application to

District Lands Office. This would involve much simpler procedures as compared to the requirement for planning applications under the “R(E)” zone. He said that land in their village had been zoned “R(E)” since 2006 but the Board had not approved any planning application for residential development within the “R(E)” zone.

23. A Member asked whether the boundary of the “R(E)” zone would be reviewed taking account of the updated conditions of industrial uses in the area. In response, Mr. W.W. Chan said that land use zonings would be reviewed periodically to take into account updated site circumstances. However, at this juncture, the “R(E)” zone was still considered appropriate as there were still active industrial uses. It should also be noted that there were previous planning applications for residential uses within the “R(E)” zone. Rezoning of the area might be considered in future if the industrial uses were relocated. Mr. Wong Chor Man said that it was not fair to require them to wait for another few years for a possible rezoning; and the “R(E)” zoning was not appropriate as there was no approved planning application for residential use with the subject “R(E)” zone.

#### *Sewerage Proposal*

24. A Member requested DPO/TM&YL to explain the departmental comment with regard to the sewerage proposal. Mr. W.W. Chan said that the applicant proposed to provide a septic tank for the proposed NTEH-Small House and the sewerage would be discharged to the public foul sewer via rainwater pipes. DEP considered that the sewerage of the proposed Small House should be connected directly to the public foul sewer and there should be no connection via the rainwater pipes.

25. Regarding DEP’s concern, the Vice-chairman asked whether the applicant would accept an approval condition that required direct connection of the sewerage discharge into public sewer, rather than via the rainwater pipes. In response, Mr. Wong Chor Man said that the applicant would comply with such approval condition and any other approval conditions to be imposed by the Board.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

*Other Matters*

26. A Member referred to Plan R-2 of the Paper and asked what the rationale for drawing up the boundary of the “V” zone was and why it was not aligned with the boundary of the ‘VE’. The Member said that the area around the subject site was within the ‘VE’ but outside the “V” zone boundary and a number of residential developments had been approved within this area. Referring to the Plan, Mr. W.W. Chan said that the boundary of the “V” zone near San Hing Tsuen generally followed the alignment of San Hing Road and some areas occupied by industrial uses, namely godown and vehicle repairing uses, were excluded from the “V” zone and were zoned “R(E)”.

27. A Member asked DPO/TM&YL whether there were precedents for villagers of San Hing Tsuen to build Small Houses outside their own village, i.e. in Tsing Chuen Wai or Tuen Tsz Wai. Mr. W.W. Chan said that whether villagers would be allowed to make cross-village application (「飛丁」) depended on the Small House Policy that was under the purview of LandsD and he had no information about any precedent cases for villagers of San Hing Tsuen building Small Houses in the other two villages. Another Member asked the applicant’s representative whether he had any information about villagers of San Hing Tsuen who had applied to build Small House in other villages (「飛丁」) but failed. In response, Mr. Wong Chor Man said that he did not have such information but stressed that such applications would be assessed based on the facts and circumstances of each individual case.

28. In response to the Chairman’s question, Mr. W.W. Chan said that as shown on Plan R-2 of the Paper, there was still some land available for building Small Houses within San Hing Tsuen. Mr. Wong Chor Man however, said that San Hing Tsuen was already quite densely built and there was insufficient land to accommodate the estimated demand for 80 to 120 Small Houses. Moreover, it was difficult to purchase land outside his own village to build Small House. He reiterated the point he made earlier at the meeting that changing the “R(E)” zone to “V” zone could help to achieve the planning intention of phasing out industrial uses in the area faster.

29. As Members had no question to raise, the Chairman thanked DPO/TM&YL

and the applicant's representative for attending the meeting. They all left the meeting at this point.

### Deliberation

30. Members noted that the planning application was not in line with the Interim Criteria in that there was no shortage of land with the "V" zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development. With regard to the applicant's representative's claim that it was not possible for villagers of San Hing Tsuen to build Small Houses in the other villages (「飛丁」), Members noted that it was not uncommon for Small House to be built outside one's own village and there was established mechanism for District Lands Office to process cross-village applications. With regard to the applicant's proposal to rezone the subject "R(E)" zone to "V", it should be noted that the planning considerations including development intensities for "R(E)" and "V" zones were quite different. Given that the proposed NTEH-Small House on the Site did not meet the Interim Criteria, the crux of the matter was whether there were special circumstances to give sympathetic consideration to the case.

31. A Member indicated that the application should be rejected and the proposal of the applicant's representative to rezone the subject "R(E)" zone to "V" was not supported. This Member said that according to the Government's information, 70% (i.e. 993 hectare (ha)) of the total land reserve in Hong Kong was reserved for Small House development and only 390 ha was reserved for other uses. The proposal of the applicant's representative to rezone the subject "R(E)" zone to "V" would contradict the need to identify more housing land in Hong Kong.

32. Another Member also did not support the planning application for Small House as there was sufficient land within the "V" zone to meet the Small House demand for the three villages. The applicant could apply to build a house under the "R(E)" zone. If planning permission was obtained, a house development would only involve the submission of general building plans to the Building Authority, which might involve additional but not insurmountable costs.

