

**Minutes of the 1231st Meeting of the
Town Planning Board held on 25.9.2020**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Mr Y.S. Wong

Chief Traffic Engineer (Hong Kong),
Transport Department
Mr M.K. Cheung

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Lawrence K.C. Li

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun

Senior Town Planner/Town Planning Board

Miss Anissa W.Y. Lai

Opening Remarks

[Open Meeting]

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1230th Meeting held on 11.9.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1230th meeting held on 11.9.2020 would be sent to Members after the meeting.

[Post-meeting Note : The draft minutes were sent to Members on 29.9.2020. No proposed amendments were received from Members by the deadline on 30.9.2020. The minutes were confirmed on 30.9.2020 without amendment.]

Agenda Item 2

Matters Arising

[The item was conducted in Cantonese.]

- (i) Reference Back of Approved Outline Zoning Plans

[Open Meeting]

3. The Secretary reported that on 25.8.2020, the Chief Executive in Council referred the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9, the approved Tin Shui Wai OZP No. S/TSW/14, and the approved Kwu Tung South OZP No. S/NE-KTS/16 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the three OZPs was notified in the Gazette on 4.9.2020.

(ii) New Town Planning Appeal Received
[Open Meeting]

Town Planning Appeal No. 6 of 2020

Filling and Excavation of Land for Permitted Agricultural Use in “Green Belt”
Zone, Lot 1236 S.B in D.D. 129, Lau Fau Shan, and Yuen Long

(Application No. A/YL-LFS/359)

4. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 9.9.2020 against the decision of the Town Planning Board (the Board) on 17.7.2020 to reject on review an application (No. A/YL-LFS/359) for proposed filling and excavation of land for permitted agricultural use at a site zoned “Green Belt” (“GB”) on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/9.

5. The review application was rejected by the Board for the following reasons :

(a) the application was not in line with the planning intention of the “GB” zone and the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the filling and excavation of land, which had been completed, involved clearance of natural vegetation, thereby adversely affecting the natural landscape and being incompatible with the surrounding areas; and

(b) the applicants failed to justify the need for land filling and excavation.

6. Members noted that the hearing date(s) of the appeal was 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.

(iii) Appeal Statistics
[Open Meeting]

7. The Secretary reported that as at 25.9.2020, a total of 16 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	36
Dismissed	:	163
Abandoned/Withdrawn/Invalid	:	203
Yet to be Heard	:	16
Decision Outstanding	:	2
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Total	:	420

(iv) [Confidential Item] [Closed Meeting]

8. The item was recorded under confidential cover.

[Dr Frankie W.C. Yeung and Mr Franklin Yu joined the meeting at this point.]

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-LFS/356

Proposed Temporary Electric Vehicle Charging Station and Private Car Vehicle Park with Ancillary Office and Shroff for a Period of 3 Years in “Residential (Group C)” Zone, Lot 2150 in D.D. 129, Lau Fau Shan, Yuen Long

(TPB Paper No. 10678)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

9. The Secretary said that the applicant had informed the Secretariat that the applicant and his representative would not attend the meeting.

10. Mr Kepler S.Y. Yuen, District Planning Officer/Tuen Mun & Yuen Long West District, Planning Department (DPO/TM & YLW, PlanD), was invited to the meeting at this point.

11. The Chairperson extended a welcome and invited DPO/TM & YLW, PlanD, to brief Members on the review application.

12. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TM & YLW, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), public comments and planning considerations and assessments as detailed in TPB Paper No. 10678 (the Paper).

13. As the presentation of PlanD's representative was completed, the Chairperson invited questions from Members.

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

- (a) whether there were any public car parking spaces in the vicinity of the application site and whether the Government had any plan to provide more public car parking spaces in the area;
- (b) whether there was any plan for widening of Deep Bay Road;
- (c) the existing provision of car parking spaces in the adjoining residential development of Deep Bay Grove;
- (d) access arrangement of the proposed vehicle park and adjoining Deep Bay Grove;

- (e) whether there was public comment from the nearby residents of Deep Bay Grove on the application; and
- (f) with reference to the comment of the Transport Department that the proposed development might induce additional traffic flow to Deep Bay Road, whether the “Residential (Group C)” (“R(C)”) zoning for the site was still appropriate.

