

**Minutes of 1157th Meeting of the
Town Planning Board held on 1.12.2017**

Present

Permanent Secretary for Development
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Chief Traffic Engineer (New Territories East)
Transport Department
Mr Ricky W.K. Ho

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

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr Elvis W.K. Au

Director of Lands
Mr Thomas C.C. Chan

Director of Planning
Mr Raymond K.W. Lee

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Lincoln L.H. Huang

Dr Wilton W.T. Fok

Dr F.C. Chan

Mr K.K. Cheung

Mr Alex T.H. Lai

Miss Winnie W.M. Ng

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board
Ms W.H. Ho

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1156th Meeting held on 17.11.2017

[The item was conducted in Cantonese.]

1. The Secretary reported that the draft minutes of the 1156th meeting held on 17.11.2017 were sent to Members on 1.12.2017 and tabled at the meeting. Subject to no proposed amendments by Members on or before 4.12.2017, the minutes would be confirmed without amendments.

[Post-meeting Note: As at 4.12.2017, no proposed amendments to the draft minutes were received.]

Agenda Item 2

[Open Meeting]

Matters Arising (MA)

[The item was conducted in Cantonese.]

(i) Town Planning Appeal No. 6 of 2015
Proposed Columbarium in “Government, Institution or Community” and “Undetermined” Zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326 and 1344 (Part) in D.D. 115 and adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long

2. The Secretary reported that Urbis Limited (Urbis) and Ramboll Environ Hong Kong Limited (Ramboll) were two of the consultants of the applicant. The following Members have declared interests on the item:

Mr Ivan C.S. Fu] having current business dealings with Urbis and
Ms Janice W.M. Lai] Ramboll

Mr Thomas O.S. Ho - his firm having current business dealings with
Urbis

Mr Franklin Yu - having past business dealings with Urbis

3. As the item was to report the Town Planning Appeal Board's (TPAB) decision on the appeal case and no discussion was required, Members agreed that the above Members could stay in the meeting.

4. The Secretary reported that the appeal was lodged by the Appellant on 13.2.2015 to the TPAB against the Town Planning Board (the Board)'s decision on 5.12.2014 to reject on review application No. A/YL-NSW/204 for proposed "Columbarium" at the appeal site (the Site). The Site was zoned "Government, Institution or Community" ("G/IC") (15%) and "Undetermined" ("U") (85%) on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8. The rejection reasons by the Board were as follows:

- (a) the proposed columbarium was located in an "U" zone which was being comprehensively reviewed. Approval of the columbarium would unduly constrain optimization of the future land use in the area;
- (b) the implementability of the proposed traffic management measures was doubtful. The applicant failed to demonstrate that the development would not cause adverse traffic impact to the area, in particular, that the emergency services of Pok Oi Hospital would not be affected; and
- (c) the approval of the proposed development would set an undesirable precedent for similar applications.

5. From 30.5.2016 to 18.4.2017, the appeal was heard by the TPAB in 16 days. On 14.11.2017, the appeal was allowed by TPAB, mainly in view of the following considerations:

Planning/Land Use Aspect

- (a) it was unjust to hold back the proposed columbarium on the basis that the land use review in respect of the “U” zone in the OZP was still pending, given that it was not known when the review would be completed and the result was unknown;
- (b) the Site was a standalone site located in a small and discrete portion of the “U” zone and was cut off by major infrastructure. The proposed columbarium at the Site would not impair the planning of future land use of the rest of the subject “U” zone;
- (c) the proposed columbarium could not be regarded as in conflict with the planning intention of the “U” zone and it was compatible with the surrounding developments;

Traffic Aspect

- (d) the adverse traffic impact of the proposed columbarium could be avoided or adequately mitigated by the use of “Grampian” Conditions. The Transport Department had no adverse comment on the proposed columbarium and most of the Board’s comments or concerns had been addressed in the traffic impact assessment reports, including the contingency plan/traffic mitigation measures proposed by the Appellant;
- (e) the new road improvement scheme and the recent traffic statistics of major roads and junctions near the Site had justified the traffic figures adopted by the Appellant. The demand for emergency services of the Pok Oi Hospital had been alleviated to some degree with the opening of the accident and emergency services in the Tin Shui Wai Hospital;

- (f) the sale of niches would be done phase by phase and could only be proceeded when an updated traffic assessment report was prepared by the Appellant and the proposed traffic management measures were implemented;

Individual Merits

- (g) the location of the Site was unique and separate from the rest of the “U” zone, and the developments thereat would not affect each other. The Appellant had undertaken to preserve Pun Uk, which was Grade I historic building, and turn it into a cultural museum for open to public without the need for public funding;
- (h) the use of the Site as a columbarium was a public gain since there was a high demand for niches by the public. It would not benefit anybody by leaving the Site vacant for an indefinite period of time; and
- (i) the uniqueness of facts and background of the subject application should not set a precedent to future applications.

6. The Secretary reported that both the Department of Justice and the outside Counsel were of the view that the TPAB’s decision was based on factual findings and exercise of discretion, and it was not advisable, from legal point of view, to pursue judicial review against the TPAB’s decision.

7. A Member noted that TPAB did not agree with the Board’s rejection reasons due to different considerations. In response, Mr Raymond K.W. Lee, Director of Planning, said that the Secretariat of the Board would study TPAB’s judgement and its implications on other similar applications for reference in future.

8. A copy of the TPAB’s decision had been sent to Members for reference before the meeting.

(ii) Appeal Statistics

9. The Secretary reported that as at 27.11.2017, a total of 9 cases were yet to be heard by the Town Planning Appeal Board.

