

**Minutes of 1058th Meeting of the  
Town Planning Board held on 2.5.2014**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Laurence L.J. Li

Mr Dominic K.K. Lam

Dr C.P. Lau

Mr Patrick H.T. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr. Sunny L.K. Ho

Mr F.C. Chan

Mr Stephen H.B. Yau

Dr W.K. Yau

Mr Lincoln Huang

Ms Anita W.T. Ma

Mr David Y.T. Lui

Mr Francis T.K. Ip

Mr Frankie W.C. Yeung

Dr Eugene K.K. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Assistant Director (2), Home Affairs Department  
Mr Frankie W.P. Chou

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor P.P. Ho

Ms Janice W.M. Lai

Mr H.F. Leung

Ms Christina M. Lee

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

**In Attendance**

Assistant Director of Planning/Board

Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board

Mr Stephen K.S. Lee

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1056th at Meeting held on 11.4.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1056th meeting held on 11.4.2014 were confirmed without amendments.

**Agenda Item 2**

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese]

(i) Town Planning Appeal Received

Town Planning Appeal No. 2 of 2014

Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Village Type Development” and “Agriculture” Zones, Lot 1082 RP (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long  
(Application No. A/YL-KTS/610)

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2. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 9.4.2014 against the decision of the Town Planning Board (the Board) on 24.1.2014 to reject the subject application on review. The application was rejected by the Board for the following reasons:

- (a) the development was not in line with the planning intention of the “V” zone which was to reflect the existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It was also not in line with the planning intention of the “AGR” zone which

was to retain and safeguard good agricultural land for agricultural purposes. The “AGR” 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 intentions, even on a temporary basis;

- (b) the development for temporary open storage of construction materials with ancillary workshop was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land and residential dwellings/structures or developments;
- (c) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration, and that there was no previous approval granted at the site and there were adverse departmental comments and public objections against the application;
- (d) the applicant failed to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

3. Members noted that the hearing date of the appeal had yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(ii) New Judicial Reviews lodged against the Decision of the Town Planning Board

4. The Secretary reported that four Judicial Reviews (JRs) had recently been

lodged against the decisions of the Town Planning Board (the Board) in respect of the following:

- (a) a planning application in Fung Lok Wai, Lau Fau Shan (HCAL 19/2014 & 20/2014);
- (b) draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/1 (HCAL 30/2014 ); and
- (c) a planning application in Nam Sang Wai, Yuen Long (HCAL 40/2014).

HCAL 19/2014 & 20/2014

5. The two JR applications were related to a planning application submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH), Sun Hung Kai & Co. Ltd. (SHK) and Far East Consortium International Ltd. ADI Ltd., Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with CKH, SHK, ADI Ltd., Environ and MVA.
- Ms Janice W.M. Lai - having current business dealings with SHK and ADI Ltd.

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

6. Members noted that Mr Fu had not yet arrived at the meeting and Ms Lai had tendered her apologies for being unable to attend the meeting.

7. The Secretary reported that on 20.2.2014 & 21.2.2014, the two JR applications were lodged by two members of the public (HCAL 19/2014 - Mak Chi Kit and HCAL 20/2014 - Tam Hoi Pong) respectively against the decision of the Board on 22.11.2013 to approve a planning application for proposed comprehensive residential development with wetland nature reserve, filling of pond and excavation of bund in the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone in Fung

Lok Wai, Lau Fau Shan (Application No. A/YL-LFS/224). The applicants sought relief from the Court to quash the Board's decision.

8. The two applicants had made application for legal aid on 21.2.2014 and 25.2.2014 respectively. On 23.4.2014, the Director of Legal Aid refused the application from the applicant of HCAL 19/2014.

HCAL 30/2014

9. The following Members had declared interests in this item:

- |             |   |  |
|-------------|---|--|
| Dr C.P. Lau | - | being a co-opted councillor of Heung Yee Kuk New Territories that had submitted representation No. R44 to the draft Tai O Fringe Outline Zoning Plan (OZP) |
| Dr W.K. Yau | - | ditto  |

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

10. Members noted that the item was to report the JR application and agreed that Dr Lau and Dr Yau could stay at the meeting.

11. The Secretary reported that on 12.3.2014, a JR was lodged by three members of the public, being commenters in respect of the draft Tai O Fringe OZP (So Ka Wai, So Ka Ling and So Ka Nok), against the decision of the Board on 13.12.2013 not to amend the "Conservation Area" ("CA") and "Green Belt" ("GB") zonings on the draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/1.

12. The applicants sought relief from the Court to excise the private land to the north of Leung Uk Tsuen from the "CA" and "GB" zones; and to quash the Board's decision to zone old building lots (Lots No. 67 & 68 section A) to the south of Wang Hang Tsuen to "GB".

13. The applicants had made applications for legal aid on 21.3.2014. The Director

of Legal Aid had not yet granted approval to the applications.

[Mr Francis T.K. Ip arrived to join the meeting at this point.]

HCAL 40/2014

14. The JR application was lodged by Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd. As they were subsidiaries of Henderson Land Development Co. Ltd. (HLD), the following Members had declared interests in this item:

Mr Dominic K.K. Lam	]	having current business dealings with HLD
Mr Patrick H.T. Lau	]	
Ms Janice W.M. Lai	]	
Mr Ivan C. S. Fu	]	
Mr Clarence W.C. Leung	-	being a Director of a Non-Government Organisation that had recently received a private donation from a family member of the Chairman of HLD
Mr Roger K.H. Luk	-	being a member of the Council of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of HLD
Professor P.P. Ho	-	being an employee of CUHK which had received donation from a family member of the Chairman of HLD
Dr Wilton W.T. Fok	-	being an employee of the University of Hong Kong which had received donation from a family member of the Chairman of HLD

15. Members noted that Mr Fu, Mr Leung and Dr Fok had not yet arrived at the meeting while Ms Lai and Professor Ho had tendered their apologies for not being able to attend the meeting. As the item was only to report the JR application, Members agreed that Mr Lam, Mr Lau and Mr Luk could stay at the meeting.



16. The Secretary reported that on 14.4.2014, a JR application was lodged by Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd. (the applicants) against the decision of the Board on 17.12.2010 in relation to the fulfillment of approval conditions imposed upon the planning permission for a proposed golf course and residential development in Nam Sang Wai, Yuen Long (Application No. A/DPA/YL-NSW/12).

17. The applicants were also the Interested Parties of a previous JR application (HCAL 26/2013) lodged by the Board against the decision of the Town Planning Appeal Board (TPAB) in relation to the same planning application. That JR was allowed by the Court of First Instance (CFI) on 16.1.2014. Members were briefed on the CFI judgment on 24.1.2014. The applicants, as Interested Parties of that JR, had lodged appeal to the Court of Appeal (CA) (CACV 25 of 2014). The hearing date had not yet been fixed.

18. The applicants' JR application was made out of time for 36 months. The following relief were sought:

- (a) an extension of time for applying for leave to apply the JR;
- (b) leave to apply for JR, or alternatively, an oral hearing if the leave to apply for JR was refused;
- (c) an order of certiorari to move into the High Court and quash the Board's decision of 17.12.2010; and
- (d) a stay of proceedings, or alternatively, an adjournment of this JR application for leave, pending the outcome of the applicants' appeal in CACV 25 of 2014.