15. In response, Mr Kepler S.Y. Yuen, DPO/TM & YLW, PlanD, made the following main points:

- (a) there were existing vehicle parks for private cars within the “Commercial/Residential” zone to the north-east of the application site along Deep Bay Road and near the roundabout at the junction of Lau Fau Shan Road and Deep Bay Road. There was currently no proposal by the Government for provision of additional public car parking spaces in the area;
- (b) Deep Bay Road was a single track road of about 3m to 6m in width. To cope with the development of Hung Shui Kiu New Development Area, there would be long-term improvement to the surrounding road networks in the area to enhance accessibility. It was also noted that the Transport Department had initial plan to widen Deep Bay Road;
- (c) the number of flats at Deep Bay Grove was 120, while the provision of car parking spaces was about 66. The provision was already higher than the requirement as set in the Hong Kong Planning Standards and Guidelines;
- (d) the application site was accessible via a local track which allowed two-way traffic connecting to Deep Bay Road. The local track was also the access to the adjacent low-rise residential development of Deep Bay Grove;
- (e) according to the applicant, the application was submitted in response to the referral by a member of the Yuen Long District Council of the concerned

constituency as per request by Deep Bay Grove's residents for more car parks. However, opposing comments from Deep Bay Grove Owners' Corporation were received during both the s.16 application stage and the review application stage; and

- (f) the site was zoned "R(C)" for low-rise, low density residential developments. With a maximum plot ratio of 0.4, the traffic generation was expected to be insignificant, and the zoning designation had taken into account the possible traffic generation.

16. As Members had no further question, the Chairperson said the Board would deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked Mr Kepler S.Y. Yuen, DPO/TM & YLW, for attending the meeting. Mr Yuen left the meeting at this point.

Deliberation Session

17. The Chairperson invited Members to give views on whether there were any new justifications to deviate from the decision of the RNTPC.

18. A Member noted that the Commissioner for Transport had concerns on the application as there was insufficient information from the applicant to demonstrate that the proposed development would not have adverse traffic impact on the adjacent road network. The Member also noted that public comments from Deep Bay Grove Owners' Corporation opposing the application were received, as such, the applicant's claim that the application was submitted based on the request by the Deep Bay Grove's residents was doubtful. It was considered that the proposed temporary private vehicle park was to serve visitors to the area instead of the local residents. Moreover, the provision of electric car charging station did not add merits to the application as additional benefit of such provision in car park would be minimal.

19. A Member pointed out that Lau Fau Shan had long been the local centre for oyster farming and well known for its seafood market and restaurants attracting visitors and tourists. However, there were limited parking spaces to serve the visitors, and the area near

the roundabout at Lau Fau Shan Road and Deep Bay Road was often subject to traffic congestion during weekends and public holidays. The same Member considered that there was a need to improve the transport facilities in the area. In response, the Chairperson said that minor local improvement works could be carried out by relevant departments such as the Home Affairs Department (HAD) under the established mechanism, taking into account advice from the District Council. The concern regarding local transport facilities in the area could be conveyed to relevant departments including HAD and Transport Department for their reference and any follow-up action deemed appropriate.

20. Members in general considered that there was no change in planning circumstances since the consideration of the subject application by the RNTPC and the applicant had not submitted any further information to justify a departure from the RNTPC's decision.

21. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “(a) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (b) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “Residential (Group C)” zone, the cumulative effect of which would result in adverse traffic impact in the area.”

Hong Kong District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on Proposed Amendment to the Draft Pok Fu Lam Outline Zoning Plan No. S/H10/18 Arising from Consideration of Representations and Comments on the Draft Outline Zoning Plan
(TPB Paper No. 10677)

[The item was conducted in Cantonese.]

