

**Minutes of 856<sup>th</sup> Meeting of the  
Town Planning Board held on 24.3.2006**

**Present**

Hon. Patrick S.S. Lau

Vice-chairman

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Mr. Alex C.W. Lui

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor David Dudgeon

Professor N.K. Leung

Professor Bernard Vincent W.F. Lim

Mr. Daniel B.M. To

Mr. Alfred Donald Yap

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Mr. Patrick L.C. Lau

Director of Planning

Mr. Bosco C.K. Fung

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Permanent Secretary for Housing, Planning and Lands (Planning and Lands)

Mrs. Rita Lau

Dr. Alex S.K. Chan

Professor K.C. Ho

Mr. Francis Y.T. Lui

Mr. K.G. McKinnell

Ms. Carmen K.M. Chan

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Ms. Irene W.S. Lai

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 855<sup>th</sup> Meeting held on 10.3.2006

1. The minutes of the 855<sup>th</sup> meeting held on 10.3.2006 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

2. This was the last meeting of the 2004-2006 term of the Board. The Secretary, on behalf of the Chairperson who was unable to attend the meeting, thanked Members for their valuable contribution and services to the Board and the community during the past 2 years.

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 8 of 2004

Temporary Container Trailer/Tractor Park with Ancillary Office for a Period of 3

Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone

Lot 769 (Part) in DD 99 and Lots 3 (Part) and 4 (Part) in DD 105,

San Tin, Yuen Long

(Application No. A/YL-ST/253)

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3. The Secretary reported that the appeal was heard by the Town Planning Appeal Board (TPAB) on 11.1.2006 and allowed by TPAB on 17.3.2006. The appeal was received by TPAB on 2.7.2004 against the decision of the Board to reject on review an application (No. A/YL-ST/253) for temporary container trailer/tractor park with ancillary office for a

period of 3 years at a site zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/5. In considering the appeal, TPAB had taken into account the following:

- (a) the general direction in the OZP that new temporary port back-up uses would not be allowed in the “OU(CDWRA)” zone should not apply to this case as the appellant had got previous planning permission when he made the subject application;
- (b) under Town Planning Board Guidelines No. 12B for Developments within Deep Bay Area, open storage and port back-up uses located close to the Lok Ma Chau crossing might be sympathetically considered;
- (c) the objection raised by the Director of Environmental Protection regarding noise and nuisances caused to the “Residential (Group D)” zone on the southern side of Castle Peak Road was not a valid ground as the noise and traffic generated from the subject site was rather minimal when compared with the existing traffic along Castle Peak Road. There was also no evidence of local complaint; and
- (d) the Government had made real effort to restore the wetland and to phase out the sporadic open storage and port back-up uses in the “OU(CDWRA)” zone, as enforcement actions had been taken in the areas to the east and west of the site, though the area to the north of the site was still occupied by port back-up purpose.

4. The Secretary went on to say that TPAB, having regard to all the circumstances of this case, in particular the unlikelihood that the whole area surrounding the site used for open storage or port back-up purposes would be vacated in the next 6 months, decided to grant permission to use the site for container tractor/trailer park with ancillary facilities for 6 months. TPAB also made it clear that the 6-month period was to give the appellant time to look for an alternative site to continue his business and that, barring any unforeseen change

of circumstances, this was the final extension of any permission to the appellant to use the site for the current purposes. The Decision of TPAB was tabled at the meeting for Members' reference.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

(ii) Town Planning Appeal Statistics

5. The Secretary reported that as at 24.3.2006, 26 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	112
Yet to be Heard	:	26
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	237

**Agenda Item 3**

[Open Meeting]

Draft Town Planning Board Guidelines for Submission of Visual Impact Assessment to the Town Planning Board  
(TPB Paper No. 7541)

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Presentation Session

[Professor Bernard Vincent W.F. Lim arrived to join the meeting during presentation session.]

6. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Ms. S.C. Lau

Chief Town Planner

Ms. Channy C. Yang

Town Planner

7. Ms. S.C. Lau said that there was a need to ensure that the visual impact of a proposed development was properly addressed and assessed where required. Currently, guidance for carrying out visual impact assessment (VIA) for designated projects was set out in the Technical Memorandum under the Environmental Impact Assessment Ordinance (EIAO). However, formal guidelines for carrying out VIA for planning proposals submitted to the Board under the Town Planning Ordinance (TPO) were not available. A set of Town Planning Board Guidelines was therefore prepared to provide guidance on the general requirements for preparing VIA submissions in support of s.16 and s.12A applications.