10. Details of the appeal statistics are as follows:

Allowed	:	36
Dismissed	:	152
Abandoned/Withdrawn/Invalid	:	199
Yet to be Heard	:	9
Decision Outstanding	:	1
		<hr/>
		397

(iii) Judicial Review Lodged by Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd. against the Town Planning Board's Decision on the fulfillment of Approval Conditions in relation to a section 16 Application for Proposed Golf Course and Residential Development in Nam Sang Wai, Yuen Long
(HCAL 40 of 2014)

11. The Secretary reported that Nam Sang Wai Development Company Limited and Kleener Investment Limited (the Developers) were the applicants of the judicial review (JR) application. As the Developers were subsidiaries of Henderson Land Development Company Limited (Henderson), the following Members had declared interests on the item:

Ms Janice W.M. Lai]	
Mr Patrick H.T. Lau	]	having current business dealings with Henderson
Mr Ivan C.S. Fu]	
Professor S.C. Wong	]	being employees of the University of Hong Kong
(<i>The Vice-chairperson</i>)	]	(HKU) which had received donation from a family
Mr H.F. Leung	]	member of the Chairman of Henderson before
Dr Wilton W.T. Fok]	

- Dr C.H. Hau]
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received donation from a family member of the Chairman of Henderson before
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had received sponsorship from Henderson before
- Ms Christina M. Lee - having current business dealings with Henderson, and being Secretary General of the Hong Kong Metropolitan Sports Event Association which had received sponsorship from Henderson before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from an Executive Director of Henderson before
- Mr Wilson Y.W. Fung - being a Director of the Hong Kong Business Accountants Association which had received sponsorship from Henderson before
- Mr Franklin Yu] having past business dealings with Henderson
- Mr Stephen L.H. Liu]
- Mr K.K. Cheung] their firm having current business dealings with the
- Mr Alex T.H. Lai] Hong Kong and China Gas Company Limited, a subsidiary of Henderson

12. Members noted that Dr Wilton W.T. Fok, Mr K.K. Cheung and Mr Alex T.H. Lai had tendered apologies for being not able to attend the meeting. As the item was to report the withdrawal of the JR application, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

13. The Secretary reported that the JR application was lodged by the Developers against the decision of the Town Planning Board (the Board) made 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). The Court had not yet granted leave to the JR application.

14. The Developers 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 in relation to the same planning application. That JR was allowed by the Court of First Instance on 16.1.2014 and the Developers' appeals were subsequently dismissed by the Court of Appeal and the Court of Final Appeal on 18.6.2015 and 16.2.2017 respectively.

15. On 14.11.2017, the Developers and the Board filed a joint application to the Court for withdrawal of the subject JR application while the Developers would pay the Board an agreed cost of proceedings. On 24.11.2017, the Court granted leave for withdrawal of the JR application on the terms of the joint application.

16. Members noted that the JR application was withdrawn.

(iv) Judicial Review Application against the Decisions of the Chief Executive in Council and the Town Planning Board in respect of the Hoi Ha, Pak Lap and So Lo Pun Outline Zoning Plans (HCAL 28/2015)

17. The Secretary reported that the judicial review (JR) was lodged by Ms Chan Ka Lam, a founding member of the Save Our Country Parks Alliance and an ex-employee of Designing Hong Kong Limited (DHKL). Mr Thomas O.S. Ho had declared interest on the item as he personally knew Mr Paul Zimmerman, the co-founder and Chief Executive Officer of DHKL. As the item was to report on the court judgment and Mr Ho had no involvement in

the subject matter, Members agreed that he could stay in the meeting.

18. The Secretary reported that the JR application was against (i) the decision of the Chief Executive in Council (CE in C) to approve the draft Hoi Ha Outline Zoning Plan (OZP), the draft Pak Lap OZP and the draft So Lo Pun OZP (“the three draft OZPs”), and (ii) the decision of the Town Planning Board (the Board) to submit the three draft OZPs to the CE in C for approval.

19. On 24.11.2017, the Court of First Instance (CFI) handed down its judgment allowing the JR application and ordered that the Board should pay the cost of the applicant. In gist, the Court found that the Board failed to make inquiry into representations relating to: (i) genuine needs for development by indigenous villagers of the three draft OZPs; and (ii) inaccurate and deficient survey maps regarding the “Coastal Protection Area” zone on the Hoi Ha OZP. The Court also held that the CE in C’s decision to approve the three draft OZPs was tainted, or alternatively was unlawful for failure to provide adequate reasons for the approval. The Court ordered that the relevant decisions of the CE in C and the Board were quashed and the OZPs had to be remitted to the Board for reconsideration of the two issues mentioned above. A copy of the judgment had been sent to Members before the meeting.

20. The Secretariat of the Board was studying the judgment and seeking advice from the Department of Justice (DoJ) and outside Counsels. Application for appeal to the Court of Appeal should be lodged within 28 days of CFI’s decision (i.e. by 22.12.2017). Members’ views on the way forward would be sought in due course.

21. Members noted the CFI’s judgement and the Secretary would represent the Board in all matters in relation to the JR and take follow up actions in consultation with DoJ.

Sai Kung and Island District

Agenda Item 3

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-TMT/57

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai Mong Tsai, Sai Kung

(TPB Paper No. 10361)

[The item was conducted in Cantonese.]

22. The Secretary reported that on 24.11.2017, after issuance of the Town Planning Board (the Board) Paper, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for one month to allow sufficient time for the applicant to address government departments’ comments. It was the second time that the applicant requested deferment of the review hearing.