22. The Secretary reported that the proposed amendment items to the draft Pok Fu Lam Outline Zoning Plan (the OZP) were related to sites in Pok Fu Lam and at/near Cyberport. The Hong Kong Cyberport Management Company Limited (HKCMCL) (R6/C1/F15) with Urbis Limited (Urbis) as the consultant for the Cyberport expansion project, Hong Kong United Youth Science and Technology Association (HKUYSTA) (R7), the Mass Transit Railway Corporation Limited (MTRCL) (R21), Hong Kong New Generation Cultural Association (HKNCGCA) (R29), Island South Property Management Limited (ISPML) (R105) and Ms Mary Mulvihill (R161/C32) had submitted representations/comments/further representation. The following Members had declared interests on the item :

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| Mr Thomas O.S. Ho | - having current business dealings with Urbis and past business dealings with MTRCL; |
| Mr K.K. Cheung | - his firm having current business dealings with Urbis, HKCMCL, MTRCL, HKNCGCA and ISPML, and hiring Ms Mary Mulvihill on a contract basis from time to time; |
| Mr Alex T.H. Lai | - his former firm having current business dealings with Urbis, HKCMCL, MTRCL, HKNCGCA and ISPML, and hiring Ms Mary Mulvihill on a contract basis from time to time; |
| Mr. Stanley Choi | - being the Director of Hong Kong United Youth Association Limited which was the parent association of the HKUYSTA; |
| Ms Sandy H.Y. Wong | - being a personal friend of the Chief Executive Officer of HKCMCL; |
| Mr Peter K.T. Yuen | - being a member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects; |

- Professor T.S. Liu - collaborating with the Caritas Pokfulam Community Development Project Centre at Pok Fu Lam Village in carrying out an education programme;
- Mr Stephen L.H. Liu - co-owning with spouse three flats in Pok Fu Lam; and
- Professor Jonathan W.C. Wong] family member(s) living in Wah Fu Estate.
Mr Gavin C.T. Tse]

23. As the interests of Mr Peter K.T. Yuen and Professor T.S. Liu were indirect, Messrs K.K. Cheung, Thomas O.S. Ho, Alex T.H. Lai, Stanley T.S. Choi, and Ms Sandy H.Y. Wong had no involvement in the representations/comments/further representations, and the properties of Mr. Stephen L.H. Liu, and the residence of Professor Jonathan W.C. Wong's and Mr Gavin C.T. Tse's family member(s) did not have direct view of the representation sites, Members agreed that they could stay in the meeting.

24. The Chairperson said that while the presentation and question sessions would be conducted in open meeting, the deliberation session would be closed as it might involve legal matters.

Presentation and Question Sessions

25. Mr Louis K.H. Kau, District Planning Officer/Hong Kong (DPO/HK, PlanD) was invited to the meeting at this point.

26. The Chairperson extended a welcome. She then invited DPO/HK, PlanD to brief Members on the further representations to the OZP.

27. With the aid of a PowerPoint presentation, Mr Louis K.H. Kau, DPO/HK, PlanD, briefed Members on the further representations (FRs) as detailed in TPB Paper No. 10677 (the Paper). On 5.6.2020, after giving consideration to the 780 representations and 32 comments, the Board decided to partially uphold 677 representations by revising the Notes

for the “Other Specified Uses” annotated “Cyber-Port(1)” (“OU(Cyber-Port)(1)”) zone to incorporate the requirement relating to the submission of a layout plan. On 26.6.2020, the proposed amendment was exhibited for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance). Upon expiry of the three-week exhibition period, a total of 16 FRs were received. Among the 16 FRs received, F1 to F15 supported/appreciated the proposed amendment. Nevertheless, F1 to F8 indicated that they opposed the failure to extend the layout plan requirement to the adjoining Cyberport Waterfront Park in an area zoned as “Open Space” (“O”) on the draft OZP and they also provided views on waterfront connectivity along the coastal area of Pok Fu Lam, both of which were considered not related to the proposed amendment. F16, which provided views not related to the proposed amendment item but related to waterfront connectivity along the coastal area of Pok Fu Lam, should be considered as invalid. As no FR indicated that it was made in opposition to the proposed amendment to the “OU(Cyber-Port)(1)” zone, the hearing of FRs should not apply.