33. Another Member also did not support the planning application as it was against the Board's principle as promulgated in the Interim Criteria and the applicant had not provided sufficient justification to support his review application. This Member was of the view that the boundary of the subject "R(E) and "V" zones on the approved OZP had undergone public consultation in the plan-making process; and the LandsD should have specific considerations when it drew up one 'VE' for the three villages, and not three separate 'VE' for the three villages. Cross-village application for Small House development (「飛丁」) was not uncommon and was mainly a matter of private land transactions. Furthermore, the applicant could have applied for building a house and follow the Building Ordinance requirements, rather than a Small House, within the "R(E)" zone.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

34. Another Member agreed that the planning application should be rejected as the applicant had not provided new nor sufficient justifications to support the review. This Member also noted in the Paper that LandsD had advised that the forecast Small House demand for San Hing Tsuen was 80 units and not 150 units as claimed by the applicant, the latter figure was derived by the applicant by assuming that the total forecast of 455 Small Houses should be equally divided among the three villages.

35. The Chairman concluded that the application should be rejected as it was not in line with the Interim Criteria in that there was no shortage of land with the "V" zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development. There was also no special circumstance in the case to depart from the Interim Criteria.

36. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 8.1 of the Paper and considered that it was appropriate. The reason was:

- the proposed New Territories Exempted House/Small House (NTEH/SH) did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in

that there was no shortage of land within the “V” zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development, and the applicant failed to demonstrate that the proposed development would have no adverse drainage, sewerage and landscape impacts on the surrounding areas. There were no exceptional circumstances to warrant approval of the application.

[Dr. C.P. Lau and Mr. Timothy K.W. Ma left the meeting temporarily and Ms. Anita W.T. Ma left the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/569

Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part) and 618 RP (Part) in D.D. 106, Kam Sheung Road, Yuen Long, New Territories  
(TPB Papers 9219)

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[The meeting was conducted in Cantonese.]

#### **Presentation and Question Session**

37. The following representative from Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Mr. W.W. Chan	-	District Planning Officer/Tuen Mun and Yuen Long (DPO/TM&YL), PlanD
Mr. Ng Ka Wing	]	Applicant's representatives
Mr. Peter Lee	]	

38. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TM&YL to brief Members on the application.

39. With the aid of a powerpoint presentation, DPO/TM&YL presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the Site for temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of three years at the Site, which fell within an area zoned “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11 at the time of application and currently in force;
- (b) the Site had an area of about 3,468m<sup>2</sup>. There were four structures, with a total floor area of about 638m<sup>2</sup> and building height from 2.4m to 6m, for uses as storage areas with/without ancillary workshop on the Site. There were a total of 15 coach parking spaces on the Site;
- (c) the Site was located on the western side of Kam Sheung Road with direct access from the road via the adjoining land to the east; and was fenced off, paved and used for the applied use without valid planning permission;
- (d) the surrounding areas were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land with scattered open storage/storage yards, workshops and a warehouse. Some of these uses were suspected unauthorized development subject to enforcement action taken by the Planning Authority. To the immediate north and northeast of the Site was a proposed development of 10 houses under Application No. A/YL-KTS/499 approved with conditions by the Committee on 17.6.2011 and a piece of vacant/unused land. To the immediate east and southeast of the Site was a temporary parking lot of bus chassis and new coach with ancillary parts assembly covered by Planning Application No. A/YL-KTS/562 approved with conditions by the Town Planning Board on review on 17.8.2012 for one year until 17.8.2013;
- (e) on 20.7.2012, the Rural and New Town Planning Committee (the

RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

- (i) the planning intention of the “OU(RU)” zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the Site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the Site which would act as a catalyst to realize the planning intention. The continuation of the temporary open storage use at the Site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone;
  - (ii) the development did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant failed to demonstrate that the development would not generate adverse environmental and landscaping impacts on the surrounding areas, and that there were adverse departmental comments and local objection against the application; and
  - (iii) the surrounding land uses in the vicinity were mainly residential structures/dwellings/development and agricultural land. The development was not compatible with the existing and future residential land uses in the vicinity;
- (f) on 23.8.2012, the applicant applied for a review of the RNTPC’s decision. The applicant had not submitted any written representation in support of the review application;
- (g) previous applications - there were seven previous applications involving



the same site for similar temporary open storage uses submitted by different applicants. Six of the previous applications were approved for periods of three years each but three of those were revoked due to non-compliance of approval conditions relating to fire services installations (FSIs) proposal. The seventh application No. A/YL-KTS/525 on the Site was rejected by RNTPC in 2011 on similar rejection reasons as the subject planning application;

- (h) similar applications (approved) – there were 20 similar applications for various types of temporary open storage uses within the same “OU(RU)” zone. All of the similar applications (except Applications No. A/YL-KTS/391, 572 and 581) were approved with conditions by the RNTPC or the Board on review on similar considerations that previous approvals were granted for the sites and the approval conditions had been complied with; the proposed uses were not incompatible with the surrounding land uses or did not contradict with the planning intention; relevant approval conditions could be imposed to minimize the environmental impact; there were no adverse comments from relevant departments; and the departmental or public concerns could be addressed by appropriate approval conditions. However, seven of these applications were revoked due to non-compliance with approval conditions;
- (i) similar applications (rejected) - applications No. A/YL-KTS/391, 572 and 581 for various types of temporary open storage uses were all rejected by RNTPC on similar rejection reasons as the subject planning application;
- (j) departmental comments - comments from relevant government departments were detailed in paragraph 4 of the Paper. In particular, the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate west and in the vicinity of the Site, and environmental nuisance was expected. The Chief Town

Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) considered that the submitted landscape and tree preservation proposal was not sufficient and recommended an approval condition on submission and implementation of tree preservation proposal. Other government departments maintained their previous views of having no adverse comment or no objection to the planning application;

- (k) public comments – no public comment was received on the review application. A local objection from a Yuen Long District Councillor was received at the section 16 stage on the ground that the applicant had failed to demonstrate genuine effort in complying with the planning conditions and the operation would cause noise nuisance to the local residents;
- (l) PlanD's view - the PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) the planning intention of the “OU(RU)” zone was for preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the Site should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the Site (application No. A/YL-KTS/499), which would act as a catalyst to realize the planning intention. The continuation of the temporary open storage use at the Site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone;
  - (ii) the development did not comply with the TPB PG-No. 13E in that the applicant failed to demonstrate that the development

would not generate adverse environmental and landscaping impacts on the surrounding areas. In this regard, there were adverse departmental comments as DEP did not support the application. From the landscape planning point of view, the submitted landscape and tree preservation proposal was not satisfactory. There were also local objection against the application;

- (iii) the surrounding land uses in the vicinity were mainly residential structures/dwellings/development and agricultural land. The development was not compatible with the existing and future residential land uses in the vicinity;
- (iv) approval conditions in relation to the fire safety aspects were imposed in three previously approved applications (No. A/YL-KTS/416, 470 and 479) for open storage use (with/without workshop) at the Site. However, all three planning permissions were subsequently revoked as the approval conditions for submission and implementation of FSI proposal were not complied with within the specified time limit. With the applicant's repeated failures to comply with the approval conditions and that the FSI works were yet to be accepted by the Director of Fire Services (D of FS), the application did not warrant sympathetic consideration; and
- (v) the Board's approval of an application for temporary parking of bus chassis and new coach with ancillary parts assembly (Application No. A/YL-KTS/562) to the immediate east of the Site on 17.8.2012 should not be considered as a precedent. That application was approved taking into account the applicant's justifications that more time was required to identify alternative site for the relocation; approval conditions under the previous application had been fulfilled; and the temporary approval would not affect the proposed houses under

Application No. A/YL-KTS/499 which would not be completed in short run. A shorter approval period of one year, instead of the three years sought, was granted under Application No. A/YL-KTS/562.

[Dr. C.P. Lau and Mr. Timothy K.W. Ma returned to join the meeting at this point.]

40. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr. Ng Ka Wing made the following main points:

- (a) he was the owner of China Kong Auto Body Builders Company Ltd. (the applicant) that was a bus/coach manufacturing company. They had carried out open storage and workshop uses in the locality since 2000. They had always tried their best to comply with requirements of DEP and D of FS;
- (b) the Board had approved another planning application (application No. A/YK-KTS/562) submitted by their company for temporary parking of bus chassis and new coach with ancillary parts assembly for a period of one year on a site to the east and southeast of the Site (the adjacent site). In order to provide more space to support the manufacturing operations on the adjacent site, they wished to seek planning permission for temporary open storage on the Site for only one year, instead of the three years originally sought;
- (c) with the approval of the residential development to the north east of the Site (planning application No. A/YL-KTS/499), they understood that they could not continue the industrial / open storage operations on the Site for a long time;
- (d) the Site was some 30,000 ft<sup>2</sup> in area, it would be very costly to provide FSIs to cover such a large open area;

[At this juncture, he showed a video of a television programme featuring the

business operations of their bus/coach manufacturing company.]

- (e) he continued to say that there was currently only two companies engaged in bus /coach manufacturing in Hong Kong. He had continued to operate the company mainly to support the workers. He had worked in the business for about 30 years and was one of the key pioneers with international recognition; and

[Dr. W.K. Yau arrived to join the meeting at this point.]

- (f) he reiterated that their request was for a temporary approval for one more year to allow time for identifying suitable site to relocate their operations on the Site and the adjacent site.

41. As the presentations were completed, the Chairman invited questions from Members.

42. A Member asked the applicant to explain the type of existing operations on the adjacent site, their relocation plans and the validity period of the planning approval granted on the adjacent site. Mr. Ng Ka Wing said that the adjacent site was previously used as a place for assembling the vehicle bodies and it was currently mainly used for storage, vehicle maintenance and back-office. He understood that they had to relocate after the Board approved the residential development to the north east of the Site. They were actively identifying sites for relocating the operations on both the Site and the adjacent site. He estimated that the relocation would be completed within one year, and that would be before the planning permission on the adjacent site expired in August 2013.

43. The Chairman asked DPO/TM&YL to advise on the status of the planning applications as shown in Plan R-2 of the Paper. Mr. W.W. Chan said that the approved planning application, also submitted by the applicant, for temporary open parking of bus chassis and new coach with ancillary parts assembly for a period of one year (planning application No. A/YL-KTS/562) on the adjacent site would be valid until 17.8.2013. Other previous planning applications approved on the Site and the adjacent site were either revoked or no longer valid. The planning application No. A/YK-KTS/541 for open

storage of forklifts located further south of the Site was still valid. Nevertheless, since the approval of the planning application for residential development on a Site nearby (planning application No. A/YL-KTS/499), the Board had rejected a number of the more recently submitted planning applications for open storage uses within the subject “OU(RU)” zone.