19. The applicants had indicated that the JR application was by way of a protective application in the event that the appeal (CACV 25 of 2014) was unsuccessful.

20. The Court had not yet granted leave to all the above JR applications. The Secretary would represent the Board in all matters relating to the JRs in the usual manner.

**Tuen Mun & Yuen Long West District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PS/377

Proposed Concrete Batching Plant and Minor Relaxation of Building Height Restriction in “Industrial (Group D)” zone, Lots 843 S.A, 843 S.B, and 843 RP in D.D. 124 and Lots 233 RP, 235 and 236 in D.D. 127, Ping Shan, Yuen Long

(TPB Paper No. 9586)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

21. The following representatives of the Planning Department (PlanD), the Transport Department (TD) and the Environmental Protection Department (EPD) and the applicant’s representatives were invited to the meeting at this point:

- |                  |   |   |
|------------------|---|---|
| Mr W.S. Lau      | - | District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW), PlanD |
| Mr Wong Him Yau  | - | Senior Engineer (SE), TD  |
| Mr Edward Lam    | - | Senior Environmental Protection Officer (SEPO), EPD                     |
| Mr Keith Lam     | ) |   |
| Mr Raymond Leung | ) |   |
| Mr Roger Leung   | ) | Applicant’s representatives   |
| Mr Lam Chi Yau   | ) |   |
| Mr Leo Chan      | ) |   |

22. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited the representative of PlanD to brief Members on the background to the review application.

23. With the aid of a Powerpoint presentation, Mr W.S. Lau made the following main points as detailed in the Paper:

The Application

- (a) On 15.3.2012, the applicant, Sun Hong Engineering Co., sought planning permission to develop the proposed concrete batching plant at the application site (the site) and also applied for minor relaxation of building height restriction from 13m to 17m (i.e. + 4m or +30.77%). The site fell within “Industrial (Group D)” (“I(D)”) on the then draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/13 at the time of s.16 application and remained under the same zoning on the approved Ping Shan OZP No. A/YL-PS/14 currently in force;

[Dr Eugene K.K. Chan arrived to join the meeting at this point.]

- (b) on 24.8.2012, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:

- (i) the proposed concrete batching plant was a dusty use and was a noise emitter. There were residential dwellings in close proximity to the site. The applicant failed to demonstrate that the proposed development would not have adverse environmental impact on these sensitive receivers; and
- (ii) there was no traffic assessment to demonstrate that the nearby road network could accommodate the traffic generated from the proposed development.

- (c) on 24.9.2012, the applicant applied for a review of the RNTPC's decision to reject the application;

#### Further Submission

- (d) the applicant requested for deferment of the review application three times for preparation of further information to address departmental comments and the Board agreed to these requests;
- (e) on 9.10.2013 and 10.2.2014, the applicant submitted revised Environmental Assessment (EA) and Traffic Impact Assessment (TIA) Reports to support the review application. The conclusions of the reports were summarized as follows:

#### EA Report

- (i) with appropriate design of the plant layout as well as the implementation of air pollution control measures and noise mitigation measures, the predicted air quality impact and the industrial noise impact on the surrounding sensitive receivers due to the operation of the proposed development would comply with the relevant air quality objectives and noise criteria;
- (ii) since no wastewater would be discharged to the public sewerage, the proposed development would not cause unacceptable water quality impact;
- (iii) the proposed development would satisfy all criteria laid down in relevant guidelines and planning standards with regard to all environmental-related aspects;

#### TIA Report

- (iv) the proposed development would have no adverse traffic impact on the area;

- (v) all in/out traffic of the proposed development would be via Hung Chi Road and Hung Tin Road. The results of the junction assessment revealed that the affected junction would be operating at a satisfactory level;
- (vi) the internal traffic movement of the proposed development would not cause adverse traffic impact on the public road. The priority junction to the south of the site could cope with the additional traffic in future;
- (vii) the proposed development was mainly to serve the local construction activities. It would enhance the overall environment in the area as there would be less travelling distance, less vehicular emission, less wastage and less long distance traffic induced on the existing major carriageways; and
- (viii) the applicant would ensure that no working vehicles associated with the proposed development would queue up in either Hung Chi Road or Hung Tin Road during operation.

#### The Site and Its Surroundings

- (f) the site was about 2,376m<sup>2</sup> and was accessible via a local track leading to Hung Chi Road and Hung Tin Road. The site was currently occupied by a warehouse ;
- (g) the surroundings of the site were workshops, vacant sites, storage yard and an existing residential dwelling to the immediate north of the site;

#### Previous and Similar Applications

- (h) there was no previous application on the site;

[Mr Clarence W.C. Leung arrived to join the meeting at this point.]

- (i) there were two similar applications within the same “I(D)” zone for concrete batching plant development with minor relaxation of building height restriction. Application No. A/YL-PS/36 for minor relaxation of building height restriction for a concrete batching plant from 13m to 16m (+3m or +23.08%) was approved with conditions on 25.9.1998. Application No. A/YL-PS/143 for minor relaxation of building height restriction for a concrete batching plant from 13m to 16m (+3m or +23.08%) was approved with conditions on 22.8.2003 on review;

#### Departmental Comments

- (j) the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that application for a short term waiver to permit erection of the proposed structures in connection with the proposed development was required;
- (k) the Chief Town Planner/Urban Design & Landscape(CTP/UD&L), PlanD advised that he had no strong view to the proposed height of 17m from urban design and visual perspectives if there was such a genuine operational need for the concrete batching plant to function;
- (l) the Director of Environmental Protection (DEP) advised that the proposed concrete batching plant was a dusty and noisy use. Sensitive receivers (i.e. residential dwellings) were found within 100m of the site. With reference to the information in the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (COP), the proposed development would cause environmental nuisance to the sensitive receivers. As such, he maintained his view of not supporting the application. He had no strong views on the Environmental Assessments (EA). The two similar approved applications (related to only one case) were approved by RNTPC or the Board in 1998 and 2003 respectively. The public expectation on environmental matters had risen a lot in the past decade. It would not be reasonable to compare the current application with them;

- (m) the Commissioner for Transport (C for T) advised that the proposed development at the site had a high trip generation and attraction rate, resulting in a rather low reserve capacity of the junction of Hung Chi Road and Hung Tin Road. In case the actual trip generation and attraction was higher than the estimated figures, the nearby road network would likely be overloaded. The queuing assessment of concrete mixer trucks was still outstanding in the revised TIA report. As there was no queuing space provided within the site, there was a high possibility that the generated traffic would queue back to public road. He did not support the application as the applicant had failed to demonstrate that there would be no adverse traffic impact on the nearby network;

#### Public Comments

- (n) 83 public comments were received at the s.17 review application stage from local residents, concern groups, Vice-chairman of Ping Shan Rural Committee, owner and occupier of an adjoining lot and members of Yuen Long District Council. They all objected to the review application mainly on the grounds of land use compatibility, environmental pollution, traffic blockage/congestion and safety, drainage, and 'fung-shui'. Some commenters also mentioned that the proposed development was not in line with the future land use planning of the site/area under the on-going Hung Shui Kiu New Development Area Planning and Engineering Study;
- (o) 31 objecting public comments were received at the s.16 application stage. They objected to the application mainly on environmental pollution, traffic blockage/congestion and safety and 'fung-shui' grounds;

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

#### PlanD's Views

- (p) as there was no major change in planning circumstances since the RNTPC meeting on 24.8.2012, PlanD did not support the review application for the

following reasons:

- (i) the proposed development was a dusty use and a noise emitter. There were residential dwellings in close proximity to the site. The applicant failed to demonstrate that the proposed development would not have adverse environmental impact on these sensitive receivers; and
- (ii) the applicant failed to demonstrate that the nearby road network could accommodate the traffic generated from the proposed development.

24. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr Raymond Leung Yip Hung made the following main points:

- (a) the main reasons for RNTPC of the Board to reject the application were that the applicant had failed to demonstrate that the proposed development would not have adverse environmental impact on the residential dwellings in close proximity to the application and that there were traffic concerns;

Responses to the environmental concerns

- (b) the site was situated next to a district distributor and two knolls, which served as a buffer to the surrounding land uses and was far away from the villages of the area;
- (c) the main concern of EPD was the presence of a residential dwelling (the house) within 100m of the site, which was non-conforming to the COP and the Hong Kong Planning Standards and Guidelines (HKPSG);

[Ms Anita W.T. Ma left the meeting at this point.]

- (d) the site and the house fell within an area zoned "I(D)" on the OZP. There were industrial activities nearby. To the north of the house was a



warehouse and to the west was an area for open storage of construction materials;

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

- (e) the house was not served by a vehicular access. There was also no mail box and no people was living in the house in the past two years. According to the applicant's search of available records, including the records in the Land Registry, there was no approval for the building on the site by the Government;
- (f) it was noted that a squatter survey number SP/1560 A/X was painted on the external wall of the house. The squatter survey number was not a number for a domestic structure. As the house appeared to be a newly built structure, it was possibly rebuilt after the Government's squatters survey undertaken in the 1980s. While squatters could not be legally rebuilt, the Lands Department tended to tolerate rebuilding of squatters if they were not for domestic use. In light of the squatter survey number and observation during a recent site visit that there were construction materials stored in the house, it was considered that the house was for industrial-related use, which was in line with the general land uses in the area;
- (g) although the two similar applications No. A/YL-PS/36 and A/YL-PS/143 were approved over ten years ago, as there were no change to the "I(D)" zoning and no change in the planning circumstances, the two cases were still relevant precedents within the same "I(D)" zone;
- (h) notwithstanding that the silo capacity of the current application (i.e. 540 tonnes) was larger than the approved cases (i.e. 300 tonnes), the silo capacity of a concrete batching plant indicated the storage of cement and did not necessarily reflect the actual output of concrete;
- (i) a photograph of the concrete batching plant erected on the application site

of the two similar applications was shown to demonstrate how a concrete batching plant of 17m under the current application would be like and how mitigation measures worked;

Responses to the traffic concerns

- (j) C for T had raised no in-principle objection in April 2013 as well as in later correspondence with their traffic consultant on the TIA submitted;
- (k) the site was currently for warehouse/logistic use with heavy traffic and loading/unloading activities. The traffic generated from the proposed concrete batching plant with only about 22 to 32 trips per hour in and out of the site would be similar to other industrial uses in the “I(D)” zone;
- (l) when the area including the site was zoned “I(D)”, consideration should have been given to the area’s good accessibility, including its proximity to existing trunk road. There was no local objection on the traffic aspect in the past;
- (m) the trip generation of the proposed development was related to the proposed size and scale of the concrete batching plant. Given that the plant would only produce about 800 to 1,000m<sup>3</sup> of concrete per day, it was estimated that only 32 (16 in and 16 out) trips per hour for concrete mixer trucks would be induced. Under normal operation, the number of trips generated would be 12;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (n) C for T’s request to have a queuing assessment was made in January 2014. Such assessment had not been raised at the s.16 stage nor in the TIA submission in February 2013. It was made after the third deferment of the s.17 review application. Should such assessment be vital to the consideration of the application, it should have been raised earlier;

- (o) although the applicant considered that a queuing assessment was not necessary, the applicant was willing to accept a condition to conduct a queuing assessment should the application be approved;
- (p) as only about 577m<sup>2</sup> or 25% of the site would be occupied by structures, there was sufficient space for parking about seven to eight concrete mixer trucks at one time on site. There was no existing problem with the movements of container vehicles in and out of the site, which was currently used as a warehouse, and no problem was envisaged for the future movements of concrete mixer trucks;

Responses to the public comments

- (q) of the 31 public comments received at the s.16 stage, none was lodged from developments within 100m of the site. Other than the five public comments from relevant rural committees and villagers, the other 26 were from private individuals. Since they had not identified themselves, it was not possible to assess the impact of the proposed development on them;
- (r) 18 objecting comments were taken from the 83 public comments received at the review application for analysis. Of these 18 comments, five had already raised their objection during the s.16 stage. There was only one from a local villager and none from any environmental concern group. The remaining 13 private individuals just reflected the general social views against concrete batching plant use. Since their identities were not known, it was again unable to assess the impacts of the proposed concrete batching plant on them;

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

- (s) While there was one objecting comment from a member of the Yuen Long District Council, who raised concern on the dust problem caused by concrete batching plant, it might be due to some misunderstanding as no concrete batching plant was in operation in the area;

The applicant's conclusion

- (t) the proposed development was in line with the planning intention of the "I(D)" zone. Detailed EA and TIA reports had been submitted to support the application. The operation of the proposed development was not expected to cause dust emission and noise nuisance to the surrounding areas;
- (u) the site was considered as a suitable place for concrete batching plant use to meet the increasing demand for concrete in the territory, for Small House developments and for infrastructural works in the rural areas. The price of concrete had increased from some HK\$300 to some HK\$700 per m<sup>3</sup> over the past ten years; and
- (v) no objection had been raised by concerned Government departments, except EPD, TD and PlanD. Comments from these three departments had been addressed by relevant assessments and the proposed mitigation measures could be fine-tuned through the imposition of relevant approval conditions.

25. As the presentation from the representatives of PlanD and the applicant had been completed, the Chairman invited questions from Members.

Environmental Concerns

26. In response to the Chairman and a Member's questions regarding the actual use and distance of the house with a squatter survey number from the site, Mr W.S. Lau said that based on the photographs taken during the site visits at the s.16 application stage and the s.17 review stage, there were potted plants, air conditioners and clothes hanging in the porch found in the structure which showed that the structure was for residential use. The house was located immediately to the north of the site. Mr Raymond Leung said that no one was seen in the house during the site visits by the applicant in the past two years. Also, the house was a squatter, he doubted whether the house could be used legally for domestic purpose. In response, Mr W.S. Lau said that residential use could not be ruled out simply

because it was a squatter.

[Dr C.P. Lau left the meeting temporarily at this point.]