28. The Secretary reported that after the Paper had been issued, emails were received from F1, F2, F4 and F5 stating that their submissions were objections to the proposed amendment, and requesting that their submissions be categorised as adverse FRs rather than supportive FRs and to be heard by the Board at the further hearing meeting. F16 also sent email stating that her FR should not be treated as invalid and she was objecting to the proposed amendment. On top of that, Mr Paul Zimmerman, Southern District Council Member and an original representer (R102), wrote to the Chairperson of the Board highlighting the concerns on the matter and the requests from residents in the area who had submitted FRs to the OZP. The six letters/emails had been forwarded to Members before the meeting.

29. The Secretary further said that it had been stated in the concerned further representers’ submissions that while they supported the changes to the Explanatory Statement (ES) regarding connectivity along the waterfront, they urged for revision to the Notes of the OZP to include the waterfront promenade connectivity. The Secretary drew Members’ attention that the said changes to the ES did not form part of the proposed amendment exhibited under section 6C(2) of the Ordinance.

30. The Chairperson said that the concerned further representers objected to PlanD’s

views and recommendations set out in the Paper that there was no FR in opposition to the proposed amendment exhibited for public inspection under section 6C(2) of the Ordinance and that requirement for hearing of the FRs would not apply. As such, Members' discussion should focus on that viewpoint. The Chairperson then invited questions from Members.

The proposed amendment

31. The Chairperson raised the following questions:

- (a) whether the Cyberport Waterfront Park and waterfront along the coastal area of Pok Fu Lam fell within area(s) which was the subject of the proposed amendment; and
- (b) whether the submissions with proposals to (i) extend the submission of layout plan requirement to the Cyberport Waterfront Park under "O" zone, and (ii) include waterfront connectivity along the coastal area of Pok Fu Lam into the Notes of the OZP, could be considered as valid FRs;

32. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following main points:

- (a) the proposed amendment to the OZP arising from consideration of representations and comments involved only revision to the Remarks of the Notes for the "OU(Cyber-Port)(1)" zone which was stated clearly in the gazette documents exhibited for public inspection on 26.6.2020. Both the Cyberport Waterfront Park under the "O" zone and the waterfront along the coastal area of Pok Fu Lam fell outside the boundary of the "OU(Cyber-Port)(1)" zone and were therefore not part of the proposed amendment. In accordance with section 6D of the Ordinance, FRs to the Board should be made only in respect of the proposed amendment(s); and
- (b) the revisions to paragraphs 7.6.3, 7.7.2 and 7.8.4 of the ES of the OZP

were to reflect Members' views/concerns raised in the hearing meeting held on 5.6.2020. The gazette documents clearly stated that the revisions to the ES did not form part of the proposed amendment to the draft OZP. In addition, the ES did not constitute a part of the OZP though it reflected the planning intention and objectives of the Board for the various land use zones of the OZP.

Further representations not related to the proposed amendment

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

- (a) as stated in paragraph 7.8.4 of the ES that the layout plan submission was to ensure an integrated and compatible layout for the development at the site taking into account the site constraint and surrounding development, how the layout plan submission could take into consideration surrounding developments if the layout plan submission requirement was not extended to the adjoining areas, and the basis of the assessment criteria in scrutinizing the layout plan submission;
- (b) whether incorporation of the layout plan requirement for the "O" zone would be appropriate;
- (c) whether a review on the waterfront connectivity along the coastal area of Pok Fu Lam was considered necessary and whether the views of F16 related to waterfront connectivity along the coastal area of Pok Fu Lam could be incorporated in the ES of the draft OZP;
- (d) if the Board accepted that waterfront connectivity along the coastal area of Pok Fu Lam was related to the proposed amendment, what the statutory procedures would be to be followed; and
- (e) whether legal advice had been sought on the challenge from the concerned further representers; and whether there was a review mechanism for those further representers if the Board had accepted the proposed amendment without inviting them to a further hearing meeting.

34. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following main points:

- (a) the requirement of the layout plan submission for the “OU(Cyber-Port)(1)” zone had been specified in both the Notes and ES of the OZP. Paragraph 3 of the Remarks to the Notes for the “OU(Cyber-Port)(1)” zone had set out the detailed requirements for the layout plan submission. In scrutinizing the layout plan of the “OU(Cyber-Port)(1)” zone, the Board would also take into account surrounding developments including the adjoining Cyberport Waterfront Park;
- (b) based on his experience, there was no submission of layout plan requirement for development of “O” zones. The design and implementation of open space development were overseen by the Leisure and Cultural Services Department or the relevant implementation agent in consultation with the concerned departments. In the course of implementation of open space developments, the respective District Council would also be consulted as appropriate;
- (c) due consideration had already been given by the Board to the representers’/commenters’ views on waterfront connectivity along the coastal area of Pok Fu Lam in the hearing meeting held on 5.6.2020. As stated in the ES, a waterfront promenade was proposed to link up the Cyberport Waterfront Park and the planned open space in between Cyberport and Sandy Bay. Opportunity would also be given to explore the enhancement of pedestrian connectivity along the coast of Waterfall Bay, Telegraph Bay and Sandy Bay. As provision of promenade/walking trail were uses which were always permitted on the OZP, the Board considered it sufficient to state such intention in the ES. Having said that, as with ESs for other OZPs, the Board could take the initiative to make further amendments if considered appropriate;
- (d) should the Board consider waterfront connectivity was related to and

formed part of the proposed amendment, a further hearing meeting inviting the concerned representers/commenters as well as further representers to attend would need to be conducted; and

- (e) the FRs received had been processed in accordance with the Ordinance and the established practice, hence legal advice had not been sought specifically on the current case. Future proposed amendment(s) to the OZP by the public could be dealt with by means of section 12A application.

35. The Chairperson supplemented that the Cyberport Waterfront Park was rezoned from “OU(Cyber-Port)” and an area shown as ‘Road’ to “O” (i.e. Amendment Item A2) on the draft OZP exhibited on 27.9.2019. The subject amendment had already been confirmed by the Board after giving consideration to the concerned representations and comments on 5.6.2020. The Board also agreed to revise the ES in respect of the “O” zone to elaborate on the planning intention of waterfront connectivity so as to reflect the concerns raised by some Members during the hearing meeting.

36. As Members had no further questions, the Chairperson thanked Mr Louis K.H. Kau, DPO/HK, for attending the meeting. Mr Kau left the meeting at this point.

Deliberation Session

37. Mr Raymond K.W. Lee, the Director of Planning (D of Plan), said that whether F16 was considered as a valid or invalid FR and whether F1, F2, F4 and F5 were considered as supportive or adverse FRs were two different issues and should be discussed separately. Emails were received from F1, F2, F4 and F5 stating that their submissions were adverse FRs to the proposed amendment rather than supportive and should be heard by the Board at the further hearing meeting. Should Members consider that F1, F2, F4 and F5 were adverse FRs and/or F16 was a valid FR, a further hearing meeting inviting the representers, commenters, and further representers to attend would be conducted.

F16

38. The Chairperson, Vice-chairperson and some Members had the following views:

- (a) the waterfront connectivity issue had already been fully deliberated and decided upon by the Board in the hearing meeting held on 5.6.2020;
- (b) F16 provided views not related to the proposed amendment as waterfront connectivity along the coastal area of Pok Fu Lam, which was elaborated in the revised ES, did not form part of the proposed amendment under section 6C(2) of the Ordinance;
- (c) the proposal to include waterfront promenade connectivity in the Notes of the OZP was related to the waterfront zones and not the subject of amendment, i.e. the “OU(Cyber-Port)(1)” zone; and
- (d) in view of (b) and (c) above, F16 should be considered as invalid.

