

**Minutes of 855th Meeting of the
Town Planning Board held on 10 March 2006**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning & Lands)
Mrs. Rita Lau

Chairperson

Hon. Patrick S.S. Lau

Vice-Chairman

Dr. Rebecca L.H. Chiu

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport),
Environment, Transport and Works Bureau
Ms. Ava Chiu

Deputy Director of Environmental Protection(1),
Environmental Protection Department
Dr. Michael Chiu

Director of Planning
Mr. Bosco C.K. Fung

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

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Mrs. Angelina P.L. Lee

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Mr. Keith G. McKinnell

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. Leslie H.C. Chen

Mr. Edmund K.H. Leung

Director of Lands
Mr. Patrick L.C. Lau

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au (a.m.)
Mr. C.T. Ling (p.m.)

Senior Town Planner/Town Planning Board
Mr. Tom C.K. Yip (a.m.)
Ms. Teresa L.Y. Chu (p.m.)

1. The Chairperson extended a welcome to all Members.

Agenda Item 1

Confirmation of Minutes of the 854th Meeting held on 24.2.2006

2. The minutes of the 854th meeting held on 24.2.2006 were confirmed subject to adding “[Messrs. Tony W.C. Tse, Patrick L.C. Lau and Bosco C.K. Fung returned to join the meeting at this point.]” after paragraph 42.

[Mr. Tony C.N. Kan and Dr. C.N. Ng arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

3. Noting that the Business Facilitation Advisory Committee (BFAC) under the Financial Secretary’s Office had set up a Town Planning Task Force to look at matters relating to town planning, a Member asked whether it would affect the operation of the Board. In response, Mr. Bosco C.K. Fung said that three task forces had been formed under the BFAC to review how the procedures relating to town planning, land administration and building plan approvals could be streamlined and improved, but the operation of the Board should not be directly affected.

[Mr. Daniel B.M. To, Mr. Nelson W.Y. Chan and Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

4. The same Member also opined that new development areas along the harbour should be considered comprehensively as one package. In response, the Chairperson remarked that the planning framework for developments along the harbour was set out in the relevant statutory outline zoning plans, some of which were under review due to the need to abide by the Court of Final Appeal’s judgement on the interpretation of the Protection of the Harbour Ordinance and changing community aspirations etc. Hence planning and

engineering studies had to be carried out by the Government at different timeframes. Nevertheless, she agreed that the issue warranted due consideration by the Board and could be dealt with separately.

[Dr. Lily Chiang arrived to join the meeting at this point.]

Agenda Item 3

Kai Tak Planning Review – Report on
Stage 2 Public Participation: Outline Concept Plans
(TPB Paper No. 7538)

(Open Meeting)

[This item was conducted in Cantonese.]

5. The following representatives from the Harbour-front Enhancement Committee (HEC), Government and its consultants were invited to the meeting:

Dr. W.K. Chan	- HEC
Mr. Sam Hui	- Principal Assistant Secretary (PAS) (Economic Development) A2, Economic Development and Labour Bureau (EDLB)
Mr. K.M. Fung	- Chief Assistant Secretary (Port, Maritime & Logistics), EDLB
Miss Patricia So	- Assistant Commissioner for Tourism 2, Tourism Commission
Mr. Daniel Sin	- PAS (Recreation & Sport), Home Affairs Bureau (HAB)
Mr. Charles Chu	- Project Advisor (Recreation and Sports), HAB
Mr. Talis Wong	- Chief Engineer/Kowloon, Civil Engineering and Development Department
Mr. Anthony Kwan	- Assistant Director/Metro, Planning Department (PlanD)
Mr. Raymond Lee	- District Planning Officer/Kowloon, PlanD
Mr. Kelvin Chan	- Senior Town Planner/Kowloon, PlanD
Ms. Iris Tam) City Planning – Maunsell Joint Venture

Mr. Igor Ho)

Mr. Derek Sun)

Presentation Session

6. The Chairperson extended a welcome and invited Mr. Anthony Kwan and Ms. Iris Tam to introduce the Paper. With the aid of a PowerPoint presentation, Mr. Anthony Kwan and Ms. Iris Tam made the following main points:

Background

- (a) the Kai Tak Planning Review was conducted in three stages. Stage 1 was to solicit the community's vision for Kai Tak. Three Outline Concept Plans (OCPs) were formulated for the Stage 2 Public Participation programme (PPP) carried out between November 2005 and January 2006. During the Stage 2 PPP, seven public forums and over 20 briefing sessions were arranged. About 170 written submissions were received. Many Members of the Board had actively participated in the consultation;
- (b) the public comments received in the Stage 2 PPP and the responses of Government bureaux/departments and the study consultants were detailed in the Paper and the main points were summarized below;

Public Comments and Responses

Vision and Planning Principles for Kai Tak

- (c) Comments - there was no in-principle objection to the proposals.
Responses - planning principles would be proposed to enhance Hong Kong's role as a world-class city;

Land Use Planning

- (d) Comments - there was general preference for lower development intensity as proposed in OCP3, but some raised concern on under-development which would in turn lead to development pressure in the New Territories.
Responses - lower development intensity would be proposed at the runway

area and higher intensity near railway stations;

Office Development

- (e) Comments - there were diverse views on the creation of a new office node in Kai Tak. Responses - Kai Tak had potential to provide a well-designed premier office centre with a critical mass of 500,000m² gross floor area;

Ex-Kaoline Mine Site

- (f) Comments - local residents objected to high-density housing on the site. Responses - the site fell outside the Kai Tak (North) and (South) Outline Zoning Plans (OZPs). The planning for the site would be further investigated comprehensively;

Undetermined Use

- (g) Comments - more sites should be reserved as “Undesignated Uses” for more innovative developments in future. Responses - the Preliminary Outline Development Plan (PODP) should provide definitive land use proposals but with flexibility for review in future;

Kai Tak Approach Channel (KTAC)

- (h) Comments - some advocated to reclaim the channel but some supported a no-reclamation approach to preserve the heritage and to provide for water-based recreation uses. Responses – the PODP would assume a no-reclamation scenario unless the “overriding public need” test laid down in the Court of Final Appeal’s judgement could be met. The KTAC would not be planned for water-based recreation uses due to water quality problem;

Multi-purpose Stadium Complex

- (i) Comments - there was overwhelming support for the stadium complex project but some queried its size and location. Responses - the stadium would be taken as a firm planning component in the PODP and its appropriate size would be further studied;

Cruise Terminal

- (j) Comments - many supported the early development of a cruise terminal but there were suggestions on alternative locations in the harbour. Responses - the cruise terminal would be taken as a firm planning component as Kai Tak was an ideal location for the terminal;

Aviation-related Facilities

- (k) Comments - many were in support of retaining certain remnants of the longstanding aviation culture in Kai Tak. The Hong Kong Aviation Club and Hong Kong Air Cadet Corps had requested to retain their existing facilities at Sung Wong Toi Road. Some advocated the provision of a light aircraft civil runway at Kai Tak. Many were against the location of a cross-boundary heliport at the tip of the runway. Responses - the existing facilities at Sung Wong Toi Road would be retained in the PODP. The proposal for a civil runway for light aircraft would not be pursued and the location of the heliport would be further investigated;

Marine-related Facilities

- (l) Comments - the operators requested for retention of the existing To Kwa Wan (TKW) and Kwun Tong (KT) typhoon shelters and the Cha Kao Ling (CKL) and KT Public Cargo Working Areas (PCWAs) but the local communities raised objections to the retention of such uses. Responses - the typhoon shelters would be retained in the PODP. There was no plan to close the PCWAs at this stage but the PODP would propose the KT and CKL waterfront areas to be turned into a public promenade as a long-term planning proposal;

[Dr. Lily Chiang left the meeting temporarily at this point.]

Urban Design

- (m) Comments - the proposed urban design and landscape concepts were generally supported. Many raised concerns on the land use and design of the runway area and the environmental impacts of the roads proposed in the runway area. Responses - the preparation of Urban Design and Landscape Master Plan would be advanced to guide the preparation of the PODP. A unique urban precinct would be proposed at the runway;

Transport and Pedestrian Facilities

- (n) Comments - there was concern on the connectivity between Kai Tak and its surrounding areas. Some suggested Prince Edward Road East (PERE) should be re-aligned as a depressed road and the Shatin to Central Link (SCL) railway depot should be underground. Responses - various proposals had been explored, including a tunnel road connection from Wai Yip Street/Hoi Yuen Road roundabout to the runway area and openable pedestrian bridges to connect Kai Tak Point with the KT ferry concourse area. The former was not justified on traffic grounds and the latter would require further investigations. Pedestrian connections with the hinterland would be strengthened in the PODP. Realignment of PERE and the SCL depot was subject to technical problems and required further investigation;

[Mr. Erwin A. Hardy and Mr. Tony C.N. Kan left the meeting temporarily while Dr. Lily Chiang returned to join the meeting at this point.]