44. A Member said that for the adjacent site, an approved planning application on a larger site was revoked by the Board due to non-compliance with the approval condition regarding FSI requirements and the applicant had subsequently reduced the size of the application site and obtained an approval under planning application No. A/YL-KTS/562. This Member asked DPO/TM&YL to comment on the applicant’s proposal to approve the application on the Site for only one year; and also asked the applicant how they would comply with any condition regarding FSI requirements if the application was approved.

45. In reply, Mr. Ng Ka Wing said that in the past, they had implemented all approval conditions regarding the requirements for fire safety, landscaping and drainage. However, the D of FS had imposed more stringent requirements for FSIs in recent years. In addition to the provision of water tank and water hose, there were additional requirements for automatic sprinkler system. They had provided water tank and water hoses at the Site but it was too costly to provide automatic sprinkler system to cover the entire area of the Site that was over 30,000ft<sup>2</sup>.

46. Mr. W.W. Chan supplemented that there were a number of planning approvals on the Site, and the approval condition for submission and implementation of FSIs was imposed since 2008. Thereafter, the applicant had failed to comply with the approval condition regarding submission and implementation of FSIs proposal and the planning applications on the Site had been revoked three times. Mr. Ng Ka Wing said that they had tried to install some FSIs on the Site, but they were considered unacceptable by D of FS. They had previously relied on their consultants to liaise with government departments and he did not have a full understanding about the specific works needed on the Site.

47. Another Member noted that in paragraph 7.2 of the Paper, it was recommended that if the Board decided to approve the application, it should be approved for one year.

This Member asked whether the approval could co-terminate with that for the planning application on the adjacent site (i.e. until 17.8.2013). In response, Mr. W.W.Chan said that the approval period for the subject application could be adjusted as considered appropriate by the Board.

48. A Member said that the RNTPC approved the planning application on the adjacent site only on sympathetic grounds to allow time for relocation of the business but the applicant should still comply with approval conditions regarding fire safety concerns. In response to this Member's question, Mr. Ng Ka Wing said that it would be difficult to install FSIs on the entire Site that was uncovered. The Chairman said that while Members appreciated the efforts of the applicant to maintain the bus/coach manufacturing business, the applicant had to convince the Board that they would address the fire safety concerns before the relocation. Mr. Ng Ka Wing said that they had installed automatic sprinkler system in the covered areas on the adjacent site which was considered acceptable by D of FS. For the Site that was uncovered, it was not possible to install automatic sprinklers but they had already installed water tank, hoses and fire extinguishers. In addition, the material for making the vehicle bodies was non-flammable. The continued use of the Site for mainly open storage should not create major fire safety concerns.

49. In response to the Chairman's question about what the applicant had done to try to comply with the previous approval condition regarding the FSI requirements on the Site, Mr. W.W. Chan said that two planning applications (i.e. A/YL-KTS/416 and 470) were revoked as the FSIs proposal submitted were not acceptable to D of FS. For the third revoked planning application (i.e. A/YL-KTS/479), the applicant had submitted FSIs proposal that was considered acceptable, but the implementation of which was not considered satisfactory by D of FS. He further said that based on experience, if the applicant employed a registered fire services consultant, they should be able to satisfy D of FS's requirements within three to six months.

50. Referring to paragraph 4.3.7(e) of the Paper, a Member said that the D of FS only required the provision of fire extinguisher(s) within six weeks from the date of planning approval, and not automatic sprinkler system for the Site. In response, Mr. W.W. Chan said that D of FS required the provision of fire extinguisher(s) within the area used for open storage within six weeks, and this should be achievable with the assistance

of a registered fire services consultant. D of FS also required that a FSIs proposal be submitted for the area covered by structures on the Site (with covered area of about 430m<sup>2</sup>). In response to the Chairman's question, Mr. W.W. Chan said that in-principle, the approval conditions should be complied with before the Site commenced operations. However, in view of the site circumstances, the existing operations on the Site would likely continue while the necessary work for compliance with approval condition for submission and implementation of FSIs would be carried out in parallel.

51. In response to the Chairman's question, Mr. Ng Ka Wing re-confirmed that they would try their best to comply with the approval conditions regarding fire safety requirements. He said that there should be no problem with provision of fire extinguisher(s) on the Site, though providing automatic sprinklers for the entire uncovered areas on the Site would be difficult. If required, they were even willing to reduce the covered area on the Site to comply with D of FS's requirements.

52. A Member said that the applicant should employ a registered fire services consultant to provide proper advice on how to comply with the fire safety related approval conditions. Another Member referred to paragraph 4.3.7 of the Paper and said that D of FS had indicated no objection in-principle to the application subject to FSIs being provided to his satisfaction. In addition, D of FS also indicated that should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant could provide justifications to his department for consideration. Hence, there appeared to be some flexibility on the requirement for compliance with the FSIs conditions. Mr. Ng Ka Wing said that he would personally oversee the compliance with such approval conditions if the application was approved by the Board. In response to another Member's question, the Chairman said that if planning approval was granted but the applicant failed to comply with the approval conditions, the planning application would be revoked.