23. 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 prepare further information in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

24. After deliberation, the Board agreed to defer a decision on the review application for one month as requested by the applicant, and the review application would be submitted to the Board for consideration within three months upon receipt of the further information 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. The Board also agreed to advise the applicant that one month was allowed for preparation of submission of further information. Since it was the second deferment and a total of three months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Tsuen Wan & West Kowloon District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TWW/112

Proposed Minor Relaxation of Plot Ratio Restriction for Permitted House Development in
“Residential (Group C) 1” Zone, Lot 425 in D.D. 399, Ting Kau, Tsuen Wan

(TPB Paper No. 10366)

[The item was conducted in Cantonese/English.]

25. The Secretary reported that the following Members had declared interests on the item for owning property in the Tsuen Wan West area or having business dealings with K&K Chartered Architect & Associates (K&K), one of the consultants of the applicant:

Mr H.F. Leung	-	his spouse owning a property at Bellagio, Sham Tseng
Mr K.K. Cheung	]	their firm having current business dealings
Mr Alex T.H. Lai	]	with K&K

26. Members noted that Mr K.K. Cheung and Mr Alex T.H. Lai had tendered apologies for being not able to attend the meeting. As the property of the spouse of Mr H.F. Leung had no direct view of the application site (the Site), Members agreed that he could stay in the meeting.

Presentation and Question Sessions

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

Mr Lawrence Y.C. Chau	-	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning
-----------------------	---	--

Department (PlanD)

Miss Katy C.W. Fung - Senior Town Planner/Tsuen Wan (STP/TW),
PlanD

Mr Phill Black]

Mr Kenneth Chan]

Mr Thomas Luk] Applicant's representatives

Mr Duncan Fok]

Mr Siqing Hu]

Mr Yongbo Huang]

28. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

29. With the aid of a PowerPoint presentation, Miss Katy C.W. Fung, STP/TW, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), justifications provided by the applicant, and planning considerations and assessments as detailed in TPB Paper No. 10366 (the Paper).

[Mr Thomas O.S. Ho arrived to join the meeting during PlanD's presentation.]

30. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Kenneth Chan made the following main points:

- (a) a set of building plans had been approved for a proposed residential development with a plot ratio (PR) of 0.75 at the Site. The application for minor relaxation of PR to 1.0 at the Site was to add two wings at the northeast and northwest corners for garage and recreation/study/art/calligraphy rooms. The minor relaxation of PR could be absorbed into the single house design with the building height (BH)

maintained at 2 storeys, which was lower than the BH restriction of 3 storeys under the approved Tsuen Wan West Outline Zoning Plan (the OZP). As demonstrated by a number of photomontages, a stepped BH profile could be created from the waterfront to the uphill area with the lowering of the BH permitted under the OZP by one storey; and

- (b) if the Board considered that a PR of 1.0 was too high, the applicant was willing to reduce the proposed PR to 0.8625 (i.e. +15% from PR 0.75 permitted on the OZP), which could still be financially viable to fund the construction and maintenance costs for the three improvement proposals as planning gains for the local community as well as tourists. The Board could ensure the implementation of the improvement proposals, including the provision of coastal walkway, the access road upgrading and the maximum BH of 2 storeys at the Site, through the imposition of approval conditions.

31. With the aid of a PowerPoint presentation, Mr Phill Black, the applicant's representative, made the following main points:

- (a) the applicant did not agree with the rejection reasons given by the MPC, namely, no strong justification for the minor relaxation of PR, the lack of information on feasibility of the planning gains, and approval of the application would set an undesirable precedent and would like to provide further responses to the three aspects;

Justifications for Minor Relaxation of PR

- (b) according to the decision of a town planning appeal case No. 1 of 2014 by the Town Planning Appeal Board (TPAB), it was stated under the applicable principles that it was relevant to consider whether the proposed development would result in an additional gain to the community (Halsbury's Laws of Hong Kong, Vol. 48, §[385.270]). For the subject application, the proposed coastal walkway which should be considered as a desirable planning merit and an additional gain to the community, had

been downplayed and under-valued in the decision of the MPC;

- (c) the Site was situated at a unique location in a raised platform at the southern tip of a headland between Lido Beach and Ting Kau Beach. Currently, people in Ting Kau Beach needed to take a long detour, walk up passing through the existing villages, via Castle Peak Road-Ting Kau and walk down again to Lido Beach at the western side of the headland. The unique location of the Site offered an opportunity for the applicant to provide a convenient and interesting coastal link between the two public beaches. Similar coastal walkways had been provided in Repulse Bay and Deep Water Bay which were very popular;

Feasibility of the Coastal Walkway

- (d) it was not sensible to ask the applicant to demonstrate the technical feasibility of the improvement proposals to the satisfaction of relevant government departments at the planning stage. A more practical approach was to seek in-principle agreement from the Board first. The applicant could then liaise with relevant government departments to work out the technical details for the proposals. In fact, the site formation plan for the proposed house had already taken into account the proposed coastal walkway;
- (e) the lack of details on how the coastal walkway would be designed and built was not a legally sound reason to reject the application. The town planning appeal cases revealed that the implementability of a planning proposal was irrelevant in planning decisions, because normally in planning law, a clear distinction was drawn between the grant of planning permission and its implementation. According to the advice of TPAB in the town planning appeal case No. 18 of 2005, in the consideration of planning applications, the Board needed to consider that there was a possibility for putting the proposed development into effect;

Precedent Effect

- (f) the rejection reason that the approval of the application would set an undesirable precedent and the cumulative impact of approving similar applications would overstrain the capacity of the existing and planned infrastructure and result in adverse impacts on the environment and traffic in the area was totally irrelevant. Approval of the application would not set an undesirable precedent as each application would be considered based on its own merits and that the linked application site/coastal walkway proposal was unique on the OZP. The Board should be able to decide what the planning merit was in the proposal; and
- (g) approval of the minor relaxation of PR only applied to the lifespan of the house. If the house was redeveloped in future, any new development could only be built to a maximum PR of 0.75 as stipulated on the OZP.