Environmentally Friendly Initiatives

- (o) Comments - the provision of such initiatives was supported. Responses - the most appropriate environmental friendly transport mode in Kai Tak would be further considered. Most of these initiatives did not require site reservation;

[Mr. Tony C.N. Kan returned to join the meeting and Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

Other Proposals

- (p) Comments – there were various proposals including underground city, “Dragon Pearl City”, private hospitals and cultural facilities. Responses - some proposals could be further examined in the PODP. Large-scale underground city was infeasible and cultural facilities should be pursued in West Kowloon; and

[Mr. Erwin A. Hardy and Dr. Greg C.Y. Wong returned to join the meeting at this point.]

Public Participation

- (q) Comments - some proposed to extend the consultation period but some were concerned that it would cause delay to the Kai Tak development. Responses - there would be further consultation in Stage 3 and the study programme would be compressed.

7. On the next stage of the study, Dr. W.K. Chan made the following main points:

- (a) the HEC Sub-committee would organize the second Kai Tak forum on 25.3.2006 to explain the responses and facilitate public discussion on the Stage 2 report. The PODP would then be prepared and published for public consultation in Stage 3 and thereafter proposals to amend the relevant OZPs would be put forward. Members were invited to participate in the Stage 3 PPP; and
- (b) public participation would not cause undue delay to the Kai Tak development. Instead, it was a vital element in the planning process and should continue in the Stage 3 PPP. It would not only facilitate the collection of useful comments to assist in making planning choices, but also ensure public acceptability of the planning proposals.

Discussion Session

8. Acknowledging that the report had responded to the public comments received in the Stage 2 PPP comprehensively, the Chairperson said that there should be detailed explanations to the public on the development components selected before the preparation of the PODP in the next stage. She also agreed that public consultation would help foster public consensus which was important in the planning process, particularly in the subsequent preparation of amendments to the OZPs.

9. Members raised the following questions and comments:

- (a) how the Kai Tak development would integrate with other new development areas along the harbour, particularly in terms of urban design. There should be comprehensive planning for the whole harbour area and the new

development areas should be planned together in a holistic way taking account of the local context. A model of the harbour could also be displayed in the conference room to facilitate the Board's discussions on the harbour planning matters in future;

- (b) the Government and professional bodies should take the lead in formulating concrete proposals for the next stage of the planning review and use their professional knowledge to resolve conflicting issues. Architectural disposition study and assessments on air ventilation, harbour landscape, pedestrian flows should also be conducted to support the recommended proposals;
- (c) the Government should integrate the firm development components, e.g. cruise terminal and aviation-related facilities, into the PODP and present them clearly through electronic simulations, three-dimensional illustrations and plain language to enable easy understanding by the general public. In particular, models should be more widely used to facilitate visualization of the land use proposals by the public;

[Dr. Lily Chiang left the meeting temporarily at this point.]

- (d) for proposals considered to be infeasible, e.g. reclamation of the KTAC and a civil runway for light aircraft, clear and detailed explanations should be given to the proponents to avoid false expectation and reiteration of their comments in the subsequent stage. Justifications should also be provided for controversial proposals to be included in the PODP, e.g. heliport;
- (e) the environmental impacts of the KTAC would affect the whole Kai Tak development and should be fully addressed;
- (f) the proposed location of the heliport at the tip of the runway was undesirable and should be fully justified. Consideration could be given to providing a civil runway for light aircraft in the New Territories;
- (g) there was a query on why no exact overall development intensity for the Kai Tak development had been provided. If a lower development intensity

was adopted in Kai Tak, the development pressure would be transferred to some green areas in the New Territories. Based on the concept of sustainable development, consideration should be given to allowing slightly higher development intensity in Kai Tak so as to minimize disturbance to the natural environment in the New Territories;

[Professor Peter R. Hills left the meeting temporarily at this point.]

- (h) the typhoon shelters and PCWAs imposed constraints on waterfront developments in the area and the PCWAs had caused traffic congestion in the KT area. The Government should critically review and assess the need for such facilities, put forward proposals to overcome the constraints, and facilitate compatible uses, e.g. shared use of the typhoon shelters by pleasure boats;

[Professor Peter R. Hills returned to join the meeting at this point.]

- (i) the traffic and pedestrian connections between Kai Tak and its adjoining areas would need to be improved in the PODP, particularly the connection with KT. The Kai Tak development did not bring about any benefit to the KT district. The pedestrian bridge proposal to link up the runway with KT should be retained;
- (j) there should be features to foster and strengthen collective memory of the history about the ex-Kai Tak airport;
- (k) the proposed urban precinct at the runway area was an attractive concept and should be included in the PODP; and
- (l) sufficient time should be allowed in the forthcoming consultation sessions to facilitate interactive clarifications and discussions.

10. In response, Messrs. Anthony Kwan, Raymond Lee, Sam Hui, K.M. Fung, Talis Wong and Ms. Iris Tam made the following main points:

- (a) a PODP would be prepared in the next stage in consultation with professional bodies. Preliminary technical assessments on engineering, environmental, air ventilation, building disposition and urban design aspects would be conducted to ascertain the feasibility of the recommended proposals. Preliminary assessments on how to mitigate the water quality and odour problems in the KTAC had already commenced. Various media, e.g. models and three-dimensional illustrations, had been and would continue to be employed to illustrate the land use proposals to the public;

[Dr. Lily Chiang returned to join the meeting at this point.]

- (b) the proposed heliport at Kai Tak would support cross-boundary helicopter services between Hong Kong and the Pearl River Delta region. According to a consultancy study carried out in 2005, there would be a shortfall of such services by 2015-2020 if such a heliport was not provided. After considering various harbour-front locations, the proposed site was considered to be most desirable. The impacts and design of the proposed heliport would be further considered in the next stage of the study;
- (c) according to the Marine Department's annual assessment, the forecast demand of typhoon shelter space would slightly exceed the supply in the next decade. The deletion of the existing TKW and KT typhoon shelters would aggravate the shortage. Cargo handling was an important part of port operation, which was one of the pillars of the Hong Kong economy. PCWAs served to distribute goods through vessels and reduce cross-district land transport. According to the Hong Kong Port Master Plan 2020 study completed in 2004, three out of the eight existing PCWAs in the Territory could be phased out before 2020. Currently, the eight PCWAs provided a total of 180 berths. Only less than 10 berths had not been taken up by operators, showing a strong demand for such facility. The economic and social impacts should be carefully considered before phasing out any existing PCWA. In end 2005, the Government had commissioned a study to update the port cargo forecasts, and the future demand for port facilities would be clearer upon completion of the study;

- (d) the Government would explore how to improve the connections between Kai Tak and its adjoining areas. Some of the proposals, e.g. re-alignment of PERE and the openable pedestrian bridge between the KT ferry concourse and Kai Tak Point, were still subject to further investigations;
- (e) the shape of the existing runway was proposed to be kept as a reminiscent feature. An aviation museum could be provided at the Aviation Park at the runway, which would help recollection of the aviation history;
- (f) the HEC would organize a public forum on 25.3.2006 to explain the responses to public comments received in the Stage 2 PPP and to discuss the proposals to be taken forward in the next stage. A clear direction would also be presented in the forum; and
- (g) it was intended to submit the draft PODP to the Board for consideration in June 2006 before commencing a 2-month Stage 3 PPP thereafter. Amendments to the concerned outline zoning plans would be submitted to the Board for consideration by end 2006.

11. In response to the earlier point made about physical models, Mr. Bosco C.K. Fung said that there were two existing physical models of the harbour area, one displayed at the Hong Kong Planning and Infrastructure Exhibition Gallery at Central and the other on the first floor of the North Point Government Offices. If the latter model was moved to the conference room, the public would not be able to see it. Moreover, it would be difficult to accommodate the model in the conference room due to space constraint. If Members were interested in seeing the model, the PlanD could make suitable arrangements.

12. The Chairperson said that the Board, the Government, the professional bodies and the public would have vital roles to play in the next stage of the study. The Consultants should take into account the views of Members in formulating the PODP for presentation to the public in the next stage of the study.

13. The Chairperson thanked the representatives from the HEC, Government and its consultants for attending the meeting. They left the meeting at this point.

[The meeting adjourned for a break of 10 minutes and resumed at 11:05 a.m.]

[Hon. Patrick S.S. Lau, Mr. Tony W.C. Tse and Dr. Lily Chiang left the meeting while Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Agenda Item 4

Application for Amendment to the Approved Central District
(Extension) Outline Zoning Plan No. S/H24/6
from “Government, Institution or Community (4)” and
“Government, Institution or Community (2)” to “Open Space”,
The former Tamar Basin Site and an Area to the North of Citic Tower
(Section 12A Application No. Y/H24/1)
(TPB Paper No. 7533)

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese and English.]

14. The Secretary reported that Professor Bernard V.W.F. Lim had declared an interest in the application as he was the President of the Hong Kong Institute of Architects, which had formed a clear position on the use of the Tamar site. Members noted that Professor Bernard V.W.F. Lim had left the meeting temporarily.

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

Ms. Phyllis Li	-	Chief Town Planner/Special Duties (CTP/SD)
Mr. Roy Li	-	Senior Town Planner/Special Duties

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

Dr. Kwok Ka-ki
Ms. Cheng Lai-king
Mr. Yuen Bun-keung

Mr. Wong Kin-shing
Mr. Winfield Chong
Mr. Jeff Tse
Mr. Marco Lee

Presentation and Question Session

17. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Phyllis Li, CTP/SD, to brief Members on the background to the application.