F1 to F8

39. The Vice-chairperson and some Members had the following views:

- (a) the concerned further representers did not oppose the proposed amendment in their original submission of FRs, but requested more should be done. The letter/emails received after the Paper had been issued should not be considered as FRs;
- (b) the Ordinance required FR to be related to the proposed amendment with a view to taking forward the plan-making process in stages. Accepting the concerned further representers’ submissions on the “O” zone as adverse FRs and reopening the discussion on the Cyberport Waterfront Park might defeat the legislative intention as the Board had already made a decision on the “O” zone. The “O” zoning was not the subject of the proposed amendment;
- (c) the area within the “OU(Cyber-Port)(1)” zone was very unique and the building design of the Cyberport expansion project was of concern of Members, hence incorporating the requirement on the submission of layout plan regarding the “OU(Cyber-Port)(1)” zone and not other zones

for the Board's consideration was considered necessary in the hearing meeting held on 5.6.2020;

- (d) given the Cyberport Waterfront Park was zoned "O" and had already been opened for public use, further amendment to the OZP to incorporate the requirement of layout plan submission was considered not necessary. Besides, Members had already noted the concerns of the nearby residents during the hearing meeting on 5.6.2020 and decided not to propose any amendment to the OZP within the area under the "O" zone; and
- (e) as negative wordings such as 'oppose' and 'failure to extend' were stated in the submissions of F1 to F8, a cautious approach should be adopted to take into account their views. PlanD's assessment, viz. that the concerned further representers' proposal to extend the layout plan requirement to the Cyberport Waterfront Park was not related to the proposed amendment, was considered appropriate. As the further representations were not in opposition to the proposed amendment, no hearing of FRs was required in accordance with section 6F(9) of the Ordinance.

40. A Member remarked that it might be difficult to draw a fine line between whether the proposal to extend the layout plan requirement was 'related' or 'not related' to the proposed amendment. The Board's decision on F1 to F8 would set a precedent on processing of FR submissions in future and, hence, a prudent decision should be made and the cautious approach taken by Members (paragraph 39 above) was appropriate.

41. Some Members had the following observations:

- (a) the views and proposals of the concerned further representers provided some visions in improving the planning of the coastal area of Pok Fu Lam. It would be desirable if there were other means/platform whereby proposals relating to enhancement of waterfront connectivity along the coastal area of Pok Fu Lam could be discussed and considered; and

- (b) a review on waterfront development along the coastal area of Pok Fu Lam and the use of marine transport were issues worthy to be considered.

42. The Chairperson said that the concerns on the building design of the Cyberport Waterfront Park and its integration with the surrounding developments as well as the waterfront connectivity in the Pok Fu Lam area were deliberated in the hearing meeting held on 5.6.2020, and the Innovation and Technology Bureau (ITB) and HKCMCL had already indicated that HKCMCL would take up the development of Cyberport Waterfront Park to upgrade the park facilities with a long-term contract for management and maintenance, and they would engage the District Council and the local communities in the process. The Chairperson suggested that HKCMCL could be further advised to follow the established administrative arrangement to consult the respective District Council and stakeholders when formulating proposals/schemes in the area, and during implementation of the developments in the area. As regards a Member's view on encouraging the use of marine transport in the area, the Chairperson said that the Transport Department had been actively examining the 'water taxi' ferry routes in Hong Kong as a supplementary public transport service in the past few years. Landing facilities had also been added, and would continue to be added, at appropriate waterfront locations to facilitate berthing of vessels.

43. Mr Raymond K.W. Lee, D of Plan, supplemented that F15 was submitted by HKCMCL. HKCMCL had no objection to the requirement on the submission of layout plan for the "OU(Cyberport)(1)" zone as it would ensure that the development would be in line with the planning/design principles. Mr Lee further said that the requirement relating to the submission of layout plan for open space development was considered not necessary as there were established procedures for its implementation and public consultation.

44. In response to the Chairperson, the Secretary said that no similar case had been identified in which the Board had amended the OZP to take into account the proposal of FRs not related to the proposed amendments.

45. A Member suggested that although F16 was considered invalid, it might not be necessary to state in the decision that it would be "treated as not having been made". In response, the Secretary said that it was the wording stated in section 6D of the Ordinance in

respect of invalid representation. Nevertheless, the Secretariat would further consider suitable wording to be adopted, where appropriate.

46. The Chairperson concluded that, whilst Members had a long and thorough discussion on the matters raised by the concerned FRs, there was no dispute from Members on PlanD's assessment as stated in the Paper that the proposals to extend the requirement of layout plan submission to the adjoining "O" zone and to include waterfront connectivity into the Notes of the OZP were outside the scope of the proposed amendment. As there was no FR opposing the proposed amendment the "OU(Cyberport)(1)" zone, a further hearing meeting for considering the FRs would not be necessary.