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

Land Status and Maintenance Responsibility

33. The Chairperson and some Members raised the following questions:

- (a) the status of the land falling within the applicant's improvement proposals, including that related to the proposed widening of the vehicular access, slope upgrading works and coastal walkway; and
- (b) the existing and future management agents for the vehicular access, the slopes and the coastal walkway.

34. In response, Mr Lawrence Y.C. Chau, DPO/TWK, with the aid of some PowerPoint slides, said that the existing single-track vehicular access branching off from Castle Peak Road – Ting Kau to the Site fell within government land and was managed by the Government. The proposed slope upgrading works partly fell within the site boundary

and partly within the adjoining government land. While the slope falling within the Site should be maintained by the owner, there was no information at hand on the maintenance agent for the slope falling outside the Site. The proposed coastal walkway mainly fell within government land but there was a strip of private land near the waterfront area at the eastern section of the proposed walkway. There was an existing house near the beach blocking the proposed coastal walkway to the waterfront area.

35. In response, Mr Kenneth Chan, the applicant's representative, said that the applicant would conduct detailed design upon the Board's approval of the proposed development. Apart from the construction cost, the applicant was willing to be responsible for the future maintenance of the vehicular access, slope and coastal walkway including those areas falling within government land. In a recent meeting with the Leisure and Cultural Services Department (LCSD) regarding the proposed coastal walkway, the applicant had made clear that he would be responsible for the future maintenance of the walkway. The applicant considered that LCSD had no in-principle objection to the proposed coastal walkway.

Feasibility of the Coastal Walkway

36. The Chairperson and some Members raised the following questions:

- (a) the feasibility of the proposed coastal walkway given that it would involve a strip of private land and a private house, both not owned by the applicant;
- (b) whether the applicant had obtained consent from the private land owners regarding the proposed alignment of the coastal walkway;
- (c) the relevance of the development of a house at the Site and the construction of a coastal walkway linking up the two public beaches;
- (d) the community to be benefited from the proposed coastal walkway, and whether there was a strong demand for such a walkway given LCSD's advice that there was no strong need to link up the beaches and open space nearby;

- (e) the statistics for the two beaches such as the number of visitors and their time spent at the beaches;
- (f) whether paragraph 6.2(c) of the Paper stating that the proposed routing of the coastal walkway would fall on the flat land between the Site and Ting Kau Beach which was mainly occupied by private lots was factually correct;
- (g) the view of the residents in the nearby villages on the proposed coastal walkway; and
- (h) whether there was any standard design requirement for the waterfront promenade.

37. In response, Mr Phill Black, the applicant's representative, made the following points with the aid of some PowerPoint slides:

- (a) although there was an existing house near the eastern end of the proposed coastal walkway at Ting Kau Beach, there was still government land to the north of the house where the walkway could pass through. It was feasible for the eastern section of the walkway to be constructed at government land at a higher attitude through the trees along the coastal area;
- (b) they had not consulted the land owners of the strip of private land near Ting Kau Beach as they were only looking at opportunities on government land for the provision of the coastal walkway. Notwithstanding that, should the existing house near Ting Kau Beach be redeveloped to realize the full potential under the OZP, the Government might consider introducing a setback requirement upon its redevelopment;

- (c) as the Site was situated in the middle of the two public beaches, its unique location provided private-sector led opportunities to construct a coastal walkway to link up the beaches. To make the coastal walkway possible, the Board had to take the project a step forward by deciding whether the coastal walkway was good for the community, then the applicant could help facilitate the implementation of the walkway. As building plans for the proposed house (with PR 0.75) at the Site had been approved, the section of the coastal walkway near the Site could be realized immediately through the associated site formation works of the house. However, if the proposal was rejected due to the lack of detailed information on its technical feasibility, the opportunity for providing a coastal walkway would be lost after the house was developed. The Government would not provide a coastal walkway through public funds;
- (d) the proposed coastal walkway was not aiming to benefit the house owners but the community and the general public at large. LCSD had reservation on the proposal as a proper access had been provided for the Ting Kau Sitting Out Area (SOA) and the beaches, but the existing linkage between the two beaches through Castle Peak Road – Ting Kau was undesirable. According to their recent discussion with LCSD, it was noted that LCSD had no in-principle objection to the proposed coastal walkway, but required more details for further consideration; and
- (e) based on the applicant's understanding, no statistics had been kept by LCSD regarding the number of visitors and time spent by the visitors at the beaches. However, it was noted that the beaches were very popular in Tsuen Wan West area, which could be demonstrated by the frequent minibus services and the construction of a SOA near Lido Beach to the south of the Site.

38. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following points with the aid of some PowerPoint slides:

- (a) the description in paragraph 6.2(c) of the Paper was based on the indicative routing of the proposed coastal walkway provided by the applicant, which showed that the eastern section of the walkway would pass through private land;
- (b) among the nine public comments on the review application received, no comment was related to the proposed coastal walkway; and
- (c) the standard design requirements for the waterfront promenade might include accessibility, barrier-free access and greening.