18. With the aid of a PowerPoint presentation, Ms. Phyllis Li presented the application as detailed in the Paper and made the following main points:

Application

- (a) the applicant, the Action Group on Protection of the Harbour, proposed to amend the approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/6 to rezone the former Tamar basin site (the Tamar site) and an area to the north of the Civic Tower (the NCT site) from “Government, Institution or Community (4)” (“G/IC(4)”) and “G/IC(2)” respectively to “Open Space” (“O”). The applicant submitted two conceptual drawings showing the proposed park and the adjoining waterfront promenade after the rezoning;
- (b) on 16.12.2005, the Board decided to defer a decision on the application upon request by the applicant. The applicant requested for a further deferment on 15.2.2006. On 24.2.2006, the Board decided not to agree to the request;

Background

- (c) the Tamar site was previously zoned “Commercial” (“C”) on the Central District OZP. The site was rezoned to “G/IC” when the site and its adjoining reclaimed areas were excised from the Central District OZP to

form part of a new Central District (Extension) OZP in 1998. The Central District (Extension) OZP was approved by the Chief Executive in Council (CE in C) in 2000. The “G/IC” zoning of the site remained unchanged since then. In 2002, the Government decided to develop the new Central Government Complex (CGC) and Legislative Council Complex (LCC) at the Tamar site but the project was shelved in 2003 due to the outbreak of SARS. In 2005, the Chief Executive (CE) announced the re-launch of the project;

- (d) the NCT site was zoned “C” on the first Central District (Extension) OZP gazetted in 1998. The site was subsequently rezoned to “G/IC” to meet objections and was reserved for possible cultural and recreational facilities. The Society for Protection of the Harbour Limited (SPH) and Save Our Shorelines (SOS) had submitted two requests to rezone part of the site to “O”. On 5.8.2005, the Board decided not to agree to the rezoning requests;

Applicant’s Major Justifications

- (e) the Government should return the harbour to the people and the Tamar project would have adverse traffic impact on the surrounding areas. The Government should consider alternative sites for the CGC and LCC. The Board should observe the principles in the Protection of the Harbour Ordinance;

Public Comments

- (f) three public comments were received during the publication period of the application. Two of them supported the rezoning of the NCT site to “O” but one objected to rezoning the Tamar site to “O”. One of the comments was also related to the land use, building height and visual impact of the Tamar site;

Departmental Comments

- (g) the Director of Administration (D of Adm) advised that the Government decided to develop the LCC at the Tamar site, instead of the NCT site as stated by the applicant. The Tamar site would be developed as the prime civic core of Hong Kong. About 2 ha of open space would be provided at the civic place to the north of the “G/IC(4)” site for leisure and public enjoyment and to integrate with the new Central waterfront. The Government would restrict the maximum building height of the Tamar project to between 130 mPD and 160 mPD so as to prevent intrusion into the 20% building-free zone below the Victoria Peak ridgeline. Design of the project should comply with the Harbour Planning Principles and Urban Design Guidelines. The Government had excluded the previously proposed exhibition gallery from the project to reduce its development intensity. The development intensity of the project was yet to be confirmed but the total plot ratio should be around 6, which was much lower than those of the commercial buildings in the surrounding areas. The inclusion of an Air Ventilation Assessment for the project would also be considered;

- (h) the D of Adm further advised that the project would alleviate the shortage of Government office space. The Government did not have any plan on the future use of the existing Central Government Offices (CGO) and Murray Building (MB) sites. The future planning for these sites would take account of the needs of the community and would be in accordance with relevant planning procedures. The paper on the Tamar project submitted to the Board in December 2005 was enclosed in the subject paper and passed to the applicant before the meeting. The Government briefed the Legislative Council (LegCo) Panel on Planning, Lands and Works (PLW) in October and December 2005, and its Sub-committee to Review the Planning for the Central Waterfront (including the Tamar Site) (the Sub-committee) in February and March 2006. On 3.3.2006, the Government provided the Sub-committee with a set of documents related to the Tamar project;

- (i) the Chief Town Planner/Sub-Regional of the PlanD considered that the harbour-front should include diverse and vibrant uses and facilities. The

proposed rezoning of the application sites to form a large open space would undermine such intention. The Transport Department advised that the Central-Wan Chai Bypass (CWB) would have spare capacity by 2016, instead of being saturated as stated by the applicant;

PlanD's Assessment

- (j) PlanD did not support the application. The land use proposals on the OZP had gone through a due process of public consultation before approval by the CE in C, and the extent of reclamation in the OZP had been reduced to meet objections and to address public concern. The planning intention of the OZP was to create a world class waterfront featuring a waterfront promenade intersecting with three principal design corridors. The Tamar development together with the civic place and the NCT site would form integral parts of the Civic Corridor and Arts and Entertainment Corridor respectively. The proposed rezoning to "O" would undermine such planning intention and the proposed park would not allow as much diversity, vibrancy and attractiveness as the proposals on the OZP;
- (k) there was a surplus of about 14 ha district open space in the Central and Western District (C&W District). About 14.63 ha of land, equivalent to about three-quarters of the size of the Victoria Park, was zoned "O" on the OZP. Out of this total, the waterfront promenade and the civic place fronting the Tamar site accounted for about 10.8 ha. The surplus in district open space provision would amount to about 28 ha when the planned open space on the OZP was taken into account. There was thus no strong justification to rezone the two "G/IC" sites with a total area of 3.67 ha to "O"; and
- (l) the proposed developments at the application sites would be connected with the hinterland and the waterfront through pedestrian networks and open space links and should not pose accessibility problem to the waterfront. Also, they would not have adverse traffic and environmental impacts on the surrounding areas. Alternative locations for the CGC and LCC proposed by the applicant, e.g. East Kowloon, had yet to be substantiated by

feasibility studies and could not provide a timely solution to the office shortage problem of the Government. The further review on the Central Reclamation Phase III (CRIII) conducted by the Government had confirmed that the CRIII met the ‘overriding public need’ test laid down by the Court of Final Appeal. The “G/IC” zoning for the NCT site was confirmed to be suitable by the Board in the consideration of the two previous rezoning requests submitted by the SPH and SOS.

19. The Chairperson then invited the applicant’s representatives to elaborate on their justifications for the application.

20. Dr. Kowk Ka-ki made the following main points:

- (a) the Board’s decision on the application would be of great importance as it would affect the Tamar project. As the Government took the Tamar project as a manifestation of strong governance, the planning for the application sites had been politicized. It was hoped that the Board could set aside the political considerations and consider the application from the planning viewpoint;
- (b) the applicant fully recognized the importance and need for the new CGC and LCC and had no intention to hinder the project. However, careful consideration should be given to the use of the Tamar site, which was a piece of precious land along the Central waterfront and a valuable asset of Hong Kong people;
- (c) the Government had stated in the documents sent to the LegCo that the Tamar site was selected for the CGC based on two major considerations - it enjoyed beautiful harbour view and its location could demonstrate the authority of the Government;
- (d) the Board should consider not only the Tamar project, but also the related planning implications. The Tamar project and the envisaged redevelopment of the existing CGO and MB sites for high-density developments would have adverse traffic, environmental and air ventilation

impacts on the Central and Wan Chai areas. Although the Board agreed to the “G/IC” zoning for the Tamar site in 1998, there was a need to revisit the issue. In fact, the Government’s position on the matter was not firm in that the then Financial Secretary, now the CE, had once intended to put the Tamar site to commercial use in 2000. Therefore, the Tamar site was definitely not the only choice for the CGC;

[Mr. Erwin A. Hardy left the meeting temporarily at this point.]

- (e) alternative locations for the CGC, e.g. East Kowloon, Kennedy Town, and the Police Headquarters site in Wan Chai, could be considered. There would only be a delay of 48 months if the option of in-situ redevelopment of CGO and MB was adopted. The Government had not demonstrated an urgent need to construct the CGC. To avoid affecting the waterfront area, the proposed CGC should be relocated to other places;
- (f) it was inaccurate to say that about half of the land covered by the Tamar project was reserved for open space, as the adjacent 2 ha “O” site was mainly occupied by road;
- (g) on 9.2.2006, the Sub-committee of LegCo urged the Government to provide documents relating to the provision of the CGC at the Tamar site and redevelopment of the existing CGO and MB sites, which were crucial in understanding the justifications for the Tamar project. However, the Government had only selectively provided some of the requested documents to support the development of CGC and LCC at the Tamar site. On 7.3.2006, the Sub-committee passed a motion to express great disappointment and strong regret against the Government and request for provision of all relevant documents at the next meeting;
- (h) in view of public interest, the applicant requested for deferment of consideration of the application in February 2006 as the Board and the public should be entitled to have full information on the Tamar project. The applicant respected the role of the Board as the statutory planning authority for Hong Kong. The Government would provide relevant

documents on the Tamar project to the Finance Committee of the LegCo in June for seeking funding approval of the project. Such documents should also be provided to the Board for consideration, failing which the Board's role would diminish to no more than a rubber stamp. The applicant requested for an adjournment of the hearing of the application until the information requested by the Sub-committee was available; and

[Mr. Erwin A. Hardy returned to join the meeting at this point.]