53. In response to a Member's question, Mr. Ng Ka Wing confirmed that there was no storage of diesel or petrol oil on Site. Furthermore, they would not carry out manufacturing processes (such as weeding and paint spraying) which were more prone to fire risks on the Site.

54. The Chairman asked the applicant whether he would have sufficient time to



relocate the existing uses on the Site if the planning application was to be approved for one year or up to 17.8.2013 (as per the approval period for the approved planning application on the adjacent site). In response, Mr. Ng Ka Wing confirmed that they were identifying relocation sites and there should be sufficient time for relocation which might take around six months.

55. As Members had no question to raise, the Chairman thanked DPO/TM&YL and the applicant's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation

#### *Approval Period*

56. Members generally considered that the planning application could be approved on sympathetic grounds to allow time for relocation of the business on the Site and the adjacent site. However, two Members considered that Board should be cautious when deciding to approve the subject planning application with the knowledge that the Site was subject to enforcement action. In this regard, the Chairman said that even though the uses on the Site were subject to enforcement action, the Board could approve the application subject to stipulation of appropriate approval conditions that needed to be complied with by the applicant.

57. With regard to the approval period of the planning permission, two Members indicated that the approval period should be in line with that of the adjacent site (i.e. until 17.8.2013). Another four Members held a different view and considered that the planning application should be approved for one year as this would be in line with the Board's practice and would provide some flexibility for the applicant to arrange the relocation by phases. After deliberation, Members agreed that the planning application should be approved for one year.

#### *Approval Conditions Relating to Fire Safety Concerns*

58. Members generally considered that approval conditions relating to fire safety

concerns should continue to be stipulated. Two Members considered that the time for compliance with the relevant approval conditions might be shortened so as to better monitor the progress of compliance with approval conditions. At the request of the Chairman, the Secretary indicated that two approval conditions regarding fire safety requirements were recommended in paragraph 7.2 of the Paper. The recommended approval condition (i) was for the provision of fire extinguisher(s) together with a valid relevant fire certificate (FS251) within six weeks from the date of planning approval. This condition could be kept. The recommended approval condition (j) was for the submission and implementation of FSIs proposal with six months from the date of planning approval. If Members considered that more stringent compliance period should be imposed, the condition might be amended to require the submission of FSIs proposal within three months and implementation of FSIs proposal within six months from the date of approval. Should the applicant fail to submit the FSIs proposal within three months, the planning application would be revoked. After deliberation, Members agreed to the above proposed amendment to approval condition (j).

59. After deliberation, the Board decided to approve the application on the terms of the application as submitted to the Board on a temporary basis for a period of 1 year until 16.11.2013. Members then went through the approval conditions and advisory clauses as stated in paragraph 7.2 of the Paper and considered that the approval conditions (j) and (l) and advisory clause (h) should be suitably amended and approval conditions (k) to (m) should be re-numbered. The review application was approved subject to following conditions:

- (a) no night-time operation between 7:00p.m. and 7:00a.m., as proposed by the applicant, would be allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, would be allowed on the site during the planning approval period;
- (c) no dismantling, cleansing or paint spraying activities should be carried out on the site at any time during the planning approval period;

- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance would be allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site would be allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.2.2013;
- (h) the submission and implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.5.2013;
- (i) the provision of fire extinguisher(s) together with a valid relevant fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.12.2012;
- (j) the submission of fire services installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.2.2013;
- (k) in relation to (j) above, the implementation of fire services installations proposal within 6 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.5.2013;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

60. The Board also agreed to advise the applicant on the following:

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) shorter approval period was granted to allow time to relocate the use to another suitable location with a view to gradually phasing out the non-conforming industrial-related uses within the “OU(RU)” zone. No renewal of this permission would be considered as the continuation of open storage use at the site would contradict with the surrounding land uses including an approved residential development located to the immediate northeast of the site. Besides, shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions;

- (d) note District Lands Officer/Yuen Long, LandsD's comments that the private land involved comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the proposed structures. The site was accessible from Kam Sheung Road over private land and open Government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right-of-way. The lot owner needed to apply to his office to permit any structure to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others payment of premium or fee, as may be imposed by LandsD;
- (e) note Commissioner for Transport's comments that the site was connected to the public road network via a section of local access road which was not managed by Transport Department. The land status of the road leading to the site should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) adopt environmental mitigation measures as set out in the "Code of Practice on the Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimise any potential environmental nuisances;

- (h) note D of FS's comments that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The type of materials to be stored at open storage should be clarified. The type of construction of the covered area for storage with ancillary workshop should be clarified. The location of where the proposed FSIs were to be installed should also be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant should provide justifications to his department for consideration;
  
- (i) note Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to co-ordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
  
- (j) note Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in

the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/586

Proposed Temporary Warehouse for Storage of Construction Materials (Including Ceramic Tiles) for a Period of 2 Years in "Residential (Group C)" zone, Lot 1279 S.A (Part) in D.D.

119, Pak Sha Tsuen, Shap Pat Heung, Yuen Long, New Territories

(TPB Papers 9220)

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[The meeting was conducted in Cantonese.]

#### **Presentation and Question Session**

61. The Chairman invited Mr. W.W. Chan, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TM&YL), PlanD, to brief Members on the application.