47. After deliberation, the Board :

- (a) agreed that F16, which provided views on waterfront connectivity with the proposal to include waterfront connectivity into the Notes of the Outline Zoning Plan (OZP) not related to the proposed amendment item, was considered invalid;
- (b) agreed that the further representations of F1 to F15 were not in opposition to the proposed amendment the "OU(Cyberport)(1)" zone and that no hearing of further representations was required in accordance with section 6F(9) of the Town Planning Ordinance (the Ordinance), and agreed that F1 to F8's proposals to extend the requirement of layout plan submission to the "Open Space" zone concerning Cyberport Waterfront Park and to include waterfront connectivity into the Notes of the OZP were not related to the proposed amendment;
- (c) agreed to amend the draft OZP by the proposed amendment in accordance with section 6F(9) of the Ordinance;
- (d) agreed that the draft OZP, together with its Notes and updated Explanatory Statement, were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (e) noted that in accordance with section 6H of the Ordinance, the extant

OZP should thereafter be read as including the amendment and the amendment should be made available for public inspection until the CE in C had made a decision in respect of the draft OZP in question under section 9 of the Ordinance; and

- (f) noted that administratively, the Building Authority and relevant government departments would be informed of the decision of the Board and would be provided with a copy/copies of the amendment, as appropriate.

[Messrs Alex T.H. Lai and Daniel K.S. Lau left the meeting during the deliberation session.]

Fanling, Sheung Shui & Yuen Long East District

Agenda Items 5 to 7

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-ST/553

Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long

Request for Deferment of Review of Application No. A/YL-ST/554

Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long

Request for Deferment of Review of Application No. A/YL-ST/558

Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 10679)

[The items were conducted in Cantonese.]

48. Members agreed that as the three review applications were submitted by the same applicant, similar in nature and the application sites were located in close proximity to one another within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, they could be considered together.

49. The Secretary reported that on 3.9.2020, the applicant’s representative requested deferment of consideration of the review applications for a further two months in order to allow time for the applicant to prepare further information (FI) to address departmental comments. It was the first time that the applicant requested deferment of the review applications.

50. Members noted that the justifications for deferment met the criteria 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 address the departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

51. After deliberation, the Board agreed to defer a decision on the review applications as requested by the applicant pending the submission of FI from the applicant. The Board also agreed that the review applications should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review applications could be submitted to an earlier meeting for the Board’s consideration. The Board also agreed to advise the applicant that the Board had allowed two months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po & North District

Agenda Item 8

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-LYT/720

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,
Lot 586 S.B RP in D.D. 85, Lau Shui Heung, Fanling

(TPB Paper No. 10680)

[The item was conducted in Cantonese.]

52. The Secretary reported that on 14.9.2020, the applicant requested deferment of consideration of the review application for a further two months in order to allow time for the applicant to prepare further information (FI) and to liaise with the Fanling District Rural Committee. It was the second time that the applicant requested deferment of the review application.

53. Members noted that the justifications for deferment met the criteria 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 address the departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

54. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI from the applicant. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. Since it was the second deferment of the application, the Board also agreed to advise the applicant that the Board had allowed a total of four months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-SKT/22

Proposed 19 Houses in “Residential (Group E)2” Zone, Lots 8 S.B, 9 S.A and 9 S.B in D.D. 212 and Adjoining Government Land, 1 Hong Kin Road, Sai Kung

(TPB Paper No. 10683)

[The item was conducted in Cantonese.]

55. The Secretary reported that on 15.9.2020, the applicant’s representative requested deferment of consideration of the review application for a further two months for the environmental consultant to prepare further information (FI) in support of the application. It was the second time that the applicant requested deferment of the review application.

56. Members noted that the justifications for deferment met the criteria 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 FI in support of the application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

57. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI from the applicant. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. Since it was the second deferment of the application, the Board also agreed to advise the applicant that the Board had allowed a total of four months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

[Open Meeting]

Any Other Business

58. There being no other business, the meeting was closed at 12:05 p.m.