- (i) he did not agree with PlanD's view that the proposed rezoning would undermine the planning intention to develop a vibrant and attractive waterfront. The vibrancy and attractiveness of the waterfront did not hinge on a tall Government building, which was not found on the waterfront of other cities, e.g. Sydney and Boston.

21. Mr. Winfield Chong and Mr. Wong Kin-shing made the following main points:

- (a) the waterfront in the Central and Wan Chai areas was surrounded by many skyscrapers which created a 'wall effect'. The development of a tall Government building on the waterfront apparently would aggravate the problem and the impact could not be mitigated by design;
- (b) the commercial buildings and road networks in the area had prevented the public from getting close to the harbour. The Government should return the harbour to the people, stop reclamation and plan the waterfront for public enjoyment. The open space provision in the C&W District was inadequate as the open spaces were intended to serve all people of Hong Kong, not just the residents in the C&W District;
- (c) the Tamar site was the most convenient access point to the waterfront and was connected to other places in Hong Kong through the adjacent Admiralty MTR station. If the application sites were reserved for open space use, there would be no tall buildings and no need to provide additional infrastructure. Also, the air quality problem in the area would not be aggravated. The proposed park together with the adjoining waterfront promenade could become a popular tourist attraction, providing

impetus to the growth of the tourist industry and the economy of Hong Kong;

- (d) the principles of greening, public sharing and people-oriented sustainable development should be adopted in planning the waterfront area. Major infrastructural projects should be avoided in the area. To avoid adding burden to the traffic, pedestrian circulation, ventilation and environment in the area, destroying the beautiful harbour view and depriving the public of the right to use the waterfront land, the Tamar site should not be planned for government, commercial or transport interchange uses;
- (e) it was believed that access to the CGC and LCC would be restricted due to security consideration, making it difficult to allow public enjoyment and greening; and
- (f) the rezoning of the application sites to "O" would improve the planning for the Central area and provide more space for public activities and for people to enjoy the harbour area. Two conceptual drawings for the proposed park and the adjoining waterfront promenade had been submitted. Extensive public consultation should be carried out to collect public views on the design and implementation of the proposed park.

[Mr. C.K. Wong arrived to join the meeting at this point.]

22. Ms. Cheng Lai-king read out in full a letter dated 10.3.2006 which was tabled at the meeting by the applicant's representatives and made the following main points:

- (a) the application was intended to improve the poor air quality in the Central area. It should not be affected by political considerations. Since 2003, the applicant had strived for the protection of the harbour which belonged to all people of Hong Kong. Despite the strong public objection, the Government decided to proceed with commercial and comprehensive developments at CRIII and insisted on developing the CGC at the Tamar site;
- (b) the LegCo Panel on PLW raised concerns on various aspects of the project

and formed a Sub-committee to consider the issue. The applicant had written to the D of Adm and the Chief Secretary to request for answers to some questions and disclosure of the justifications for the project. However, the Government only reiterated the information in the study completed in 2003. The Sub-committee at its meeting held on 7.3.2006 reiterated the request for documents of the project from the Government;

- (c) on 15.2.2006, the applicant submitted a letter to the Board requesting for documents relating to the Tamar project which had been brought to the Board's attention but had not yet received the related documents. The previous indication of the then Financial Secretary in putting the Tamar site to commercial uses reflected that the Tamar site was not the only choice for the CGC;
- (d) the applicant, the public and LegCo members had raised concerns on the future use of the CGO and MB sites but the Government did not provide a clear response. Due to the constraint of its role, the Board could not step into the matter. It was time to review the role of the Board to enhance its involvement in the planning matters for Hong Kong; and
- (e) in the absence of sufficient information on the Tamar site and the demand for Government's office space, the hearing and determination of the application by the Board would be unfair to the applicant. This would also be disrespectful to the Board and would undermine the credibility of the Board. The applicant therefore requested for an adjournment of the hearing and consideration of the application until the Government had provided all the requested documents to the applicant and answer questions raised by the applicant. The hearing could be rescheduled before the Finance Committee of the LegCo's consideration of the Government's application for funding approval for the Tamar project in June 2006. If the Board did not accept the applicant's request, the applicant would consider applying for a judicial review against the Board.

23. Mr. Jeff Tse, the legal adviser of the applicant, read out the main part of another letter dated 6.3.2006 which was tabled at the meeting by the applicant's representatives and formally requested for an adjournment of the hearing of the application. He made the

following main points:

- (a) the Board should adjourn the hearing of the application, say for three months, to allow a chance for the applicant and the Board to review further documents, particularly the document submitted by the Government to the Board in 1998 in support of its application to rezone the Tamar site from “C” to “G/IC” (the 1998 paper) and the Government’s consultancy report which confirmed that it was feasible to renovate and/or redevelop the Government headquarters at the existing CGO and MB sites (the consultancy report);
- (b) in view of the importance of this matter to Hong Kong, the overwhelming public interest and the immense financial commitment, the application merited a fair hearing before the Board. As this was a public matter, the public and the applicant were entitled to have access to all Government documents relating to this matter;
- (c) the applicant had requested the Board via a letter dated 15.2.2006 to provide all Government documents relating to the Tamar project which had been brought to its attention but the subject paper had not included the 1998 paper, which was essential as the grounds relied upon by the Government at that time might no longer be valid. The 1998 paper would also provide information on why the Government once proposed to put the Tamar site to commercial uses in October 2000. The consultancy report was also relevant as it was related to whether the Tamar site was needed to be reserved for the CGC. The Board should take into account such documents in considering the application, failing which the decision of the Board might be subject to legal challenge;
- (d) according to paragraph 4.1 of the Procedure and Practice of the Board, all information submitted to the Board by the applicants would be made available for public inspection. The 1998 paper should be made available for public inspection accordingly; and
- (e) the D of Adm mentioned that it would be in the interest of the Government

and the LegCo that the application be considered at the earliest possible time. However, the Government had informed the LegCo Panel on PLW that it would only apply to the LegCo for funding in June 2006. As such, there was no urgency to make a decision on the application and a deferment would not cause any undue delay to the Tamar project.

24. In response to the request for adjournment of the hearing made by the applicant's representatives, the Chairperson explained the procedure in handling the request and draw their attention to the following points:

- (a) the Board was an independent body from the Government and had a statutory duty to consider the application in accordance with the provisions of the Town Planning Ordinance;
- (b) the consideration of the application had been deferred once upon request by the applicant in December 2005 and two months had been additionally provided to the applicant for the preparation of submissions for the hearing. On 24.2.2005, the Board decided not to agree to the applicant's further request for deferment because the applicant had already been given reasonable time for the preparation of submissions in accordance with established practice. The further information requested by the applicant's representatives was related to whether the "G/IC" site should be used for the CGC and LCC, rather than the justifications for the proposed "O" zoning. Given the previous decision of the Board not to allow further deferment, the applicant's representatives had to provide strong justifications to support the proposed adjournment of the hearing;

[Professor Peter R. Hills left the meeting at this point.]

- (c) the applicant was given reasonable notice of the hearing. The applicant's representatives did attend the hearing and had already made representations before the Board to justify the application. Since the hearing procedure had already commenced, the applicant's representatives were requested to clarify whether they would like to continue with the hearing or not;

- (d) the decision on whether the hearing should be adjourned rested with the Board. The Board would consider the request for adjournment of the hearing taking into account the representations made by the applicant's representatives. If the request was not acceded to, the Board would continue with the hearing and the applicant's representatives would be given an opportunity to respond to questions or comments raised by Members relating to the application. However, if the applicant's representatives did not wish to participate in the ensuing hearing, the Board could decide to proceed with the consideration of the application in their absence and make a decision based on the written submissions and oral representations made by the applicant and its representatives; and
- (e) the relevant part of the Board's Procedure and Practice quoted by the applicant's legal adviser was related to the release of information of planning applications made to the Board after the commencement of the Town Planning (Amendment) Ordinance 2004 on 10.6.2005, but was not applicable to applications submitted before that date.

[Mr. David W.M. Chan left the meeting at this point.]

25. In response to the explanation and question from the Chairperson, Dr. Kowk Ka-ki made the following main points:

- (a) the applicant decided to attend the meeting because it was expected that the Government would provide the Sub-committee with all relevant documents on 7.3.2006 before the hearing of the application. Since the Government had not done so, the applicant could only apply for an adjournment of the hearing at the meeting. The representations made by them before the Board were mainly to explain the rationale for the proposed adjournment;
- (b) they had no strong view on how the Board would handle their request for adjournment. It was up to the Board to consider whether there was sufficient information provided to make a decision on the application. They would respect the Board's decision; and

- (c) it was the duty of the Government to provide the Board and the applicant with sufficient information for consideration of the application. In the absence of such information and as they had already requested for an adjournment of the hearing, it would not be appropriate for them to continue to participate in the hearing of the application. They therefore decided to leave the meeting.