PR Restriction for the “R(C)” zone

39. The Chairperson and some Members raised the following questions:

- (a) the background of the PR restrictions for the “R(C)” zone; and
- (b) whether there was any similar application for minor relaxation of PR from 0.75 to 1 in the “R(C)1” zone.

40. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following points with the aid of some PowerPoint slides:

- (a) there were a total of 26 sites zoned “R(C)” on the OZP. The PR restrictions for the “R(C)” zone were imposed based on the recommendation of the Review of Development Intensity of “R(C)” Zone in Tsuen Wan West considered by the MPC in 2001. In general, a two-tier PR restriction had been stipulated for “R(C)” zone, i.e. a maximum PR of 0.4, and upon obtaining permission of the Board, the PR be increased to 0.75 provided that noise impact from Castle Peak Road could be mitigated. In addition, the “R(C)” zone included four sub-zones with their respective development restrictions. There were two “R(C)1” sites located at a distance away from Castle Peak Road not

subject to noise impact. As such, they were subject to a maximum PR of 0.75 without the need to obtain planning permission. For “R(C)2” and “R(C)3” sub-zones, the maximum PR/gross floor area (GFA) could be increased to 1.2 and 7,268m² respectively upon obtaining permission of the Board provided that the noise impact from Castle Peak Road on the proposed development would be mitigated. There was no provision for “R(C)4” sub-zone to increase the PR in relation to noise mitigation; and

- (b) there were 20 previous applications within the “R(C)” zone for increasing the PR/GFA to the higher tier under the OZP with submission to demonstrate that the noise impact from Castle Peak Road on the proposed development could be mitigated. No similar application for minor relaxation of PR from 0.75 to 1 was received in the “R(C)1” zone.

41. On the PR and setting of precedent issues, Mr Phill Black, the applicant’s representative, supplemented that the existing PR for Aztec Lodge, which was occupied by a number of village houses to the immediate north of the Site and within the same “R(C)1” zone, should have an existing PR of about 1. While the owners of Aztec Lodge could also apply for minor relaxation of PR upon redevelopment, there might not be much merit as compared with the Site. In response to the Chairperson’s question, Mr Lawrence Y.C. Chau said that Aztec Lodge was currently occupied by seven New Territories Exempted Houses (NTEHs). It was noted that the existing PR of the site should be greater than 0.75 but there was no information on the PR of that site at hand.

Building Height

42. Two Members asked whether not pursuing the maximum BH of 3 storeys permitted under the OZP could be considered as a planning merit as claimed by the applicant. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that the Site was subject to a maximum BH of 25 ft in two storeys and a maximum site coverage of 66.66% under the lease. Apart from the restrictions of the OZP, the applicant also needed to comply with the requirements under the lease and the Buildings Ordinance. Mr Phill Black, the applicant’s representative, supplemented that while the BH restriction for the “R(C)1” zone under the OZP was 3 storeys including car park, the applicant only proposed to construct a 2-storey house and

it was noted that the Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comments from visual impact point of view.

Slope Maintenance Works

43. Some Members raised the following questions:

- (a) whether the applicant was responsible for the maintenance of the slopes adjacent to the Site no matter the subject application was approved or not; and
- (b) if the proposed coastal walkway was not constructed, whether there would be any structure falling outside the site boundary in the site formation works.

44. In response, Mr Kenneth Chan and Mr Duncan Fok, the applicant's representatives, made the following points:

- (a) if the proposed development was built on a PR of 0.75 without minor relaxation of PR, all slope maintenance works to be conducted by the applicant would be confined within the site boundary; and
- (b) without prior approval by the Government, all works including site formation works could not be conducted outside the site boundary.

Vehicular Access

45. In response to the questions of the Chairperson and a Member, Mr Lawrence Y.C. Chau, DPO/TWK, said that there was a single-track local access road branching off from Castle Peak Road – Ting Kau to the three sites in the “R(C)1” zone including the subject site. It was a public road on government land constructed and maintained by the Government.

Other Aspects

46. A Member asked about the detail of the town planning appeal case quoted by the applicant. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that the town planning appeal case quoted by the applicant was No. 18 of 2005. In the decision of that case, it was noted that TPAB was concerned whether the proposal under application could be implemented should the appeal be allowed.

47. Noting that there was a staircase leading from the Site to a boundary fence with gates to the south of the Site, a Member asked if these facilities were belonged to and managed by the applicant. In response, Mr Kenneth Chan and Mr Duncan Fok, the applicant's representatives, said that all facilities outside the site boundary were not maintained by the land owner. It was noted that there was landslide after heavy rains in previous years, and the Government had undertaken some maintenance works on the slopes.

48. The Chairperson asked assuming that the Board were to accept that the improvement proposals could be implemented, whether there would be any adverse impact in relation to the proposed minor relaxation of PR. In response, Mr Lawrence Y.C. Chau said that putting the issue on implementation aside, there was about 8.5ha of land zoned "R(C)" on the OZP and most of the sites were allowed to a higher PR under the lease. If the subject application was approved, it might have precedent effect for similar applications for minor relaxation of PR involving these sites. The cumulative impact of GFA increase could be substantial and would result in adverse environmental and traffic impacts in the area.

49. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked the representatives of PlanD and the applicant's representatives for attending the meeting. They all left the meeting at this point.

[Professor S.C. Wong left the meeting during the question and answer session.]