62. With the aid of a powerpoint presentation, DPO/TM&YL presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the Site for a proposed temporary warehouse for storage of construction materials (including ceramic tiles) for a period of two years at the application site, which fell

within an area zoned “Residential (Group C)” (“R(C)”) on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10 at the time of application and currently in force;

- (b) the Site was currently occupied by a single-storey vacant warehouse structure. The site was accessible via a local track leading from Kung Um Road to its east. The local track was narrow with a width of about 2.9m to 3.7m. The surrounding areas were characterised by a mix of warehouses, open storage yards, residential use and unused land. There were scattered residential structures in its vicinity, with the nearest ones located to its immediate east and southeast. About 80m to its east was a low-density residential development known as One Hyde Park with 30 houses completed in 2009. The warehouses and open storage yards in its vicinity were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority;
- (c) on 4.5.2012, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (i) the development was not in line with the planning intention of the "R(C)" zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
  - (ii) the development would generate adverse environmental impact on the residential uses located to the immediate east and southeast and in the vicinity of the Site;
- (d) on 4.6.2012, the applicant applied for a review of the RNTPC’s decision. The applicant submitted written representations in support of the review application. The justifications put forth by the applicant in support of



the review application were summarised in paragraph 3 of the Paper and highlighted below:

- (i) the proposed use was temporary in nature and was compatible with the surrounding environment. Similar planning approvals had been granted by the Board in the vicinity of the Site. The operation of the warehouse involved only loading and unloading of goods. As the site was close to a cul-de-sac, its operation would not create traffic problem or noise pollution. It would also not create environmental impact on One Hyde Park which was 80m to the east of the Site. Application for Short Term Waiver (STW) had been made to the District Lands Office/Yuen Long (DLO/YL) of LandsD. The granting of STW for the Site could generate revenue of waiver fees for the Government;
  - (ii) comments from government departments were not well-documented and considered, and the reasons of rejection were superficial; and
  - (iii) the Site had been vacated upon warning and the actual site condition had not been carefully considered by the Board.
- (e) previous application - the site was the subject of a previous application (No. A/YL-TYST/525) for temporary warehouse for storage of construction materials (including wooden boards, metal goods and ceramic tiles) and advertising boards for a period of three years covering a slightly larger site of about 700 m<sup>2</sup> submitted by a different applicant (the area of the Site of the current application was 650m<sup>2</sup>). That application was rejected by the Committee on 18.3.2011 on the consideration that, with the completion of the residential development of One Hyde Park in the same “R(C)” zone in 2009, there was a change in the planning circumstances of the area and continuation of warehouse use would frustrate the planning intention of the “R(C)” zone;

- (f) similar applications (approved) – there were 11 similar applications for various types of warehouse and open storage uses in the same “R(C)” zone. Five planning applications (on more or less the same site) were approved since 2002 (No. A/YL-TYST/169, 285, 344, 377 and 555). Those approvals were granted mainly on the sympathetic consideration that the conversion of the pigsty on the site to a covered warehouse within the “R(C)” zone might represent an improvement to the surrounding environment. At the time of approving those planning applications, there was also no definite programme to realize the planned residential use in the area. However, with the completion of the residential development of One Hyde Park with 30 houses in the same “R(C)” zone in 2009, there had been a change in the planning circumstances of the area. The last application (No. A/YL-TYST/555) on the above site was only approved by the Committee for one more time for two years until 18.11.2013 in order to allow time for relocation, and the applicant had been advised that no further renewal of the planning approval would be allowed unless with very strong reasons;
  
- (g) similar applications (rejected) - the other six similar applications for temporary open storage or warehouse uses were rejected by the RNTPC or the Board on review on similar grounds as the subject planning application;
  
- (h) departmental comments - comments from relevant government departments were detailed in paragraph 5 of the Paper and highlighted below:
  - (i) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and southeast, and in the vicinity of the site, and environmental nuisance was expected.
  
  - (ii) the Commissioner for Transport (C for T) raised concern regarding the inadequate width of the track leading to the Site

from Kung Um Road for use by heavy goods vehicles at the section 16 stage. Without further justification provided by the applicant at the section 17 stage, C for T had reservation on the application as the vehicular access track leading to the Site was narrow and was not sufficient for the manoeuvring of heavy goods vehicles; and

- (iii) other government departments maintained their previous views of having no adverse comment or no objection to the planning application;
  
- (i) public comments – no comment was received on the review application and in the section 16 stage;
  
- (j) PlanD's view - the PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the proposed warehouse was not in line with the planning intention of the "R(C)" zone, which was primarily for low-rise, low-density residential developments. The proposed warehouse was considered incompatible with the planned residential use, and the existing residential development and structures in the surrounding areas. Although there were warehouses and open storage yards in the vicinity of the Site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
  
  - (ii) although there were similar applications approved near the Site, with the completion of the residential development of One Hyde Park with 30 houses in the same "R(C)" zone at about 80m to

the east of the site in 2009, there had been a change in the planning circumstances of the area. The RNTPC only granted approval to A/YL-TYST/555 for one more time for two years until 18.11.2013 to allow time for relocation, and that applicant had been advised that no further renewal of the planning approval would be allowed unless with very strong reasons;

- (iii) the applicant failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding area. DEP did not support and C for T had reservation on the review application;
- (iv) with regard to the applicant's claim that comments from government departments were not well-documented and reasons for rejection were superficial, it should be noted that comments made by relevant government departments were all stated in the RNTPC Paper No. A/YL-TYST/586 and the reasons of rejection for this application were clearly stated in the decision letter;
- (v) the applicant claimed that application for STW had been made to DLO/YL of LandsD and the granting of STW for the Site could generate revenue of waiver fees to the Government. However, from the town planning point of view, STW was a land administrative matter which was not a material consideration of the application; and
- (vi) the applicant also claimed that the Site had been vacated upon enforcement action and that the actual site condition had not been carefully considered by the Board. However, planning enforcement and planning application were separate matters.