26. The applicant's representatives and PlanD's representatives left the meeting at this point.

Deliberation Session

27. A Member considered that there was sufficient information for the Board to decide on the application. Being an independent body, the Board should focus on whether the existing "G/IC" zoning of the application sites was appropriate and whether it should be zoned "O" instead of considering whether the sites should be used for development of the CGC. Taking into account the submissions and representations made by the applicant and its representatives, this Member did not support the application.

[Dr. Peter K.K. Wong left the meeting at this point.]

28. The Chairperson said that the Board should act fairly and properly in accordance with established procedure. In considering the request from the applicant's representatives for adjournment, a crucial point was whether the documents mentioned by the applicant's representatives were relevant to the consideration of the application. A Member concurred that the Board should first deal with the request for adjournment of the hearing. If the Board decided not to agree to the request, the applicant's representatives should be invited to rejoin the hearing to answer Members' questions before the Board made a decision on the application. Other Members agreed. The Secretary said that the applicant's representatives had been requested to wait outside the meeting pending the Board's decision on their request for adjournment.

29. After a thorough discussion, Members did not support the request for adjournment and their views were summarized below:

- (a) the applicant should have collected sufficient information to justify its rezoning proposal before making the application. Consideration of the application had already been deferred once to provide additional time to the applicant. As there had been no change in circumstances since the application was submitted, there were no strong grounds for the proposed adjournment of the hearing and further deferment of the consideration of the application;
- (b) the “G/IC” zoning of the application sites were confirmed after going through a due plan-making and objection consideration process under the Town Planning Ordinance. The “G/IC” zoning for the Tamar site had been designated on the Central District (Extension) OZP since 1998;
- (c) the applicant’s representatives had been informed of the hearing procedure at the beginning of the hearing, but they proceeded with the presentation and had not indicated their request for adjournment until the latter part of their presentation. Before the Board considered their request for adjournment, the applicant’s representatives should not have made representations on the application. The Secretary added that while the applicant’s representatives had mentioned their request for adjournment in their presentation and the letters tabled at the meeting, much of their presentation was related to the justifications for rezoning the application sites to “O”. As such, the applicant’s representatives had actually presented their views on the application during the hearing; and
- (d) the applicant’s representatives could not demonstrate why the documents relating to the development of the CGC were necessary for the consideration of the application. If the request was acceded to, it would set an undesirable precedent for similar requests from other applicants.

30. After deliberation, the Board decided not to agree to the applicant’s request for adjournment of the hearing, and agreed to continue with the question and answer session. Members also agreed that the applicant’s representatives should be informed of the Board’s decision on their request and be invited to join the meeting again to respond to possible questions and comments from Members.

31. The Secretary left the meeting to inform the applicant's representatives of the decision of the Board. On return, she reported that she had informed the applicant's representatives of the decision of the Board on their request for adjournment of the hearing and invited them to return to the meeting, but the applicant's representatives had refused to do so due to other commitments.

32. A Member remarked that since the hearing had not been completed and Members did not have a chance to ask questions, it might be prudent for the Board to defer the consideration of the application. In response, the Chairperson said that the applicant's representatives decided to leave the hearing of their own volition after making representations before the Board, and refused to return to the meeting despite invitation by the Board. As the applicant's representatives had been given sufficient opportunities to make their submissions and representations, the Board could proceed to consider the application in their absence. A Member added that the Board had considered many other applications in the absence of those applicants who had decided not to attend the hearings. Other Members supported the view.

33. The Chairperson asked whether Members had any point which needed to be clarified by the applicant's representatives or the PlanD. Members said that they would like to seek clarifications from the PlanD on a few points. In response to Members' questions, Mr. Bosco C.K. Fung made the following main points:

- (a) the Tamar site and its adjoining areas were excised from the Central District OZP to form part of the new Central District (Extension) OZP in 1998. The zoning of the site was changed from "C" to "G/IC" on the latter OZP to facilitate the development of the CGC. There was no rezoning application submitted by the Government in 1998 as misconceived by the applicant's representatives. To meet objections to the latter OZP, the proposed reclamation extent on the OZP was reduced and the NCT site was rezoned from "C" to "G/IC" to cater for future cultural and recreational uses, among other amendments. No objection to the zoning of the Tamar site was received during this process;
- (b) there were different types of GIC uses. The provision standard of some

GIC facilities was based on the estimated population in the district, e.g. school classrooms, hospital beds, as set out in the Hong Kong Planning Standards and Guidelines. However, this was not applicable to GIC facilities which served a wide area and were not population-based, e.g. the proposed CGC and cultural and recreational facilities at the application sites. Therefore, whether there were adequate “G/IC” sites in the C&W District to cater for district GIC facilities was not directly relevant to the consideration of the application;

- (c) the consultancy report requested by the LegCo members was purportedly done some years ago and related to the feasibility of redeveloping the existing CGO and MB sites. It was not directly relevant to the application. The Government had yet to finalize the accommodation of the CGC at the Tamar site but would provide detailed information to the LegCo by June 2006. Based on Government’s assessment, the CGC development at the Tamar site should not bring about unacceptable traffic impacts on the surrounding areas. The Chairperson added that the issue concerning the scope of the CGC should be handled separately; and
- (d) the proposed 2 ha open space to the north of the “G/IC(4)” site would be open to the public. The Government would balance the security need of Government offices and the accessibility of the public open space in the design of the project.

34. A Member considered that there was no ground to support the application and the proposed renovation of existing CGO and MB would cause serious disruption to the operation of the Government. Members unanimously agreed to the assessment made by the PlanD in the Paper and supported PlanD’s recommendation of rejecting the application. The Chairperson concluded that the applicant’s submissions and representations did not provide strong justifications for the application.

[Mr. Alfred Donald Yap left the meeting at this point.]

35. Mr. Bosco C.K. Fung noted that one of the letters tabled by the applicant’s representatives was addressed to the Chairperson with copies to Members and was dated

6.3.2006. The Secretary confirmed that the Secretariat had not received the letter before the meeting. Neither had the Members.

36. After further deliberation, the Board decided not to agree to the application and the reasons were that:

- (a) the proposed rezoning of the application sites to a large single use of open space would undermine the original planning intention and urban design framework of the Central waterfront to create a vibrant and attractive waterfront and a prime civic core in Hong Kong. The “Government, Institution or Community (4)” (“G/IC(4)”) site reserved for the Central Government Complex (CGC) and Legislative Council Complex (LCC) and the “G/IC(2)” site for possible future cultural and recreational facilities were integral parts of the planned Civic Corridor and Arts and Entertainment Corridor. It was doubtful if the proposed open space would allow the diversity of functions and activities to deliver a waterfront as vibrant and attractive as originally envisaged in the approved Central District (Extension) Outline Zoning Plan (OZP);
- (b) ample provision of open space had been planned in the area, especially at the adjoining civic place and along the waterfront for public enjoyment. There was no strong justification for further increasing the open space provision by rezoning the two “G/IC” sites to “Open Space”;
- (c) the proposed developments at the two “G/IC” sites would have no adverse impact on the accessibility to the waterfront. The waterfront promenade would be well connected to the existing developments at Admiralty and the cultural buildings in the Wan Chai area through a comprehensive pedestrian network and open space links bringing people to the harbour;

- (d) specific requirements would be included in the development parameters of the Tamar project at the “G/IC(4)” site and the future land documents for the “G/IC(2)” site to guide the building heights and disposition of the developments, to ensure compliance with the Urban Design Guidelines and Harbour Planning Principles, and to avoid any possible wall effect. A maximum building height of 80 mPD had been stipulated in the OZP for the “G/IC(2)” site. Height restriction of 130 mPD to 160 mPD for the “G/IC(4)” site would be specified as a design requirement of the Tamar project to protect the views to the ridgeline;
- (e) the planned road infrastructure, including Road P2 and the Central-Wan Chai Bypass, would be able to cope with the anticipated traffic generated from the planned developments in the reclamation area including the planned developments at the two “G/IC” sites;
- (f) the development of the proposed CGC and LCC at the Tamar site would provide a timely solution to meet the shortage of space for the required facilities of the Government Secretariat and Legislative Council; and
- (g) a large part of the “G/IC(4)” site was currently located on vacant land, and a part of the “G/IC(2)” site north of Citic Tower was under the Central Reclamation Phase III project. The reclamation was a duly authorized project which had met the ‘overriding public need’ test laid down by the Court of Final Appeal. The land use zonings had already gone through a due process of public consultation and consideration of public views and objections by the Town Planning Board.