Deliberation Session

50. Regarding the applicant's claim that the implementation of a proposal seeking planning permission was irrelevant with reference to a town planning appeal case, and the Board could ensure the implementation of the improvement proposals through imposition of approval conditions, Mr Raymond K.W. Lee, the Director of Planning, said that if there was no insurmountable technical problem, a planning application might be approved subject to imposition of approval conditions to cover detailed aspects of technical concerns. In general, the approval condition should be imposed according to the "Newbury Principle" in that it was for a planning purpose, fairly and reasonably related to the development for which permission was granted, reasonable in all respects, necessary, enforceable and precise. In response to the questions of the Chairperson and a Member, Mr Raymond K.W. Lee said that if the approval condition was not fairly and reasonably related to the development proposal and outside the application site, it would be difficult to ensure the implementation of the condition under the existing development control mechanism. There might be risk that the approval condition could not be enforced when the applicant failed to implement the improvement proposals as promised after the proposed house development at the application site was completed.

51. In response to a Member's query on what kind of planning merit was relevant to the consideration of minor relaxation of PR, Mr Raymond K.W. Lee said that the criteria for consideration of applications for minor relaxation of PR had been stated in paragraph 9.5.8 of the Explanatory Statement of the OZP, i.e. to provide flexibility for innovative design adapted to the characteristics of particular sites.

52. A Member opined that a proposal could only be considered as a planning merit if its relevance to public interest could be established. Apart from sufficient information to demonstrate the technical feasibility of the proposal, whether there was sufficient public interest should be one of the justifications for minor relaxation of PR. For the subject application, it was doubtful if there was sufficient public interest to justify a minor relaxation of more than 30% of the allowable PR.

53. A Member said that the planning merit should be related to the proposed development. As the proposed coastal walkway was not directly related to the proposed development, it was difficult to relate the planning merit arising from approving the additional

PR for the proposed development. Besides, the applicant had not demonstrated that there was a genuine need of a coastal walkway to link up the two public beaches. Should there be a need from the local community for a coastal walkway, it would be better to be designed and constructed by the Government rather than a private house owner. The application was not supported as there was no strong justification for the proposed minor relaxation of PR and the public interest of the coastal walkway was uncertain.

54. Three Members concurred with the above views and did not support the application. They considered that imposing approval conditions for the implementation of the improvement proposals not related to the development was not appropriate, and the applicant had failed to demonstrate that the proposed coastal walkway was welcomed by the local community and technically feasible. As such, the proposed coastal walkway could not be considered as a planning merit to justify the proposed relaxation of PR.

55. With respect to the applicant's proposal to reduce the PR of the proposed development from 1.0 to 0.8625 at the meeting, Mr Raymond K.W. Lee said that it would be difficult for the Board to give consideration to new proposals raised in the meeting of the review hearing, particularly when relevant parties including government departments had not been given the opportunity to comment on any new proposal raised on the spot. There were previous cases that the Board did not consider new proposal raised by applicant at the review hearing.

56. Members in general considered that there was no strong justification submitted by the applicant which warranted a departure from the MPC's decision of rejecting the application.

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

- “(a) as the applicant failed to demonstrate that the improvement proposals, including the coastal walkway, widening of vehicular access and slope upgrading works, were required to serve the public interest of the local community and feasible, they cannot be considered as planning merits. Besides, the improvement proposals may not be enforceable through approval condition as they are not fairly and reasonably related to the

proposed development; and

- (b) the approval of the application would set an undesirable precedent for similar applications to relax the development restriction. The cumulative impact of approving such applications would overstrain the capacity of the existing and planned infrastructure and result in adverse impacts on the environment and traffic in the area.”

Procedural Matters

Agenda Item 5

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1 (TPB Paper No. 10359)

[The item was conducted in Cantonese.]

58. The Secretary reported that the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (HSK OZP) No. S/HSK/1 involved zoning of sites for proposed public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), and development of the proposed West Rail Hung Shui Kiu (HSK) Station by the Mass Transit Railway Corporation Limited (MTRCL). The following Members had declared interests on the item, for being associated/having business dealings with HKHA, Masterplan Limited (Masterplan) (R1), MTRCL (R14), Percy Thomas Partnership (HK) Limited (Percy) (R109) and Hong Kong and China Gas Company Limited (Towngas) (R119) which was partly owned by Henderson Land Development Company Limited (Henderson), or affiliated with the World Wide Fund for Nature Hong Kong (WWF-HK) (R8), the Conservancy Association (CA) (R117), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL) (R17) and the Hong Kong Bird Watching Society (HKBWS) (C11):

- Mr Raymond K.W. Lee - being a member of the Strategic Planning
(*as Director of Planning*) Committee (SPC) and Building Committee of
HKHA
- Mr Thomas C.C. Chan - being a member of HKHA
(*as Director of Lands*)
- Mr Martin W.C. Kwan - being an alternate member for the Director of
(*as Chief Engineer Home Affairs who was a member of SPC and*
(*Works*), *Home Affairs Subsidized Housing Committee of HKHA*
Department)
- Mr H.F. Leung - being a member of the Tender Committee of
HKHA, a convenor of the Railway Objections
Hearing Panel and an employee of the University
of Hong Kong (HKU) which had received a
donation from a family member of the Chairman
of Henderson before
- Ms Janice W.M. Lai - having current business dealings with HKHA,
MTRCL and Henderson, and her spouse was a
shareholder of a company which owned two
pieces of land in Ha Tsuen
- Mr Patrick H.T. Lau - having current business dealings with HKHA,
MTRCL, Percy and Henderson
- Mr Thomas O.S. Ho - having current business dealings with HKHA
and MTRCL, personally knowing the co-founder
and Chief Executive Officer of DHKL
- Mr Ivan C.S. Fu - having current business dealings with MTRCL,
Masterplan and Henderson, and past business