27. In response to the Chairman's question of whether there was any difference in environmental impact arising from the proposed silo with a capacity of 540 tonnes as compared with the previously approved silo capacity of 300 tonnes on the site in the similar application No. A/YL-PS/36, Mr Edward Lam, SEPO, EPD, said that the cumulative environmental impacts arising from the proposed concrete batching plant and the approved one had to be assessed in order to determine whether the impacts were acceptable, but no data was provided by the applicant. EPD did not support the application mainly because there was insufficient buffer distance between the residential dwelling and the proposed development, as required by the COP and HKPSG. He further said that based on the Ombudsman's previous advice, environmental concerns should be addressed, if justifiable, even when the criteria in HKPSG and the environmental ordinances were not violated. The environmental concerns of the proposed development arose not only from its operation, but also from the traffic it would generate. The noise and air problems caused by heavy vehicles would not be subject to control of the relevant environmental ordinances. Hence, it would be difficult for the Government to handle complaints on traffic noise and dust in future if the application was approved.

28. Noting that the approved concrete batching plant had not been in operation, a Member asked about the cumulative environmental impact if all the proposed concrete batching plants in the area were in operation in future. Mr Raymond Leung said that an assessment of the cumulative impact would still need to be conducted when the applicant applied for a specified process licence for the proposed concrete batching plant. He further said that there were existing concrete batching plants which were approved years ago with residential developments located within 100m from the plants. EPD would consider the environmental impact assessment conducted including the mitigation measures recommended in each case carefully before granting the licence.

29. The Chairman asked whether the existing concrete batching plants in Hong Kong needed to renew their licences after certain years of operation and whether the requirement of no sensitive receivers within 100m of such sites would need to be met when the licences

were renewed. In response, Mr Edward Lam said that the COP and 100m buffer zone were for planning purpose and renewal of licences of existing concrete batching plants would be subject to another set of assessment criteria.

30. Noting that a public housing development was under construction on the opposite side of the site across Hung Tin Road, a Member asked how the impacts of the proposed development on the public housing estate would be mitigated. In response, Mr Raymond Leung illustrated with a site photograph that trees along Hung Tin Road would mitigate the potential visual impact of the proposed development. The public housing development would be subject more to the impacts from Hung Tin Road than the noise and dust impacts from the subject site.

#### Traffic Concerns

31. A Member asked whether 12 trucks per hour for the proposed development had included those for transporting raw materials to the site. Mr Leo Chan said that vehicles delivering raw materials to the site had not been included. According to the TIA submitted, the total estimated number of vehicles generated and attracted was 80 passenger car units (pcus) per hour.

32. Considering that the site was currently used as a warehouse, a Member asked if there was any estimate on the net effect on traffic of the proposed development or whether the amount of traffic generated would be higher than that generated by the warehouse. Mr Leo Chan said that no estimate was available. He said that a traffic survey had been conducted to count the existing traffic flow. The impacts on the junction of Hung Tin Road and Hung Chi Road was then assessed with reference to the traffic generated from the proposed development on top of the forecast of the existing traffic flow, which would be a more conservative approach. The TIA concluded that the existing road junction could reasonably cope with the anticipated traffic flow. The reserve capacity of the junction of Hung Chi Road and Hung Tin Road during a.m. and p.m. peaks would be reduced from 25% to 15% and 39% to 23% respectively.

[Dr C.P. Lau returned to join the meeting at this point.]

33. In response to a Member's question on the TIA submitted, Mr H. Y. Wong, SE, TD said that the number of trips generated and attracted would be directly related to the production level of the plant. The maximum production capacity of 200m<sup>3</sup> concrete per hour should be adopted for estimation of the traffic flow. However, in the TIA provided by the applicant, the minimum production capacity of 55m<sup>3</sup> per hour was used. It was doubtful whether the estimate reflected the worst case scenario. The application was therefore not supported. Besides, the local access road connecting the site to Hung Chi Road was a dual-single road. A queuing assessment was required to assess the impact on the local road as any tail back would affect the junction of Hung Chi Road and Hung Tin Road.

34. In response to the Chairman's question, Mr Leo Chan said that the hourly production level of 55m<sup>3</sup> was given by the applicant, which was adopted in the TIA and the queuing arrangement. As the site could allow seven to eight vehicles to park at any one time, there would be no queuing problem. The applicant had also agreed not to allow vehicles to queue back onto Hung Chi Road and Hung Tin Road to minimize the impact. Detailed control measures would be worked out by the operation manager in due course. With the aid of a plan, Mr Leo Chan illustrated how the manoeuvring and parking of seven concrete mixer trucks within the site was possible.

35. A Member asked whether there would be 30 trucks moving in and out of the site every hour during the peaks, i.e. a truck every 2 minutes; whether the reserve capacity of the road junction had taken into account the traffic generated by the other approved concrete batching plant in the area; and whether the time required for each truck to load and unload, including its manoeuvring, was available. Mr Leo Chan confirmed that there would be 30 trucks travelling in and out of the site during the morning and afternoon peaks and 80 pcus were assumed in the calculation. The assessment on the reserve capacity of the road junction had not included the other approved concrete batching plant as it was not in operation.

[Ms Julia M.K. Lau left the meeting at this point.]

36. Noting that the applicant did not provide the time needed for a concrete mixer truck to finish its loading and unloading activities within the site, another Member asked if there was any mechanism to ensure the trucks would arrive at the site in different time slots

in an orderly manner. Mr Raymond Leung said that no detailed arrangement was available, but another access point was available at the site to facilitate efficient vehicular flow if required.

37. A Member asked TD whether excluding the concrete batching plant not yet in operation in the TIA was satisfactory. In response, Mr H.Y. Wong said that the exclusion of other possible operations in the area in TIA was not satisfactory. Whether the local access road could cope with the traffic flow was still subject to the queuing assessment. Given the elongated shape of the site, it would not be easy to ensure efficient vehicular flow within the site and hence the traffic impact immediately outside the site remained to be addressed.

38. Noting that there was a project of cycle tracks connecting North West New Territories with North East New Territories close to the access road to the site, a Member asked the representative of TD whether the clearance limit of the project would be a concern. Mr H.Y. Wong advised that the cycle track was along Hung Tin Road and it would have no interference with the access to the site.

#### Price of Concrete

39. Noting the applicant had indicated that the price of concrete had increased from about HK\$300 to about HK\$700 per m<sup>3</sup> over the past 10 years, a Member asked whether the applicant had any breakdown showing how much increase was due to an increase in the cost of raw materials and an increase in operating cost respectively. In response, Mr Raymond Leung said that the information was obtained from the Census and Statistics Department, which had no breakdown on the components of the price.

40. Noting that Members had no further questions, the Chairman informed the applicant's representatives that the hearing procedure for the review application had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of the applicant and the Government departments for attending the hearing. They left the meeting at this point.

#### Deliberation Session



41. The Chairman said that the consideration of the application should focus on the environmental and traffic issues of the proposed development. On the environmental aspect, Members should note that the considerations of a licence application and a planning application for concrete batching plant were different. From the land use planning point of view, Members should consider if the proposed use at the site was compatible with the surrounding land uses. It had been set out in HKPSG that a buffer distance of at least 100m was required for a concrete batching plant and there should be no sensitive receiver within the buffer area. Based on the information provided by PlanD, the house to the immediate north of the site had been used for domestic purpose. Even if no one was residing in the house for the time being, it could still be used for domestic purpose in future.

42. Regarding the traffic aspect, the Chairman pointed out that TD had confirmed vehicle queuing was a concern. The site was very narrow for manoeuvring of concrete mixer trucks. Members should consider whether the FI submitted by the applicant had adequately addressed the concerns raised by concerned departments and RNTPC.