37. The meeting adjourned for lunch at 1:30 p.m.

38. The meeting was resumed at 2:45 p.m.
39. The following Members were present in the afternoon session:

Mrs. Rita Lau
Professor K.C. Ho
Mr. Alex C.W Lui
Mr. S.L. Ng
Dr. Greg C.Y. Wong
Mr. C.K. Wong
Mr. Nelson W.Y. Chan
Mr. Tony C.N. Kan
Professor N.K. Leung
Professor Bernard Vincent W.F. Lim
Mr. Alfred Donald Yap
Ms. Sylvia S.F. Yau

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Planning
Mr. Bosco C.K. Fung

Agenda Item 5

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/K14/488
Shop and Services in “Other Specified Uses” annotated “Business” (“OU(B)”)
Unit P, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong
(TPB Paper No. 7532)

[The hearing was conducted in Cantonese]

Presentation and Question Session

40. The following Government representatives were invited to the meeting at this point:

Mr. Raymond Lee	District Planning Officer/Kolwoon, (DPO/K) Planning Department (PlanD)
Mr. Yeung Chung-hau	Senior Divisional Officer (New Projects), Fire Services Department (FSD)
Mr Chan Man-hon	Acting Assistant Divisional Officer (New Projects), (FSD)

41. The following applicants and their representatives were also invited to the meeting at this point:

Ms Siu Chiu-heung	1	Applicants
Mr. Siu Chiu-hung	1	
Mr. Siu Chiu-mo	1	Applicants' Representatives
Mr. Siu Chiu-chu	1	

42. The Chairperson extended a welcome and apologized for the delay due to overrun of items in the morning session. She explained briefly the procedures of the review hearing. She then invited Mr. Raymond Lee to brief Members on the background to the application.

43. With the aid of some plans and tables, Mr. Lee did so as detailed in the Paper and made the following main points:

- (a) the application for 'Shop and Services' use on the G/F of a 14-storey industrial building in the "Other Specified Uses" annotated "Business" ("OU(B)") zone was rejected by the Metro Planning Committee (MPC) on 25.11.2005 on fire safety grounds;
- (b) the further justifications put forth by the applicant in support of the review application;
- (c) as indicated on Plan R-3, 2 of the 12 planning applications for shop and services use at various premises on the G/F of the same industrial building were approved with conditions. Application No. A/K14/479 was approved on 28.10.2005 as the aggregate commercial floor area of 495m² was considered acceptable by FSD, while No. A/K14/491 for fast food shop was approved on 10.12.2005 as the 230m²/460m² criteria did not apply to

ancillary and supporting uses in industrial (I) or industrial-office (I/O) building including fast food counter. The remaining 10 cases were rejected on fire safety grounds;

- (d) departmental comments – FSD maintained its objection as the aggregate commercial floor, after the inclusion of this application premises for shop and services use in the subject industrial building with sprinkler system, would exceed the 460m² criteria from fire safety point of view. As Application No. A/K14/479 for similar use at Units A, B and C on G/F of the subject building, submitted on 16.8.2005, was the first one submitted to the Board, it was first considered by the MPC on 14.10.2005 and approved with conditions on 28.10.2005;
- (e) 3 public comments were received during public inspection period, one in support, one raising objection on hygiene and environmental grounds and the other only provided comments on waiver fee for temporary waiver; and
- (f) PlanD's view – the application was not supported in view of the fire safety concern.

44. The Chairperson then invited the applicants to elaborate on the application.

45. With the aid of some plans, Mr. Siu Chiu-hung made the following main points:

- (a) the public comments received were either in support, with no or insignificant views;
- (b) he queried the basis for approving Application No. A/K14/479 for Units A, B and C since it was a food supermarket with a higher patronage than their shop for ladies' wear and hence would be subject to higher fire risks;
- (c) whether any additional fire protection installations could be suggested so as to improve the safety of his unit in order to satisfy FSD's requirements;
- (d) there was reservation on the rationale of the 'first-come-first-serve' principle, given that FSD had indicated no preference in assigning the permissible commercial floor space to any particular applicant;

[Mr. C.K. Wong and Mr. Alfred Donald Yap arrived to join the meeting at this point.]

- (e) there was confusion on the sequence for processing applications in the same building. As their application was submitted on 30.9.2005, prior to the approval for No. A/K14/479 on 28.10.2005, it should be considered with the latter at the same time before the 460m² quota was exhausted;
- (f) he rented the premises since 2000 to start the business of selling ladies' wear with his sisters. They were all along not aware of any government restrictions until shortly after they bought their premises from the landlord in 2002 when warning for breach of lease conditions was received from the District Lands Officer (DLO). He felt that he was not fairly treated and would be forced out of business if his application was not approved;
- (g) his sisters would be rendered jobless and would become victim of such safety regulation and administrative system if the shop was forced to close; and
- (h) the forbearance waiver fee of about \$8000 per month charged by DLO was a financial burden beyond their affordability.

46. The Chairperson pointed out that the sequence and details of similar cases submitted and considered by the Board were set out in the Paper already delivered to the applicant before the meeting. Notwithstanding, Messrs. Siu Chiu-hung and Siu Chiu-mo raised the question why similar cases in the same premises were not considered collectively and why the applicant had not been given a fair share of the permissible floor area as similar cases were not considered together at the same meeting.

47. In response to the applicant's queries, Mr. Raymond Lee replied as follows:

- (a) under the provisions of the Town Planning Ordinance (the Ordinance), planning applications would be considered by the respective Planning Committees of the Board within two months from the date of receipt. There was no exception to the case in question;
- (b) the table on pages 2 and 3 of the Paper had detailed the sequence and information of all similar cases in the same industrial building. Application No. A/K14/479, submitted on 16.8.2005, was considered and deferred by the

MPC on 14.10.2005 pending FSD's clarification on the aggregate floor area. It was subsequently approved on 28.10.2005; and

- (c) as each application was submitted at different timeframe with specific characteristics, it was not possible for the Board to defer processing of an submission in order to wait for similar cases that might or might not be submitted at a later date, as the Board was duty bound to consider an application within the two-month statutory time limit and on its individual merits. In this regard, the Board would not withhold the consideration of an application pending submission and processing of similar applications within the same building.

48. Members sought clarification from Mr. Raymond Lee on the following:

- (a) whether there were other similar cases considered in the same meeting as Application No. A/K14/479 and what were the outcomes;
- (b) the latest position of the adjoining units, i.e. Units L, M and Q, which had also been rejected ;
- (c) the reasons for approving Application No. A/K14/491 at Unit R; and
- (d) whether details of the guidelines had been provided to the applicants.

49. Mr. Raymond Lee responded as follows:

- (a) there were 4 similar cases, i.e. Application Nos. A/K14/481, 482, 483 and 484 for Units Q, M, N and L, considered by the MPC after No. A/K14/479 at the same meeting held on 28.10.2005. These 4 applications were all rejected on fire safety grounds;
- (b) Application Nos. A/K14/484, 482 and 481 for Units L, M and Q were further rejected upon review by the Board on 10.2.2006 for the same reason;
- (c) Application No. A/K14/491 at Unit R for fast food shop was approved on 10.12.2005 as the 230m²/460m² criteria did not apply to ancillary and supporting uses in the I or I/O building, including fast food counter; and
- (d) the revised TPB Guidelines for Development within "OU(B)" Zone (TPB

PG-No. 22C), promulgated on 11.1.2006, was available to the public and uploaded to the Board's website. The applicant had been provided with a copy of the review paper, with explanation on the guidelines, and minutes of the meeting held on 25.11.2005 for reference together with the Secretary's letter informing the applicant of the decision of MPC.

50. In response to the Chairperson's request, Mr. Yeung Chung-hau of FSD made the following main points:

- (a) as the original design of an industrial building and fire escape routes were designed for industrial purposes, FSD had fire safety concerns if planning applications for shop and services use would result in additional people who were not working in the building being exposed to fire risks that they would be unaware of;
- (b) recognizing that neither blanket approval nor rejection would be appropriate, FSD had adopted a pragmatic approach in handling applications of this nature. The maximum aggregate commercial floor areas of 230m²/ 460m² on the G/F of I or I/O buildings without/with sprinkler systems were formulated having regard to relevant fire installations and safety guidelines. The revised TPB Guidelines was to ensure the fire safety for such commercial uses in I or I/O buildings, with provision to allow for flexibility in the assessment of individual applications;
- (c) however, the 230m²/460m² criteria would not apply to:
 - conversion of the low zone of an existing I or I/O building for commercial uses separated by a buffer floor of non-hazardous occupancy; and
 - ancillary or supporting uses to the industrial activities in the I or I/O building, including bank, fast food counter, electrical shop, local provisions stores and showroom;
- (d) the limit would not apply if the commercial use on the G/F was separated by a floor of non-hazardous occupancy, such as carpark, etc; and
- (e) for the subject industrial building, there was only one unit on the 1/F

currently engaged in industrial activities. Should this unit be converted to some other uses such as carpark, plant room etc., the 1/F would serve as a buffer zone and the whole G/F could then be used for commercial uses.

51. In response to a Member's question about the feasibility of converting the G/F for commercial use, Mr. Yeung Chung-hau explained that the limit would not apply if the commercial use on the G/F was separated by a floor of non-hazardous occupancy, such as carpark, etc. However, conversion in this case was premature given the presence of an industrial workshop on the 1/F. As such, the 460m² criteria would still be relevant.

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

52. Mr. Siu Chiu-hung remarked that the applicants should have been informed of the guidelines and criteria well in advance. Ms. Siu Chiu-chu and Ms. Siu Chiu-heung expressed worry that they would be deprived of their means of livelihood if the application was rejected. The Chairperson explained that all cases were considered according to the relevant guidelines, without prejudice to any particular applicant.