8. Ms. S.C. Lau then covered the following major aspects as detailed in the draft Guidelines:

- (a) the scope and application of VIA;
- (b) the primary town planning consideration of VIA;
- (c) the general requirements for VIA, including (i) defining the assessment area; (ii) identifying visually sensitive receivers (VSRs) for selection of key viewpoints; (iii) identifying visual elements including visual attractors or detractors; (iv) analysing the types of visual impacts; (v) deciding the extent of visual impact for individual VSR groups; (vi) evaluating the overall visual impact; and (vii) a description on the design concept and the mitigation/enhancement measures; and
- (d) the materials to be included in VIA submissions.

9. Ms. S.C. Lau clarified that “paragraph 4.9” as stated in paragraph 4.11 of the draft Guidelines should be rectified as “paragraph 4.10”. She sought the Board’s agreement to submit the draft Guidelines to the Planning Sub-committee of the Lands and Building Advisory Committee (LBAC) for consultation before promulgation.

### Discussion Session

[Dr. Lily Chiang, Professor David Dudgeon and Mr. Alex. C.W. Lui arrived to join the meeting during discussion session.]

10. Members generally supported the draft Guidelines as it set out a systematic approach for carrying out VIA. It also helped applicants and professionals to understand the VIA requirements and the materials that should be submitted to the Board for consideration.

11. A Member asked about the difference between the draft Guidelines and the VIA requirements under EIAO. In response, Ms. S.C. Lau said that the guidelines for carrying out VIA for designated projects as set out in the Technical Memorandum under EIAO were more detailed. There was a general view that a simplified set of guidelines should be prepared for VIA submissions under TPO. The draft Guidelines were prepared on this basis.

12. Members raised the following comments/questions on the draft Guidelines:

#### Scope and application of VIA

- (a) the situations which required the submission of VIA should be clearly set out;

#### Primary consideration of VIA

- (b) the color, texture and finishes of the proposed building were important factors which should not be omitted in the VIA, in particular for large-scale developments;

#### Assessment area

- (c) some objective criteria for defining the assessment area, e.g. area measured 200m from the proposed development, should be set out;



Viewpoints

- (d) the criteria for selection of key viewpoints should be explained;

Visual sensitivity

- (e) how to determine the low, medium and high visual sensitivity of VSRs;

Extent of visual impact

- (f) under paragraph 4.10 of the draft Guidelines, applicants were required to decide on the extent of visual impact based on the visual sensitivity of the affected VSRs and the magnitude of change that would be experienced by the VSRs, and to present the result in the form of a quantitative table. However, the acceptable extent of visual impact had not been indicated in the table. For clarity, the table should be revised to include a “passing line” above which the extent of visual impact would be considered acceptable;

Materials to be submitted

- (g) in some cases, physical models alone could effectively demonstrate the visual impact of the proposed development without the need for submission of other materials; and

Others

- (h) drawings to illustrate the presentation materials that were required for VIA should be enclosed in the Guidelines.

13. In response, Ms. S.C. Lau explained the followings:

Scope and application of VIA

- (a) VIA would normally be required for developments which were subject to comprehensive planning and design control, and developments within or near landscape sensitive areas or visually sensitive areas. Examples were listed under paragraphs 2.1 to 2.3 of the draft Guidelines;

Primary consideration of VIA

- (b) from town planning point of view, greater emphasis should be placed on broad design aspects of a proposed development. Color, texture, finishes, etc. of a building were detailed building design elements. The Architectural Services Department would be consulted on such matters if necessary at the departmental circulation stage;

Assessment area

- (c) it was difficult to define the assessment area in quantitative terms. Factors such as the scale and form of the proposed development relating to the distance to the VSRs would be relevant in determining the assessment area. For example, different criteria should be used in defining the assessment area for an advertisement board as compared to that for Tsing Ma Bridge;

Viewpoints

- (d) viewpoints should be selected based on popularity and importance. Public viewpoints should be given precedence over private viewpoints because it was impractical to protect private viewpoints in Hong Kong without constraining development unnecessarily;

Visual sensitivity

- (e) applicants should analyse the degree of visual sensitivity of the VSRs based

on common sense approach as if they were the affected VSRs;

Extent of visual impact

- (f) the extent of visual impact was a subjective matter that could not be quantified in the form of a “passing line”; and
- (g) the table in paragraph 4.10 of the draft Guidelines was not meant to facilitate quantitative analysis. It only served to demonstrate the thinking process leading up to the conclusion on the overall visual impact as set out in paragraph 4.11 of the draft Guidelines. Whether the table was included in the VIA submissions was not essential.