43. A Member pointed out that the applicant had failed to provide information on the time required for each concrete mixer truck to complete the loading and unloading within the site and on the number of vehicles for transporting raw materials to the site which would be crucial in determining whether the proposed queuing arrangement would be effective.

44. Members agreed that the proposed development on the site was not suitable having regard to the presence of residential dwellings nearby, and the applicant was not able to address the traffic concerns raised. There was no reason to depart from the RNTPC's decision.

45. 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 proposed development is a dusty use and is a noise emitter. There are residential dwellings in close proximity to the application site. The applicant fails to demonstrate that the proposed development would not

have adverse environmental impacts on these sensitive receivers; and

- (b) the applicant fails to demonstrate that the nearby road network could accommodate the traffic generated from the proposed development.”

[Mr Laurence L.J. Li left the meeting at this point.]

### **Sha Tin, Tai Po & North District**

#### **Agenda Item 4**

[Open Meeting]

Preliminary Consideration of the Draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/B  
(TPB Paper No. 9613)

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[The item was conducted in Cantonese]

46. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po & North  
(DPO/STN), PlanD

Mr David Y.M. Ng - Senior Town Planner/ Shan Tin, Tai Po & North  
(STP/STN), PlanD

47. The Chairman extended a welcome and invited DPO/STN to brief Members on the draft OZP.

48. With the aid of a Powerpoint presentation, Mr C. K. Soh presented the draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/B (the draft OZP) and covered the following main points as detailed in the Paper:

#### **Background**

- (a) on 26.8.2011, the draft Ko Lau Wan Development Permission (DPA) Plan No. DPA/NE-KLW/1 was exhibited for public inspection under section 5 of Town Planning Ordinance (the Ordinance);
- (b) on 26.6.2012, the Chief Executive in Council, under section 9(1)(a) of the Ordinance, approved the draft Ko Lau Wan DPA Plan, which was subsequently renumbered as DPA/NE-KLW/2;
- (c) pursuant to section 20(5) of the Ordinance, the Ko Lau Wan DPA Plan was effective for a period of three years until 26.8.2014. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the area upon expiry of the DPA Plan;

#### Location of Ko Lau Wan

- (d) Ko Lau Wan covered a total area of about 35.91 hectares. It was bounded by Sai Kung East Country Park in the east and south, Long Harbour in the west and South Channel in the north;

#### The Planning Scheme Area

- (e) the Planning Scheme Area (the Area) was rural in character comprising mainly village houses and fallow agricultural land surrounded by shrubs and woodland. There was a natural stream in Tan Ka Wan flowing from south to north towards Long Harbour. A protected plant species, *Pavetta hongkongensis* (香港大沙葉), was recorded in the woodlands;
- (f) the Area was not served by any vehicular access but was only accessible by boats from Wong Shek Public Pier and Ma Liu Shui and by hiking trails leading from Chek Kong. It was overlooked by steep natural hillslopes and formed an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including mature woodland, hillside scrubland, fallow

agricultural land and streamcourses;

#### Existing Land Uses

- (g) two recognised villages, namely Ko Lau Wan and Tan Ka Wan (i.e. Tse Uk, Lau Uk, Lam Uk and Mo Uk), were located in the northern and southern parts of the Area respectively;
- (h) there were graves at the hillslopes located to the south-east of Ko Lau Wan and the south-west of Tan Ka Wan;
- (i) according to the 2011 Census, there were about 150 persons in the Area. There was about 68% of Government land and about 32% of private land;
- (j) the Ling Oi Tan Ka Wan Centre (a drug rehabilitation centre managed by Evangelical Lutheran Church of Hong Kong) was situated at the knoll in the southwestern part of the Area;

#### Development Constraints – Areas of Natural and Landscape Value

- (k) adjoining the Sai Kung East Country Park, the Area was covered with a wide spectrum of natural habitats including mature woodland, hillside scrubland, fallow agricultural land and streamcourses, as well as estuarine mangrove at the coastal area;
- (l) the Area covered two types of Landscape Character Areas (LCAs), ‘Wong Mau Kok Peninsula’ and ‘Tan Ka Wan Headland’; and
- (m) the natural landscape included natural rocky foreshore, cove, estuary, hillside, woodland, scrubland and grassland;

#### Issues Arising from Consideration of the DPA Plan

- (n) during the exhibition period of the draft DPA Plan, three representations

were received. The major proposals raised by the representers were as follows:

- (i) the local villagers proposed to expand the “Village Type Development” (“V”) zones to the surrounding areas; and
- (ii) a concern group proposed to suspend the processing of land grant applications under the New Territories Exempted House policy to avoid increasing development pressure;
- (o) since the gazettal of the draft DPA Plan on 26.8.2011, no planning application within the Area had been received by the Board;

#### Land Use Planning Considerations

##### Natural Environment

- (p) the Area consisted of woodland, scrubland and grassland and some natural coastal areas. While most of the flora and fauna recorded in the Area were common and widespread in the territory, a protected plant species, *Pavetta hongkongensis* (香港大沙葉), was recorded in the woodlands;

##### Land for Village Development

- (q) the “V” zone was designated to reflect the existing recognized villages and for land considered suitable for village expansion. Land within this zone was primarily intended for development of Small House by indigenous villagers;
- (r) the boundaries of the “V” zone were drawn up having regard to the village ‘environs’ (‘VE’), the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints;
- (s) within the proposed “V” zone with a total area of about 2.96 ha, about 1.44 ha of land could be made available for Small House development (or

equivalent to about 57 Small House sites);

- (t) although the supply of land within the “V” zone was still insufficient to meet the future demand, an incremental approach for designation of “V” zone for Small House development had been adopted, given the development constraints of the Area, the current population in the village and inadequate infrastructural provision. There was provision under the OZP for planning application for Small House development in the “GB” zone which would be considered by the Board on individual merits;

#### Planning Intention

- (u) the planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Sai Kung East Country Park and to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

#### Land Use Zonings

- (v) the “V” zone (about 2.96 ha) covered Ko Lau Wan and Tan Ka Wan which were two recognized villages in the Area;
- (w) the “G/IC” zone (about 0.23 ha) covered Ling Oi Tan Ka Wan Centre (a drug rehabilitation centre managed by Evangelical Lutheran Church of Hong Kong) situated at the knoll in the south-western part of the Area, CLP Ko Lau Wan Standby Generator Room and three latrines;
- (x) the “Other Specified Uses” annotated “Pier” (“OU(Pier)”) zone (about 0.05 ha) covered the existing Ko Lau Wan Public Pier;
- (y) the sites zoned “GB” (about 28.85 ha) included the vegetated hillslopes, natural streams and woodland adjoining the “V” zone. The “GB” zone

mainly comprised relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which provided a buffer between the development and conservation areas or Country Park area;

- (z) the “CPA” zone (about 3.82 ha) covered the coastal areas along Long Harbour and South Channel, which primarily consisted of coastal vegetation, rocky and boulder coasts fringing the Area, and a sandy estuary with some mangroves at Tan Ka Wan; and

#### Public Consultation

- (aa) subject to the agreement of the Board, the draft OZP No. S/NE-KLW/B would be submitted to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation. Comments from TPDC and SKNRC would be submitted to the Board for consideration in due course.