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

Deliberation Session

54. The Chairperson remarked that based on FSD's comments, there was not much the Board could help as the floor space criteria, which were intended to address the fire risks posed by commercial uses in industrial buildings, were exceeded in the current situation.

55. Members had an ensuing discussion and raised the following views:

- (a) it seemed that the process of transformation of this industrial building for commercial use would be expedited if the industrial workshop on the 1/F could be phased out;
- (b) however, as this would involve private individual proprietary rights, the matter

should be left to the individual;

[Professor Bernard Vincent W.F. Lim left the meeting and Dr. Michael Chiu left the meeting temporarily at this point.]

- (c) the applicant had a misunderstanding in the timing and procedure for handling applications;
- (d) as the fire service guideline was to address the fire risks and to safeguard community safety, it must not be compromised; and

[Professor K.C. Ho left the meeting and Dr. Michael Chiu returned to join the meeting at this point.]

- (e) notwithstanding the aggregate floor limit, there was provision in the guidelines allowing for flexibility in the assessment of individual applications. Applicants could resort to the service of consultants in coming up with fire safety measures and installations that could address FSD's concern individually or on a collective basis. The latter could be more feasible from cost point of view.

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

56. The Secretary explained that the processing of all planning applications and review applications was in accordance with the provisions of the Ordinance and standard practice without prejudice to any applicant. The priority for considering each application for commercial use in industrial building was based on the timing of the submission which was entirely up to the applicant.

57. The Chairperson opined that the issue of wholesale conversion of the G/F would be up to private initiatives, and the operators and owners of the subject industrial building could organize themselves in finding a possible option in turning the 1/F into a buffer floor to meet the requirements of FSD. Mr. Bosco Fung considered that the relevant District Office (DO) might be able to offer assistance in co-ordinating the concerned operators and owners. Members agreed and requested that DPO and FSD should, with the assistance of DO, inform the relevant parties of the TPB Guidelines and offer advice from the safety point of view should the individual owners intend to explore the possibility of wholesale conversion of the G/F for commercial use.

58. Members agreed that the maximum aggregate commercial floor area should not be compromised for fire safety reason and there was no justification to deviate from the previous decisions.

59. After further deliberation, the Board decided to reject the application on review for the reason that the application was not acceptable from fire safety point of view.

Agenda Item 6

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/293

Temporary Sale Office for Second-Hand Private Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 3055D(Part), 3057RP(Part), 3058A, 3058RP, 3059(Part), 3060(Part), 3061(Part) and 3067(Part) in DD102, San Tin, Yuen Long
(TPB Paper No. 7536)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

60. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the applicant, Mr. Patrick Lam, were invited to the meeting at this point.

61. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

62. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary sale of second-hand vehicles for 3 years at the application site on 11.11.2005;
- (b) no further representation was submitted by the applicant in support of the

review application;

- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department raised objection as the application affected 3 recently approved Small House (SH) applications in the site and the on-site unauthorized structures would be required to be cleared before execution of land grant. With an active development programme for the site, approval of the case might frustrate the SH development and should not be encouraged. The Director of Environmental Protection would only tolerate if the site was used for sale office with no vehicle repair activities. The Chief Engineer/Mainland North, Drainage Services Department considered the drainage proposal inadequate while issues regarding maintenance, connection and discharge would need to be resolved given the lack of public stormwater network;
- (d) no public comment was received during the public inspection period and no local objection was received from the District Officer/Yuen Long; and
- (e) PlanD's view – not supporting the application as the site was within Category 4 areas of the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) and the Wetland Buffer Area. There were adverse departmental comments and lack of assessment to demonstrate its technical acceptability. The previous Application No. A/YL-ST/261 was approved by the Board on review in 2004 for 12 months in order not to frustrate the prospective SH development on site. The approval was subsequently revoked due to non-compliance with condition on drainage facilities.

63. The Chairperson then invited the applicant to elaborate on the application.

64. Mr. Patrick Lam made the following main points:

- (a) he was not able to move out within a short time; and
- (b) he asked for 12-month approval period to allow sufficient time for relocation.

65. Members sought clarification from Mr. Wilson So on the following:

- (a) the status of the SHs located at the site and to the south of the site, and
- (b) the progress of implementation of the “V” zone.

66. Mr. Wilson So replied as follows:

- (a) all the SH sites were within the “V” zone. The 3 approved SH applications within the application site could be implemented after completion of land grant while the 2 SH sites to the southeast and southwest were under construction; and
- (b) the area was gradually being developed for residential and village houses which was in line with the planning intention of the “V” zone.

67. As the applicant had no further comment to make and Members had no further question to raise, the Chairperson informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

68. The Chairperson noted from the site photos on Plan R-3 that there were adjoining SH under construction which was an indication of gradual village development in the area. Continuation of open storage should not be encouraged as it would delay development of SH and frustrate the planning intention. A Member also commented that the previous permission was granted before SH was approved on the site. Given the changing circumstances and with the ongoing takeup of SH development within the site, it would be prudent not to allow such temporary uses. Members generally agreed that the application should not be supported.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. As

there was an active programme for Small House development within the site, the approval of the application would frustrate the planning intention; and

- (b) the proposed development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that there was insufficient information in the submission to demonstrate that the use would not generate adverse drainage impact on the surrounding areas.

Agenda Item 7

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/186

Temporary Open Storage of Construction Materials with Ancillary Container-Converted Site Office for a Period of 3 Years in “Agriculture” zone, Lots 1427-1431 and 1539 in DD118, Tai Tong, Yuen Long
(TPB Paper No. 7537)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

70. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant’s representatives were also invited to the meeting at this point:

Mr. Kwok Chi-man]	Applicant’s Representatives
Mr. Tang Chi-bun]	

71. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

72. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary open storage of construction materials with ancillary container-converted site office for 3 years at the application site on 14.10.2005;
- (b) the justifications put forth by the applicant in support of the review application;
- (c) departmental comments – the proposed use was not supported by the Director of Agriculture, Fisheries and Conservation (DAFC) as the site could be maintained for agricultural use and resumed for such purpose given the availability of agricultural infrastructure. Approval would set an undesirable precedent and encroachment of open storage uses onto the “AGR” zone was undesirable in an area with extensive fallow arable land and high potential for rehabilitation. Given the scale and nature of the proposed use and nearby residential units, open storage use was not supported by the Director of Environmental Protection (DEP) from environmental point of view. The loading/unloading of construction materials would cause noise and dust nuisance to nearby sensitive receivers while the heavy vehicles would likely induce traffic nuisance. Such potential impacts would not be easily addressed by approval conditions. The Chief Engineer/Mainland North, Drainage Services Department (DSD) considered the revised drainage proposals insufficient to demonstrate that there would not be adverse drainage impact on the surroundings;
- (d) no public comment and no local objection was received from the District Officer/Yuen Long during public inspection period. During the public inspection of the further information submitted by the applicant, 1 public comment was received but was filed out-of-time; and
- (e) PlanD’s view – the application was not supported as the site was within Category 3 areas of the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) and the proposed use was not compatible with the surrounding rural land uses comprising residential structures and fallow agricultural land. There was no previous approval for open storage and there were adverse departmental comments. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation from

landscape angle given the lack of assessment to demonstrate that the proposal would not degrade the existing rural landscape. A similar case, Application No. A/YL-TT/184, was recently rejected on 13.1.2006 and there was no justification to warrant a departure from the decision.

73. The Chairperson then invited the applicant's representatives to elaborate on the application.

74. With the aid of some plans, Mr. Kwok Chi-man made the following main points:

- (a) the applicant was willing to comply with the conditions if the application was approved;
- (b) there was provision under the OZP for application for temporary use. Contrary to the planning intention, the site was hard paved and rehabilitation for agricultural use was not possible. The owner had no intention to use the land for such purpose. AFCD's suggestion for nursery on this paved site, which would not involve roots of plants growing into the ground, was a use that could be operated in any zones. This implied that this site did not possess good potential for rehabilitation;
- (c) regarding DEP's concern, as the proposed use was compatible with the surrounding open storage uses, vacant land and grave yards, it would unlikely cause nuisance to the surroundings. Only half of the site would be taken up for storage purpose and any environmental impacts could be addressed by mitigation measures and approval conditions;
- (d) given the site was intended for storage of construction materials for fixed periods, the traffic nuisance by heavy vehicles was not serious;
- (e) consultant would be appointed to submit drainage proposal and detailed information to the satisfaction of DSD. Landscaping plans would be provided to improve the visual aspects as required;
- (f) as "AGR" land would inevitably be required for urban growth, limited development with monitoring and control was reasonable. Approval of this case would have precedent effect but not necessarily undesirable with compliance of approval conditions. As each application should be

considered on its own merits, it might not be appropriate to reject the case on cumulative impacts; and

- (g) although the site fell within Category 3 areas of TPB PG-No. 13D, assessment on drainage, landscape, traffic and visual aspects had been submitted to demonstrate the technical acceptability. There was also no local objection.

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

Deliberation Session

76. The Chairperson remarked that the departmental concerns were not adequately addressed and there was no previous approval granted. She also noted from the plans that the site was relatively remote and the surrounding areas were predominantly rural in character which should be maintained. Members generally agreed with such views and considered that there was no ground to support the application.