14. On the last point, some Members considered that the table might give the impression that the approach leading to the conclusion was quantitative. As such, the table should be deleted.

15. Ms. S.C. Lau explained that the draft Guidelines were only a simplified version of the VIA requirements under the EIAO implemented since 1998 for which no quantitative guidelines were published. The approach in the draft Guidelines had in fact been adopted by the trade and was not entirely new. Nonetheless, she had no objection to delete the table to address Members’ concerns.

16. A Member considered that visual impact could be quantified. For example, a survey on the visual impact of a proposed development could be conducted to provide quantitative data for the decision maker in considering the proposed development.

17. A Member noted that the Housing Department had raised similar concern on the need to better quantify the Guidelines to reduce subjectivity. While divergent departmental views could be submitted to the District Planning Conference or the Committee on Planning, Lands and Development for discussion prior to submission to the Board, this Member considered that assistance should also be provided to the applicants to understand the matters with a view to resolving any disputes over the application of the Guidelines.

18. A Member opined that the Guidelines might make the development process more complicated. Another Member added that there was a general call for streamlining the town planning procedures. It was necessary to ensure that the Guidelines would not create unnecessary hurdles in the development process. Besides LBAC, relevant stakeholders and professional institutions should be consulted to ensure thorough understanding of the VIA requirements before promulgating the Guidelines for public reference.

19. Mr. Bosco C.K. Fung made the following points:

- (a) the Board had processed many VIA submissions before. The purpose of the current exercise was only to formalise the VIA requirements;
- (b) visual impact was a subjective matter that could not be measured and expressed in a quantitative manner;
- (c) the table in paragraph 4.10 of the draft Guidelines only set out how the visual impact might be classified. The ultimate aim of the Guidelines was to come up with a conclusion on the overall visual impact of a proposed development; and
- (d) the final decision on whether an application should be approved rested with the Board. VIA was only one of the considerations to be taken into account by the Board. Other aspects such as environment, traffic, drainage or ecological impacts were equally important. The Board should consider each development proposal in its totality.

20. The Vice-chairman asked whether the Real Estate Developers Association of Hong Kong (REDA) would be consulted. Mr. Bosco C.K. Fung said that the Planning Sub-Committee of LBAC, which would be consulted in April 2006, included representatives from REDA and relevant professional institutions. Ms. S.C. Lau added that briefings could be arranged for relevant professional institutions if requested.

21. The Vice-chairman concluded the discussion by remarking that more consultation would need to be carried out before endorsement of the Guidelines for promulgation.

22. The Vice-chairman then thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

[Professor N.K. Leung and Messrs. S.L. Ng, Erwin A. Hardy, Nelson W.Y. Chan and David W.M. Chan left the meeting temporarily at this point.]

#### **Agenda Item 4**

[Open Meeting]

Revised Draft Planning Department Practice Note for Professional Persons on Landscape Treatment and/or Other Measures for Mitigating the Landscape and Visual Impacts of Small-scale Utility Installations  
(TPB Paper No. 7556)

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#### **Presentation Session**

[Professor N.K. Leung, Mr. Erwin A. Hardy and Mr. Nelson W.Y. Chan returned, while Mr. Daniel B.M. To left the meeting temporarily during presentation session.]

23. The following representatives of the Planning Department (PlanD) were invited to the meeting to brief Members of the Paper:

Miss Fiona S.Y. Lung	Senior Town Planner
Mrs. Elizabeth Leven	Landscape Architect

24. With the aid of powerpoint slides, Miss Fiona S.Y. Lung then covered the following main aspects as detailed in the Paper:

- (a) the background of revising the draft Planning Department Practice Note for Professional Persons (PDPN) on Landscape Treatment and/or Other Measures for Mitigating the Landscape and Visual Impact of Small-scale Utility Installations (SSUI); and
- (b) major amendments incorporated in the revised draft PDPN.

25. Miss Fiona S.Y. Lung said that comments of utility companies and the Architectural Services Department on the proposed amendments had been incorporated in the revised draft PDPN where appropriate. Subject to Members' comments, the revised draft PDPN would be promulgated for public reference.