63. As Members had no question to raise, the Chairman thanked DPO/TM&YL for attending the meeting and he left the meeting at this point.

Deliberation

64. The Chairman said that the proposed warehouse for storage use was not in line with the planning intention of the “R(C)” zone and the applicant had failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas. As the applicant had not provided strong planning justifications in support of the review, Members agreed that the application should be rejected.

65. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “R(C)” zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas.

Shatin and North District

**Agenda Item 6**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/388

Proposed House (New Territories Exempted House – Small House) in "Agriculture" and "Green Belt" zones, Government Land in D.D. 15, Shan Liu Village, Tai Po  
(TPB Paper 9221)

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[The meeting was conducted in Cantonese]

66. The Secretary said that on 17.8.2012, the Board decided to defer consideration

of the application at the request of the applicant and to allow the applicant two months for preparation and submission of supplementary information.

67. On 5.11.2012, the applicant wrote to the Secretary requesting the Board to further defer consideration of the application for two months to allow time for him to prepare supplementary information. The applicant explained that as the public sewerage system was currently under construction by the Drainage Services Department, the sewerage connection proposal and its related supplementary information could not be provided at the present stage.

68. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to resolve the technical issues with relevant government departments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

69. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The Board had allowed two months for preparation of submission of further information. Since this was the second deferment, the Board had allowed a total of four months of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

[Mr. H.W. Cheung arrived to join the meeting at this point.]

### **Agenda Items 7 and 8**

[Closed Meeting]

70. These two items were recorded under confidential cover.

Procedural Matters

**Agenda Item 9**

[Open Meeting]

Submission of the Draft Tuen Mun Outline Zoning Plan No. S/TM/30A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 9223)

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[The meeting was conducted in Cantonese.]

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

Mr. Rock C.N. Chen - his father owned textile companies near Tai Hing Gardens Phase I and II

Dr. C.P. Lau - owned a flat at Kwun Tsing Road, So Kwun Wat

72. Members noted that Mr. Rock C.N. Chen had left the meeting. As the item was procedural in nature, Members agreed that Dr. C.P. Lau who had declared interests could be allowed to stay in the meeting.

73. The Secretary briefly introduced the Paper. On 5 July 2011, the Chief Executive in Council (CE in C) referred the approved Tuen Mun OZP No. S/TM/28 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. On 23 March 2012, the draft Tuen Mun OZP No. S/TM/29 was exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, 19 representations and five comments were received. On 17 August 2012, after giving consideration to the representations and comments, the Board decided not to propose any amendments to the draft OZP No. S/TM/29.

74. On 7 September 2012, the draft Tuen Mun OZP No. S/TM/30 was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, no representation was received.

75. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP.

76. After deliberation, the Board :

- (a) agreed that the draft Tuen Mun OZP No. S/TM/30A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Tuen Mun OZP No. S/TM/30A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations of the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/15

(TPB Paper No. 9227)

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[The meeting was conducted in Cantonese.]

77. The following Members had declared interest on this item:

- Mr. Dominic K.K. Lam ] had business dealings with Ove Arup & Partners
- Professor S.C. Wong ] Hong Kong Ltd. (OAP) which was a consultant of
- Mr. Ivan S.C. Fu ] Hong Kong Sanatorium and Hospital (HKSH).  
HKSH was one of the representers (R708)



- Mr. Patrick H.T. Lau - being the Chairman of the Happy Valley Residents' Association which was one of the representers (R999) and had business dealings with OAP and MVA Hong Kong Ltd. which were the consultants of HKSH (R708)
- Miss Bonnie J.Y. Chan - her family member owned a flat in Happy Valley
- Dr. Wilton W.T. Fok - his family member owned a flat at Blue Pool Road in Happy Valley
- Mr. Maurice W.M. Lee - owned a flat at Link Road and a flat at Wun Sha Street
- Ms. Bernadette Linn - owned a flat at Broadwood Road (D of Lands)
- Miss Ophelia Y.S. Wong - owned a flat at Broadwood Road (the Secretary)

78. Members noted that Professor S.C. Wong, Miss Bonnie J.Y. Chan and Mr. Maurice W.M. Lee had tendered apologies for not being able to attend the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could be allowed to stay in the meeting.

79. The Secretary reported that on 30.9.2010, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/15, incorporating amendments to impose building height restrictions (BHRs) for the Hong Kong Sanatorium & Hospital (HKSH) at Wong Nai Chung Road (the Site), was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,068 representations were received. On 24.12.2010, the representations were published for three weeks for public comments. A total of 9 comments were received.