49. As the presentation from the representative of PlanD had been completed, the Chairman invited questions and comments from Members.

50. Referring to paragraph 8.7 of the Paper that a joint site meeting with the local villagers had been conducted on 27.3.2014, a Member asked if there was any update on the villagers’ views. In response, Mr David Y.M. Ng, STP/STN, said that the joint site visit with SKNRC as well as the Chairmen and villagers of Ko Lau Wan and Tan Ka Wan was just to explain to them what area would be suitable for development.

51. Another Member asked if Ko Lau Wan and Tan Ka Wan were two fishing villages such that no one had requested the provision of agricultural land during the consultation. Mr C.K Soh replied that the main request of the local villagers was land for village development and no one had raised concern on agricultural land. Besides, ‘Agricultural Use’ was a use always permitted in the “GB” zone.

52. After deliberation, Members agreed that:

- (a) the draft Ko Lau Wan OZP No. S/NE-KLW/B together with its Notes at Appendices I and II of the Paper respectively were suitable for consultation with TPDC and SKNRC;
- (b) the Explanatory Statement (ES) at Appendix III of the Paper was suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Ko Lau Wan OZP No. S/NE-KLW/B and the ES should be issued under the name of the Board;  
and
- (c) the ES at Appendix III of the Paper was suitable for consultation with TPDC and SKNRC together with the draft OZP.

53. The Chairman thanked the representatives of PlanD for attending the meeting. Mr C.K. Soh and Mr David Y.M. Ng left the meeting at this point.

#### **Agenda Item 5**

[Open Meeting]

Further Consideration of Review of Application No. A/NE-TK/432

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone,  
Lots 544 in D.D. 28, Tai Mei Tuk, Tai Po

(TPB Paper No. 9607)

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[The item was conducted in Cantonese.]

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

54. The following Members have declared interests in this item:

Mr Stanley Y.F. Wong - Co-owning with spouse a flat at Deerhill Bay and two car-parks



- Mr. H.W. Cheung - Owning a flat at Heung Sze Wui Street
- Dr W.K. Yau - Owning a flat and a shop at Kwong Fuk Road, a house at Cheung Shue Tan Village and three pieces of land at Cheung Shue Tan Village
- Mr Frankie W.C. Yeung - His company owning a flat at On Chee Road, Tai Po

55. Members noted that Mr Cheung had tendered his apologies for not being able to attend the meeting. As the properties of Mr Wong, Dr Yau and Mr Yeung's company in Tai Po were far away from the application site, Members agreed that their interests were remote and they could stay in the meeting.

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

- Mr C.K. Soh - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD

57. As the applicant had decided not to attend the further hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the review application.

58. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

#### Background

- (a) on 4.10.2013, the Board considered the review application. As there were outstanding matters relating to sewage proposal, the Board agreed to defer making a decision on the review application to allow time for the applicant

to provide more information regarding the outstanding matters to the Board such that the Board could consider the case on the basis of comprehensive information. In this connection, the applicant was asked to further liaise with the Lands Department (LandsD) to obtain in-principle agreement for laying sewer pipes on Government land and to obtain proof of consent from owner(s) of the house development to the south of the application site (the site) for connecting its sewer pipe to the private manhole for discharge into the public sewer;

#### The Site and Its Surrounding Area

- (b) the site was zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 on a slope with some fruit trees. Most part of the site (about 97%) was within the village ‘environs’ (‘VE’) of Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk. It was accessible by a footpath and local track leading to Ting Kok Road to the south;
- (c) to the south of the site was the village proper of Tai Mei Tuk and Wong Chuk Tsuen, a previously approved development by RNTPC, Meadow Cove, was to the south-east of the site and to the north were some graves, native trees and vegetation;

#### Planning Intention of the “GB” Zone

- (d) the planning intention of the “GB” zone was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl. There was a general presumption against development;

#### Further Information Submitted by the Applicant

- (e) on 13.3.2014, further information (FI) was received from the applicant to prove the feasibility of the sewage disposal proposal including (i) LandsD’s in-principle agreement for laying sewer pipes on Government land; and (ii) consent from the owner of the house development to the south of the site for

connecting the sewer pipe to the private manhole for discharge into the public sewer;

#### Departmental Comments

- (f) the Director of Environmental Protection (DEP) advised that to protect the water quality of the Lung Mei area, the applicant should confirm that the construction works of the proposed house should not commence before the completion of the planned sewerage system and the applicant would connect the proposed house to the public sewer at his own cost;
- (g) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that she maintained her objection to the application from the landscape planning point of view. The subject slope area acted as a significant buffer between two distinctive landscape characters; the dense undisturbed hillside woodland to the north of Pat Sin Leng Country Park and the village proper to the east and south of the site. Approval of the application would encourage similar developments within the “GB” zone, resulting in village developments extending further towards the edge of dense woodland of the country park and degrading the landscape quality of the area;
- (h) other relevant Government departments maintained their views of no objection to or no adverse comments on the application;

#### Planning Considerations and Assessments

- (i) in response to the Board’s request, the applicant had obtained (i) LandsD’s in-principle agreement for laying sewer pipes on Government land; and (ii) consent from the owner of the house development to the south of the site for connecting the sewer pipe to the private manhole for discharge into the public sewer;
- (j) DEP and the Chief Engineer/Development (2), Water Supplies Department

had no objection to the review application. Other relevant Government departments had been consulted on the FI and they had no further comment and maintained their previous views on the application;

#### PlanD's Views

(k) PlanD did not support the review application for the following reasons:

- (i) the proposed development was not in line with the planning intention of the "GB" zone;
  - (ii) the proposed Small House did not comply with the TPB-PG No. 10 for development within "GB" zone in that the proposed development would affect the existing natural landscape on the surrounding environment; and
  - (iii) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that it would cause adverse landscape impacts on the surrounding areas;
- (l) the applicant had provided information on the feasibility of the sewage proposal.

59. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. Noting that there was no question from Members, the Chairman thanked the representative of PlanD for attending the meeting. Mr C.K. Soh left the meeting at this point.

#### Deliberation Session

60. The Chairman said that the applicant had provided further information to prove the feasibility of the sewage disposal proposal including LandsD's in-principle agreement for laying sewer pipes on Government land and consent from the owner of the house

development to the south of the site for connecting the sewer pipe to the private manhole for discharge into the public sewer. Members should consider the case based on all the information that had now been presented.

61. A few Members asked whether the Board was obliged to approve the application given that the applicant had provided the information requested by the Board at its meeting on 4.10.2013 regarding sewage disposal. In response, the Secretary clarified that the Board had not expressly stated that the application was agreed in-principle subject to resolving the outstanding matter relating to sewage proposal but had decided to defer a decision on the review application and consider it when more information was made available. With the FI submitted by the applicant, Members could have comprehensive consideration of the application.

[Mr Clarence W.C. Leung left the meeting at this point.]

62. The Chairman said that although the applicant had made submission in respect of sewage disposal, there was still an outstanding issue regarding the impact of the proposed development on the natural landscape in meeting TPB PG-No. 10 and the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories.