dealings with HKHA

- Dr C.H. Hau - having current business dealings with HKHA; being a member of HKBWS; a life member of CA and his wife was the Honorary Secretary of the Board of Director of CA; a past member of the Conservation Advisory Committee of WWF-HK; and an employee of the HKU which had received a donation from a family member of the Chairman of Henderson before
- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKHA, MTRCL, Towngas and a representative of CA
- Mr Stephen L.H. Liu] having past business dealings with HKHA,
Mr Franklin Yu] MTRCL and Henderson
- Professor S.C. Wong - being a member of the Advisory Committee for
(*Vice-chairperson*) Accredited Programme of MTR Academy, and an employee of HKU which had received a donation from a family member of the Chairman of Henderson before
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work
- Dr Wilton W.T. Fok - being an employee of HKU which had received a donation from a family member of the Chairman of Henderson before
- Mr Wilson Y.W. Fung - being a Director of the Hong Kong Business Accountants Association which had received

sponsorship from Henderson before

- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of Henderson before
- Ms Christina M. Lee - having current business dealings with Henderson, and being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from Henderson before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of Henderson before
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had received sponsorship from Henderson before

59. Members noted that Mr K.K. Cheung, Mr Alex T.H. Lai and Dr Wilton W.T. Fok had tendered apologies for being not able to attend the meeting and Professor S.C. Wong had already left the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

60. The Secretary briefly introduced the Paper. On 26.5.2017, the draft HSK OZP No. S/HSK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 118 valid representations and 385 comments on the representations (comments) were received. Since HSK New Development Area would be developed into the next generation of new town and the new draft HSK OZP had attracted much public interest, the representations and comments would be considered by the full Board. Due to the numbers of representations and comments received, the hearing could not be accommodated in the

Board's regular meeting and separate hearing sessions would be necessary.

61. As the representations and comments were similar/inter-related in nature, they could be considered collectively in one group. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for commencement in January/February 2018.

62. After deliberation, the Board agreed that:

- (a) the representations and comments should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 6

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/8, Draft Ping Shan OZP No. S/YL-PS/17, Draft Tin Shui Wai OZP No. S/TSW/13, Draft Lam Tei & Yick Yuen OZP No. S/TM-LTY/9 and Draft Ha Tsuen Fringe OZP No. S/YL-HTF/11

(TPB Paper No. 10360)

[The item was conducted in Cantonese.]

63. The Secretary reported that the following Members had declared interests on the item, for being affiliated with Conservancy Association (CA) (R2 on the five draft OZPs), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL) (R3 on the Draft Ha Tsuen Fringe OZP):

- Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL
- Dr C.H. Hau - being a life member of CA and his wife was the Honorary Secretary of the Board of Director of CA
- Mr K.K. Cheung] their firm having current business dealings with a
Mr Alex T.H. Lai] representative of CA

64. Members noted that Mr K.K. Cheung and Mr Alex T.H. Lai had tendered apologies for being not able to attend the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

65. The Secretary briefly introduced the Paper. On 26.5.2017, the five draft OZPs were exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 14 representations and 13 comments on representations (comments) with respect to the five draft OZPs were received. Among the comments received, C1, C2 and C4 of the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (LFS OZP) were not related to the amendment item of the LFS OZP. They were considered invalid and should be treated as not having been made.

66. Since the amendments to the OZPs were made for Hung Shui Kiu New Development Area, which had attracted much public interest, the representations and comments would be considered by the full Board. In view of the small number of representations and comments, the hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

67. As the representations and comments were similar in nature, they could be considered collectively in one group. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for commencement in January/February

2018.

68. After deliberation, the Board agreed that:
- (a) C1, C2 and C4 of the LFS OZP were invalid and should be treated as not having been made;
 - (b) the representations and comments of the five draft OZPs should be considered collectively in one group by the Board itself; and
 - (c) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft Sha Tin Outline Zoning Plan No. S/ST/33 Arising from the Consideration of Representations and Comments made on the Draft Sha Tin Outline Zoning Plan No. S/ST/33

(TPB Paper No. 10367)

[The item was conducted in Cantonese.]

69. The Secretary reported that the Town Planning Board (the Board) had decided to uphold/partially uphold some representations by reverting the zoning of the site at On Muk Street from “Residential (Group A) 6” (“R(A)6”) back to “Open Space” (“O”) on the draft Sha Tin Outline Zoning Plan No. S/ST/33 (the draft OZP). The On Muk Street site was previously proposed for public housing development by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA). The Chairman of Building Committee of the HKHA (F1) and two Members of HKHA (F2) had submitted further representations. The following Members had declared interests on the item, for being associated/having business dealings with HKHA and Ove Arup & Partners Hong Kong Limited (Arup) (the consultant for the proposed public housing development commissioned by

HKHA), or affiliated with Mary Mulvihill (R207/C541), or owning property or family member owning property in Sha Tin:

- | | | |
|---|---|--|
| Mr Raymond K.W. Lee
(as Director of Planning) | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Thomas C.C. Chan
(as Director of Lands) | - | being a member of HKHA |
| Mr Martin W.C. Kwan
(as Chief Engineer
(Works), Home Affairs
Department) | - | being an alternate member for the Director of Home Affairs who was a member of SPC and Subsidized Housing Committee of HKHA |
| Mr H.F. Leung | - | being a member of the Tender Committee of HKHA |
| Mr Thomas O.S. Ho | - | having current business dealings with HKHA |
| Mr Patrick H.T. Lau |] | having current business dealings with HKHA and Arup |
| Ms Janice W.M. Lai |] | |
| Dr C.H. Hau | - | having current business dealings with HKHA |
| Dr Lawrence W.C. Poon | - | family member living in Sha Tin and his spouse being a civil servant of the Housing Department but not involved in planning work |
| Mr Ivan C.S. Fu | - | having current business dealings with Arup and past business dealings with HKHA |
| Mr Stephen L.H. Liu | - | having past business dealings with HKHA |
| Mr Franklin Yu | - | having past business dealings with HKHA and Arup |

Professor S.C. Wong (<i>Vice-chairperson</i>)	-	having current business dealings with Arup
Mr Alex T.H. Lai	]	their firm having current business dealings with HKHA
Mr K.K. Cheung	]	and Arup, and hiring Ms Mary Mulvihill on a contract basis from time to time
Dr Frankie W.C. Yeung	]	owning property in Sha Tin
Professor K.C. Chau]	
Ms Christina M. Lee	-	her spouse owning property in Tai Wai, Sha Tin

70. Members noted that Mr K.K. Cheung and Mr Alex T.H. Lai had tendered apologies for being not able to attend the meeting and Professor S.C. Wong had already left the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

71. The Secretary briefly introduced the Paper. On 13.1.2017, the draft OZP was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,666 valid representations and 542 valid comments on representations were received. After consideration of the representations and comments on 15.9.2017 and 22.9.2017, the Board decided to uphold/partially uphold 932 representations by reverting the zoning of the site at On Muk Street from “R(A)6” back to “O”.

72. On 13.10.2017, the proposed amendment was exhibited for public inspection under section 6C(2) of the Ordinance and a total of 189 further representations (FRs) were received. Among the 189 FRs, F187 and F188 were submitted by the original representers R1 and R4 respectively on the subject amendment item, and the Board had proposed amendment to meet their representations. Besides, F189 was providing adverse comments not related to the proposed amendment item. Therefore, F187 to F189 were considered as invalid and should be treated as not having been made.

73. As the representations and comments were considered by the full Board, the FRs would be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session might be arranged if necessary.

74. As the FRs were similar in nature, they could be considered collectively in one group. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each original representer/commenter and further representer in the hearing session. Consideration of the FRs by the full Board was tentatively scheduled for February 2018.

75. After deliberation, the Board agreed that:

- (a) F187 to F189 were invalid and should be treated as not having been made;
- (b) the FRs should be considered collectively in one group by the Board itself; and
- (c) a 10-minute presentation time would be allotted to each original representer/commenter and further representer.

Agenda Item 8

[Open Meeting]

Submission of the Draft Tai Ho Outline Zoning Plan No. S/I-TH/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 10368)

[The item was conducted in Cantonese.]

76. The Secretary said that discussion on the item would be rescheduled, pending further consideration of the judgement of the Court of First Instance on a judicial review which was reported under Agenda Item 2 (iv).

Agenda Item 9

[Open Meeting]

Submission of the Draft Lok Ma Chau Loop Outline Zoning Plan No. S/LMCL/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10369)

[The item was conducted in Cantonese.]

77. The Secretary reported that the proposed Hong Kong-Shenzhen Innovation and Technology Park (IT Park) at Lok Ma Chau Loop (LMCL) would be developed and managed by the Hong Kong Science and Technology Parks Corporation (HKSTPC). The following Members had declared interests on the item for having affiliation with HKSTPC, The Hong Kong Bird Watching Society (HKBWS) (R2), The Conservancy Association (CA) (R3), World Wide Fund for Nature Hong Kong (WWF-HK) (R4), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL) (R5) and/or Kadoorie Farm and Botanic Garden (KFBG) (R6):

Mr K.K. Cheung	]	their firm having current business dealings
Mr Alex T.H. Lai	]	with HKSTPC, a representative of CA and KFBG

Mr Dominic K.K. Lam	]	having past business dealings with HKSTPC
Mr Stephen L.H. Liu]	

Dr C.H. Hau	-	being a member of HKBWS; a life member of CA and his wife was the Honorary Secretary of the Board of Director of CA; and being a past member of the Conservation Advisory Committee of WWF-HK
-------------	---	---

Mr Thomas O.S. Ho	-	personally knowing the co-founder and Chief Executive Officer of DHKL
-------------------	---	---

78. Members noted that Mr K.K. Cheung and Mr Alex T.H. Lai had tendered apologies for being not able to attend the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

79. The Secretary briefly introduced the Paper. On 9.6.2017, the draft Lok Ma Chau Loop Outline Zoning Plan (OZP) No. S/LMCL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of eight representations and three comments on the representations were received. After giving consideration to the representations and comments on 17.11.2017, the Board decided not to propose any amendment to the draft OZP to meet the representations.

80. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

81. After deliberation, the Board:

- (a) agreed that the draft Lok Ma Chau Loop OZP No. S/LMCL/1A 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 Explanatory Statement (ES) for the draft Lok Ma Chau Loop OZP No. S/LMCL/1A 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 to be 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

[Confidential Item] [Closed Meeting]

82. The item was recorded under confidential cover.

Agenda Item 11

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

83. There being no other business, the meeting was closed at 11:15 a.m.