Proposed Amendments to the OZP

80. The Town Planning Board (the Board) considered the representations and comments on 8.4.2011, 11.5.2012 and 17.8.2012. At its meeting on 17.8.2012, the Board decided to meet Representation No. R708 by proposing the following amendments to the OZP:

- (a) amending the boundary of the building height control sub-area of the “Government, Institution or Community” (“G/IC”) zone covering the Site (stipulated with BHRs of 89mPD, 115mPD and 2 storeys) on the basis of the proposal submitted by HKSH in February 2012 (i.e. reducing the setback along Wong Nai Chung Road from 27m to 16m as well as revising the stipulated maximum BHRs for the central part of the Site from 89mPD to 115mPD and for a small part of the Site from 89mPD to 148mPD and 37 storeys); and
- (b) amending the Notes of the “G/IC” zone for the Site to specify that the total number of hospital beds should not be in excess of 800 beds and not more than 15% of the total non-domestic GFA of the hospital development should be used for clinic purpose.

Further Representations Received

81. The proposed amendments were agreed by the Board on 31.8.2012 and published under section 6C(2) of the Ordinance on 14.9.2012. Upon expiry of the publication period on 5.10.2012, 876 further representations were received.

82. Amongst the further representations, 870 further representations generally supported and 6 further representations generally opposed the proposed amendments. The further representations were submitted by individuals and local residents. The further representations (F1 to F870) supported the amended BHRs for the HKSH site mainly on the grounds that more beds and space were required for the hospital development, better health care and medical services/facilities and more training opportunities would be provided by HKSH and traffic conditions of the area would be

improved. The further representations (F871 to F876) opposed the amended BHRs mainly on the grounds of the adverse impacts on traffic, visual, air ventilation and environmental aspects; setting a bad precedence for excessive relaxation of BHRs; and the proposed amendments did not conform with the planning intention to prevent tall buildings in the Happy Valley area.

### Invalid Representations

83. According to section 6D(1) of the Ordinance, “any person, other than that who has made any representation or comment after consideration of which the proposed amendments are proposed under section 6B(8), may make further representation to the Board in respect of the proposed amendments”. Two further representations No. F875 and F876 were submitted by the original representers. The Board was invited to consider whether these two further representations should be considered invalid under section 6D(1) of the Ordinance and should be treated as not having been made.

### Hearing Arrangement

84. As the representations and comments were considered by the full Board, it was considered more appropriate for the full Board to hear the further representations without resorting to the appointment of a Representation Hearing Committee.

85. After deliberation, the Board agreed that the further representations No. F875 and F876 submitted by the original representers were considered invalid under section 6D(1) of the Ordinance. The Board also agreed that the further representations should be heard by the Board in the manner as proposed in paragraph 2.2 of the Paper.

### Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Chek Keng Development Permission Area Plan No. DPA/NE-CK/1  
(TPB Paper No. 9224)

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[The meeting was conducted in Cantonese.]

86. The Secretary reported that the draft Chek Keng Development Permission Area Plan No. DPA/NE-CK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 14.5.2012. During the two-month exhibition period, nine representations were received, including five representations (R1-R5) showing support to / appreciation of the Plan, and four representations (R6-R9) expressing objections/expressing views on the DPA Plan. On 27.7.2012, the representations were published for public comments for three weeks and no comment was received.

87. Since the representations were mainly related to the conservation of the natural environment and landscape of the Chek Keng area (the Area), the “Unspecified Use” designation of the Area and the extent of the “Village Type Development” zone, it was considered appropriate for the full Board to consider the representations without resorting to the appointment of a Representation Hearing Committee.

88. After deliberation, the Board agreed that the representations should be heard by the Board in the manner as proposed in paragraph 2.1 of the paper.

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Yung Shue O Development Permission Area Plan No. DPA/NE-YSO/1

(TPB Paper No. 9225)

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[The meeting was conducted in Cantonese.]

89. The Secretary reported that the draft Yung Shue O Development Permission Area Plan No. DPA/ NE-YSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 4.5.2012. During the two-month exhibition period, 35 representations were received, including four representations showing support to / appreciation of the Plan, 30 representations opposing the Plan and one representation offering comments and proposals only without indicating explicit support or opposition to the Plan. On 27.7.2012, the representations were published for public comments for three

weeks and two comments were received. One of these comments supported the representations (R2, R3 and R4) that supported the general planning intention of the Plan, whereas another comment objected to the views of R2, R3 and R4 and re-iterated its own proposals put forth in his representation (R35) opposing the Plan.

90. Since the representations and comments were mainly related to the conservation of the natural environment and landscape of the Yung Shue O area (the Area), the “Unspecified Use” designation of the Area and the extent of the “Village Type Development” zone, it was considered appropriate for the full Board to consider the representations, without resorting to the appointment of a Representation Hearing Committee.

91. After deliberation, the Board agreed that the representations should be heard by the Board in the manner as proposed in paragraph 2.1 of the paper.

### **Agenda Item 13**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

92. The Chairman said that the Board might arrange an overseas visit and Members were invited to provide suggestions on possible places to visit. A Member suggested to visit New York and Boston which featured good examples of urban renewal and regeneration, urban design, public housing and public engagement. The Chairman asked Members to suggest other places for the overseas visit for further consideration.

93. There being no other business, the meeting closed at 11:45am.