63. A Member considered that the site was in an area which had been subject to human activities and was covered with grass and shrub with low conservation value. Another Member said that the site was at the edge of a large "GB" zone with no dense vegetation in the vicinity. The visual impact of the proposed Small House should not be significant.

64. The Vice-chairman had concern on the landscape impact of the proposed development as well as the cumulative traffic impact of approving such Small House developments in the area. Another Member also considered that approval of the application would set an undesirable precedent.

65. Referring to Plan FR-3 of the Paper showing the site and its surroundings, the Chairman asked Members to consider whether the proposed Small House development at the site was acceptable from the landscape planning point of view, and whether the approval of

the application would set a precedent should similar applications be submitted to the Board for developments encroaching upon the “GB” zone.

66. As different views had been expressed by Members, the meeting agreed to decide on the review application by voting. A vast majority of Members voted against the application.

67. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 5.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. The site and its adjoining slopes serve as a buffer between the natural vegetated hillsides to the north and the village proper to the south. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas.”

**Hong Kong District**

**Agenda Item No. 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/H1/95

Proposed Hotel at 10 -12 Yat Fu Lane, Shek Tong Tsui, Hong Kong

(TPB Paper No. 9648)

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[This item was conducted in Cantonese.]

68. The Secretary reported that on 7.4.2014 and 10.4.2014, the applicant wrote to the Secretary of the Board requesting a further deferment of hearing of the review application for 2 months. Taking into account that over 250 public comments from local residents, district councilors and some concern groups raising concerns on land use compatibility issue, potential traffic and environmental impacts were received, and a successful appeal (Town Planning Appeal No. 15 of 2011) on the previous planning application No. A/H1/93 for a hotel development at the same location, the applicant considered it necessary to take more time to prepare information for responding to the comments, and to seek legal advice before submitting response to address the public comments.

69. Members noted that the justification 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 seek legal advice and prepare submission for addressing the public comments, the deferment period was not indefinite, and that the deferment would not affect the right or interest of other parties.

70. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant for 2 months pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within 3 months upon receipt of further submission from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. Since this was already the third deferment, the applicant should also be advised that the Board had allowed a total of 6 months for the preparation of supplementary information, and no further deferment would be granted unless

under very special circumstances.

[The meeting was adjourned for a short break of 5 minutes.]

[Dr Wilton W.T. Fok left the meeting at this point.]

## General

### Agenda Item 7

[Open Meeting]

Proposed Revisions to Town Planning Board Guidelines No. TPB PG-No. 30

(TPB Paper No. 9649)

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[The item was conducted in Cantonese.]

71. The following representative of Planning Department (PlanD) was invited to the meeting at this point to brief Members on the item and the next two items on the proposed revisions to the concerned Town Planning Board Guidelines and the Guidance Notes on planning applications:

Mr Louis K.H. Kau - Chief Town Planner/Town Planning Board  
(CTP/TPB), PlanD

72. With the aid of a Powerpoint presentation, Mr Louis K.H. Kau made the following main points as detailed in the Paper:

- (a) the paper was to seek Members' agreement to the proposed revisions to the Town Planning Board (TPB) Guidelines No. 30 on Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance (TPB PG-No. 30);
- (b) according to paragraphs 4.6 and 5.1 of TPB PG-No. 30, as an



administrative arrangement, the commenters on section 12A and section 16 applications would be informed in writing of the tentative meeting date of consideration of the application and the decision of the Board or its Committees after receipt of public comments on the application and after the Board or its Committees had decided on the application respectively;

- (c) the number of comments received on planning applications had increased tremendously over the past few years. In general, it was not uncommon for applications to receive hundreds or thousands of public comments. In order to save resources and to be more environmentally friendly, it was proposed not to notify the commenters in writing with immediate effect. The relevant information, including the tentative meeting date and the other arrangements concerning the consideration and release of decision of the application would be stated at the appropriate location of the TPB website; and
- (d) to reflect the proposed streamlined practice, paragraphs 4.6 and 5.1 of TPB PG-No. 30 were proposed to be revised accordingly.

73. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members.

74. A Member asked whether the one-day in advance reservation by telephone for viewing the Board or its Committees' meeting by the public was adequate in view of the large number of public comments received and whether it would overload the Secretariat. In response, Mr Louis Kau said that the reservation could be made a few days but at least one day before the meeting. The reservation arrangement was the current practice and the Secretariat could cope with it.

75. Noting that the streamlined practice would save a lot of resources, the Vice-chairman asked about the effective date of the revised practice. In response, the Secretary said that the streamlined practice would take immediate effect on all new planning applications. She also suggested that for the existing planning applications, if there was further information received that would need to be published, the new arrangement would

also be applicable as the commenters could be informed of the new arrangement through publication of the further information.

76. After deliberation, Members agreed to the proposed streamlined practice and the proposed revisions to TPB PG-No. 30 and that the revised draft TPB PG-No. 30A was suitable for promulgation. Members also agreed that the streamlined practice would take immediate effect on all new planning applications and for the existing planning applications if there was new further information received that would require publication for public comments.

### **Agenda Item 8**

[Open Meeting]

Proposed Revisions to Town Planning Board Guidelines No. 31

(TPB Paper No. 9650)

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[The item was conducted in Cantonese.]

77. With the aid of a Powerpoint presentation, Mr Louis K.H. Kau made the following main points as detailed in the Paper:

- (a) the paper was to seek Members' agreement to the proposed revisions to the Town Planning Board Guidelines No. 31 (TPB PG-No. 31) on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance;
- (b) under TPB PG-No. 31, the applicant could choose to notify the current land owners (CLO) instead of obtaining consent from CLO by sending 'owner's notification' by registered mail or local recorded delivery mail to the address of CLO or the relevant address of the land/premises under application or to fulfil the 'reasonable steps' by, among others, sending notices of application to Owners' Corporation, Owners Committee, Mutual Aid Committee, management office of the relevant building erected on the application site, or where appropriate, to the relevant Rural Committee.

However, there was currently no specific requirement on the types of address to which the notices of application should be sent;

- (c) in late 2013, complaints were lodged by CLOs to the Ombudsman and the Legislative Council that the CLOs' land was included in a section 12A application but no notices of the application from the applicants was received. Although by selecting to take reasonable steps to send notice of application by registered post to the lot addresses of all CLOs, the applicants complied with the requirements as set out in the current TPB PG-No. 31, it was considered necessary to refine the notification requirements in TPB PG-No. 31 as sending notifications to the lot addresses might in some cases not reach the CLOs concerned;
- (d) paragraphs 5.2, 6.2 and 6.5(a) of TPB PG-No. 31 were proposed to be revised requiring that in fulfilling the 'owner's notification' or 'reasonable steps' requirement, the applicant should send the request for consent or the notification of application to (i) a postal address of the owner as registered in the Land Registry (LR)/Companies Registry; or (ii) a postal address of the Owners' Corporation, Owners Committee, mutual Aid Committee, management office of the relevant land/building/premises under application or the relevant Rural Committee, where appropriate. Opportunity was also taken to make other minor refinements to TPB PG-No. 31; and
- (e) where the applicant was unable to contact CLO due to the absence/inadequacy of the relevant information, e.g. absence of or incomplete postal address of CLO in the LR record, he/she could still resort to the "reasonable step", such as by publishing a newspaper notice on the application, among others.

78. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. There was no question from Members.

79. After deliberation, Members agreed to the proposed revisions to TPB PG-No. 31

and that the revised draft TPB PG-No. 31A was suitable for promulgation.

**Agenda Item 9**

[Open Meeting]

Proposed Revisions to Guidance Notes on Application for Permission under the Town Planning Ordinance

(TPB Paper No. 9651)

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[The item was conducted in Cantonese.]

80. With the aid of a Powerpoint presentation, Mr Louis K.H. Kau made the following main points as detailed in the Paper:

- (a) the Guidance Notes gave information and guidance on how to apply for amendment of plan/planning permission/amendment to permission under relevant sections of the Town Planning Ordinance (the Ordinance). Such information included a list of District Planning Offices (DPOs) of the Planning Department with which the applicant could arrange for pre-submission discussion, requirements for obtaining consent or sending notification to “current land owner” of the application site/premises concerned where appropriate and important points for the applicant to note regarding the use of the information submitted and offering of advantages;
- (b) due to the recent changes in circumstances, including (i) the setting up of a new District Planning Office (DPO) of Fanling, Sheung Shui & Yuen Long East and the renaming of the former Tuen Mun & Yuen Long DPO to Tuen Mun & Yuen Long West DPO; (ii) the proposed revisions to the Town Planning Board (TPB) Guidelines No. 31 on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Section 12A and 16 of the Ordinance regarding obtaining the consent from owner(s); and (iii) the proposed revisions to TPB P&P to promote good practices of Members of the Board, the updating and revisions to the Guidance Notes were considered necessary;

- (c) the opportunity was also taken to (i) incorporate the use of the information submitted in an application and the legal implication of offering any advantage to a Civil Servant and TPB Members into the Guidance Notes on Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Ordinance to tally with the other Guidance Notes on Application for Amendment of Plan/Permission under Section 12A/Section 16 of the Ordinance; and (ii) specify the date of receipt of an application the date when all necessary information and documents were received and checked in the Guidance Notes where appropriate;
- (d) the proposed revisions to (a) Guidance Notes on Application for Amendment of Plan under Section 12A of the Ordinance; (b) Guidance Notes on Application for Permission under Section 16 of the Ordinance; (c) Guidance Notes on Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Ordinance; and (d) Guidance Notes on Amendment to Permission under Section 16A(2) of the Ordinance as detailed in Attachment I of the Paper; and
- (e) Members were also invited to note that the contact information of DPOs in the Guidance Notes would be updated when such need arose in future.

81. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. There was no question from Members.

82. After deliberation, Members agreed to endorse the proposed revisions to (a) Guidance Notes on Application for Amendment of Plan under Section 12A of the Ordinance; (b) Guidance Notes on Application for Permission under Section 16 of the Ordinance; (c) Guidance Notes on Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Ordinance; and (d) Guidance Notes on Amendment to Permission under Section 16A(2) of the Ordinance and noted that the contact information of DPOs in the Guidance Notes would be updated when such need arose in future.

**Agenda Item 10**

[Closed Meeting]

83. This item was recorded under Confidential cover.

**Procedural Matters**

**Agenda Item 11**

[Open Meeting (Presentation and Question Session only)]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Mui Wo Fringe Outline Zoning Plan No. S/I-MWF/9  
(TPB Paper No. 9591)

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[The item was conducted in Cantonese.]

84. The Secretary introduced the Paper. On 28.10.2013, the draft Mui Wo Fringe Outline Zoning Plan (the OZP), incorporating amendments to rezone a site at the western end of Ngan Kwong Wan Road from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) (Amendment Item A) to facilitate a proposed Home Ownership Scheme (HOS) development and a site to the west of Ngan Wan Estate from “G/IC” to “Undetermined” (“U”) (Amendment Item B), was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, 37 representations were received. On 17.1.2014, the Town Planning Board published the representations for three weeks for comments. Upon expiry of the publication period on 7.2.2014, a total of 21 comments were received.

85. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraphs 2.2 and 2.3 of the Paper.

**Agenda Item 12**

[Open Meeting (Presentation and Question Session only)]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/18  
(TPB Paper No. 9604)

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[The item was conducted in Cantonese.]

86. The Secretary introduced the Paper. On 29.11.2013, the draft South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/18 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, a total of three representations were received. On 14.2.2014, the representations were published for three weeks for comments. No comment on the representations was received.

87. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraphs 2.2 to 2.4 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Chuen Lung and Ha Fa Shan Development Permission Area Plan No. DPA/TW-CLHFS/1  
(TPB Paper No. 9617)

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[The item was conducted in Cantonese.]

88. The Secretary introduced the Paper. On 20.12.2013, the draft Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan No. DPA/TW-CLHFS/1 (the Area) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 19 valid representations were received. Eight were submitted by private individuals, 6 by Green Groups, 4 by private land owners and 1 by the Village Representative of Ha Fa Shan Village. Among the 19 representations received, 7 representations supported the draft DPA Plan or the “Village Type Development” (“V”) zone, 9 opposed to the draft DPA Plan or the designation of “Unspecified Use” and the

remaining 3 expressed various concerns on the environmental/health impacts of house developments and the designation of “Unspecified Use” for Ha Fa Shan Village. On 28.2.2014, the representations were published for three weeks for public comment and 1 comment was received.

89. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comment as detailed in paragraphs 2.3 to 2.5 of the Paper.

#### **Agenda Item 14**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft South West Kowloon Outline Zoning Plan No. S/K20/29  
(TPB Paper No. 9618)

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[The item was conducted in Cantonese.]

90. The Secretary reported that the following Member had declared an interest in the item:

Dr W.K. Yau	-	being a member of West Kowloon Cultural District Authority Consultation Committee
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91. Although Dr Yau’s interest was direct, as the item was procedural in nature, Members agreed that Dr Yau could stay in the meeting.

92. The Secretary introduced the Paper. On 13.12.2013, the draft South West Kowloon Outline Zoning Plan No. S/K20/29 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance. The major amendments involved the rezoning of the Fat Tseung Street West site from “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and area shown as ‘Road’ to “Residential (Group A)11”, and the Lin Cheung Road site from “Other Specified Uses” (“OU”) annotated “Cargo Working Area, Wholesale Market and Industrial-Office”, “OU(Wholesale Market)”, “OU(Pier)” and



area shown as 'Road' to "Residential (Group A)12", "Comprehensive Development Area" ("CDA"), "CDA(2)", "G/IC", "O" and area shown as 'Road'. During the two-month exhibition period, a total of 3,100 representations were received. On 28.2.2014, the representations were published for 3 weeks for comments. A total of 35 comments were received.

93. The Secretary also advised that representer R688 submitted a letter to the Board dated 24.3.2014 claiming that she had not submitted any representation and requested the Board to cancel her record and C1 submitted by a Yau Tsim Mong District Council member provided comments on the general land use planning in the areas of the OZP, which was not related to any representation/amendment item. As such, R688 and C1 should be regarded as invalid.

94. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraphs 3.1, 3.5 and 3.6 of the Paper and agreed that R688 and C1 were invalid.

### **Agenda Item 15**

[Open Meeting]

#### Any Other Business

[The item was conducted in Cantonese.]

95. There being no other business, the meeting was closed at 12:10 p.m.