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

- (a) the proposed development was not in line with the planning intention of the "Agriculture" zone which was intended primarily to retain and safeguard good quality agricultural land for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that it was considered incompatible with the surrounding rural land uses with residential structures and fallow agricultural land and that no previous

planning approval had been granted for open storage use on the site and there were adverse departmental comments on the application;

- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into this “Agriculture” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. S.L. Ng left the meeting at this point.]

Agenda Item 8

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-SKW/47

Temporary Barbecue Area with Structures for a Period of 3 Years

in “Village Type Development” zone,

Lots 258, 260, 261(Part) and 262B(Part) in DD 385, Tai Lam Chung, Tuen Mun

(TPB Paper No. 7534)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

78. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant’s representatives were also invited to the meeting at this point:

Mr. Wu Kwong-wah	Applicant
Mr. Wu Kwong-wai]
Mr. Wu Ka-kei] Applicant’s Representatives
Mr. Wu Koon-tai]

79. The Chairperson extended a welcome and explained briefly the procedures of

the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

80. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary barbecue area with structures for 3 years at the application site on 23.9.2005;
- (b) the applicant submitted further justification in support of the review application;
- (c) departmental comments – the Director of Environmental Protection (DEP): advised that in view of the recent local objections, the applicant might be advised to seek a better site to avoid potential odour and noise nuisances to nearby sensitive receivers, particularly Tai Lam Chung Tsuen and Luen On San Tsuen. The District Lands Officer/Tuen Mun, Lands Department commented that the existing barbecue use had extended to adjoining private lots and there was an anonymous complaint to various departments. The Chief Engineer/Mainland North, Drainage Services Department advised that given the lack of public stormwater facilities, the applicant was required to provide his own drainage facilities;
- (d) one comment from villagers of Tai Lam Chung Tsuen and Luen On San Tsuen was received during the s16 stage objecting on grounds of nuisances on air, noise, sewerage disposal and operation without a licence. At the s17 review stage, no public comment was received during the public inspection period from 11.11.2005 to 2.12.2005 and no local objection was received from the District Officer/Yuen Long. When the applicant's supplementary information was re-published from 28.12.2005 to 18.1.2006, 43 comments of the same content and format without signatures were received raising objection to the application on environmental impacts, food hygiene and unauthorized sale of alcohol and traffic grounds. Two supporting letters from a group of local residents without signatures were received on 1.3.2006 after the expiration of the specified three-week time period. The commenters alleged that their names had been forged and

they had not submitted the objection letters. The out-of-time comments were deposited in the Secretariat for Members' reference; and

- (e) PlanD's view – while the proposed barbecue area could provide commercial and recreation outlets for the residential neighbourhood, the RNTPC had raised concern on its close proximity to residential dwellings and the cumulative environmental impacts. There was insufficient information to demonstrate how the impacts on surrounding sensitive receivers could be addressed and DEP considered that the applicant might seek alternative site to avoid potential nuisances. A similar application to the immediate southwest was recently rejected on 13.1.2006 for the same reasons. Two previously approved applications close by, Application Nos. A/TM-SKW/24 for temporary car/lorry park and A/TM-SKW/42 for temporary barbeque area with structures, were revoked for non-compliance of approval conditions.

81. The Chairperson then invited the applicant and his representatives to elaborate on the application.

82. With the aid of documents comprising licenses, business registration certificate, support letters from village representatives and adjoining land/property owners, Mr. Wu Kwong-wah made the following main points:

- (a) all the adjoining and nearby buildings including the residential structures belonged to the applicant and his relatives. The neighbouring "Comprehensive Development Area" zone comprised predominantly low density residential area. Small scale recreational use was therefore acceptable;
- (b) he had submitted support letters from village representatives and adjoining land/property owners. The 43 objections were forgeries which should be disregarded;
- (c) he agreed to comply with the landscaping and drainage conditions if the application was approved;
- (d) the area, located close to government facilities and the Tai Lam penal

institution, was short of recreational facilities. The proposal was intended to provide a leisure outlet and resting place to serve both the locals and visitors, similar to bicycle tracks in country parks; and

- (e) the proposed development, being a small scale business and only operating on weekends, would not generate nuisances to the surrounding areas.

83. One of the applicant's representatives, Mr. Wu Koon-tai, supplemented with the following main points:

- (a) being the Village Representative of Tai Lam Chung Tsuen, he was not aware of any local complaint against the barbeque area. Instead the villagers welcome such use as it would bring vibrancy to the village as well as patronage and business opportunities which helped boosting the local economy;
- (b) the names in the objection letter, including his own, were falsified and the content was groundless; and
- (c) it was reasonable to allow the barbeque area to continue and all conditions would be complied with.

84. Members sought clarification from Mr. Wilson So on the following:

- (a) details of approved and similar applications in the vicinity;
- (b) the planning views and major concern of the proposed use; and
- (c) any new Small House (SH) applications in the vicinity.

85. Mr. Wilson So replied as follows:

- (a) an application by another applicant for a barbeque spot at an adjoining site, Application A/TM-SKW/48, was rejected on 13.1.2006 for the same reason (i.e. nuisance to nearby SH under construction) and was pending review;
- (b) two previously approved applications nearby, Application Nos. A/TM-SKW/24 for temporary car/lorry park approved in 2001 and A/TM-SKW/42 for temporary barbeque area with structures approved in

2005, were revoked for non-compliance of approval conditions;

- (c) while the proposal could provide commercial and recreational outlets for the area, RNTPC had raised concern on its close proximity to residential dwellings, particularly the 5 houses to the north, and the cumulative environmental impacts, given that there was another application for barbecue spot (Application A/TM-SKW48) at an adjoining site; and
- (d) he was not aware of other approved SH applications in the vicinity.

86. Members sought clarification from Mr. Wu Kowng-wah on the following:

- (a) status of the applicant and reasons for local objections;
- (b) the status of the 5 houses to the north of the site; and
- (c) any conflict with the local community.

87. Mr. Wu Kwong-wah replied as follows:

- (a) he was a local villager and resident. He did not know the reasons and purpose of the objection letters;
- (b) he and his brothers owned and resided in the 5 houses to the north of the site. His sister moved in as the area was more lively with the presence of the recreational and leisure facilities; and
- (c) they maintained a harmonious relationship with the local community and there had never been any conflicts.

88. Mr. Wu Ka-kei, one of the applicant's representatives, supplemented that he had no idea about the forged letters and supported the proposed development as it would attract more visitors.

89. In response to Mr. Wu Kwong-wah's question, the Chairperson explained that all relevant planning considerations including local views would be taken into account in the deliberation of the application.

90. As the applicant and his representatives had no further comment to make and

Members had no further question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant, his representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

91. The Chairperson pointed out it was necessary to take into account all relevant planning factors including local comments in the consideration of the application. The RNTPC rejected the application due to concern on possible nuisance to the nearby residential dwellings and the potential environmental impacts. As the applicant had now clarified that he and his relatives owned and lived in these dwellings, the application could be considered for approval subject to imposition of approval conditions.

92. Members were generally in support of the application and had the following views:

- (a) considered the environmental concerns could be mitigated by approval conditions;
- (b) the concern on the presence of sensitive receivers next to the application site was no longer an issue as the houses belonged to the applicant and his family who had expressed preference for the barbeque area; and
- (c) regarding cumulative impact, the review of Application No. A/TM-SKW48 for another barbecue spot in the vicinity would be considered based on individual merits.

93. After further deliberation, the Board decided to approve the application on a temporary basis for a period of 3 years up to 10.3.2009 on review on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.9.2006;

- (c) in relation to (b) above, the implementation of the landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.12.2006;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.9.2006;
- (e) in relation to (d) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.12.2006;
- (f) if the above condition (a) was not complied with at any time during the planning approval period, the approval thereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

94. The Board also agreed to advise the applicant of the following:

- (a) comments of District Lands Officer/Tuen Mun, Lands Department in paragraph 4.1.4 of the Paper that the adjoining private lots No. 251 and 263S.B in D.D. 384 were also being occupied for the applied uses. The applicant was required to apply for a waiver for the regularization of the existing structures;
- (b) comments of Chief Building Surveyor/New Territories West, Buildings Department in paragraph 9.1.4 in Annex A of the Paper on unauthorized structures on site, which were liable to enforcement action under section 24

of the Buildings Ordinance. The granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations and actions appropriate under the said Ordinance or other enactment may be taken if contravention was found. Use of container as office and workshop were considered as temporary buildings subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new work, including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on or accessible from a street having a width of not less than 4.5m, the development intensity should be subject to Building (Planning) Regulation 19(2) at the building plan submission stage;

- (c) comments of Director of Food and Environmental Hygiene (DFEH) in paragraph 9.16 in Annex A of the Paper on the licensing requirements of various licences under Food Business Regulations; and
- (d) comments of Director of Fire Services in paragraph 9.1.7 in Annex A of the Paper that should licence be required for the development by DFEH, detailed fire safety requirements would be formulated upon receipt of formal application referred by the licensing authority.

Agenda Item 11

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

110. There being no other business, the meeting was closed at 5.45 p.m.