#### Discussion Session

[Dr. Rebecca L.H. Chiu arrived and Messrs. S.L Ng, David W.M. Chan and Daniel B.M. To returned to join the meeting during discussion session.]

26. Members raised the following comments/questions:

- (a) some electricity sub-stations were over 12m<sup>2</sup> in size. Temporary construction sites, road projects, etc. might also cause visual intrusion. The reasons for confining the scope of the PDPN to SSUI of not more than 12m<sup>2</sup> in size should be further explained;
- (b) whether the PDPN was applicable to refuse collection points, and whether Government sites were subject to the same requirements;
- (c) whether the PDPN was applicable to planning applications approved in the past;
- (d) some big and high branching trees like *Eucalyptus citriodora* recommended in Annex A of the PDPN might not achieve screening purpose as the SSUI would not be more than 12m<sup>2</sup> in size; and

- (e) in some cases, visual intrusion was resulted from improper site planning and overall design of the SSUI. In addition to landscape treatment and appropriate building design treatment such as façade treatment, it was suggested that sensitive site planning and enhanced overall design be added under the Guiding Principles and Alternative Mitigating Proposals in paragraphs 5 and 23 of the PDPN respectively.

27. In response, Miss Fiona S.Y. Lung and Mrs. Elizabeth Leven explained the following:

- (a) the PDPN was prepared to address specifically the problem that there was little space available to fulfil the landscape condition imposed in the planning approval for SSUI of not more than 12m<sup>2</sup> in size;
- (b) apart from public utility installations, the PDPN was also applicable to refuse collection points and Government facilities of comparable size and scale if planning permission from the Board was required;
- (c) the landscape considerations for other types of development were different. The PDPN was not applicable to large-scale utility installations, construction sites or road works;
- (d) the requirements of landscape submissions for large-scale projects were already set out in another PlanD practice note (PDPN No. 1/2004). PlanD, Lands Department and Buildings Department had also issued a Joint Practice Note (JPN No. 3) which covered the processing of landscape master plans required under planning applications and lease conditions. Another set of guidelines had been specially prepared to guide the submission and implementation of landscape proposals for open storage sites;

- (e) for SSUI previously approved, building design treatment alone would not be accepted as a means to fulfill a landscape condition imposed by the Board;
- (f) for new applications, the Board might impose a landscape condition or require the applicant to carry out alternative measures to minimise the visual impact of the SSUI. Applicants were also encouraged to include alternative mitigation proposals in the planning applications submitted to the Board for consideration; and
- (g) Annex A was meant to provide a range of plant species for applicants' reference. The applicants were free to select their preferred species. While the area of the SSUI would not be greater than 12m<sup>2</sup>, some adjoining land might be available for landscape purpose. LandsD would also consider including vacant Government land adjoining the SSUI into the respective land grant for landscape purpose. The applicants might therefore select some larger trees to suit the site-specific circumstances.

28. In response to the Vice-chairman suggestion, Mrs. Elizabeth Leven said that Annex A would be revised to include some indications on the size of the plant species for applicants' reference.

29. After further deliberation, the Board agreed that the draft PDPN at Annex III of the Paper, subject to the incorporation of Members' comments at this meeting, was suitable to be promulgated for public reference.

30. The Vice-chairman thanked PlanD's representatives for attending the meeting. Miss Fiona S.Y. Lung and Mrs. Elizabeth Leven left the meeting at this point.



## **Agenda Item 5**

[Open Meeting]

Proposed Reclamation Project for Lung Mei Bathing Beach, Ting Kok, Tai Po

(TPB Paper No. 7542)

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### **Presentation Session**

31. Mr. W.K. Hui, District Planning Officer/Shia Tin, Tai Po and North of the Planning Department (PlanD), was invited to the meeting to brief Members on the Paper.

32. With the aid of some plans, Mr. W.K. Hui covered the following main aspects as detailed the Paper:

- (a) the administrative arrangement for reclamation project agreed by the Board on 29.11.1996;
- (b) the reclamation project for Lung Mei Bathing Beach at Tai Po; and
- (c) the need to extend the boundary of Ting Kok OZP to include the proposed reclamation area to ensure that the beach project would blend in with the surrounding areas and its interface with the land uses in the hinterland could be fully considered.

### **Discussion Session**

33. Some Members considered that more details about the proposed bathing beach should be submitted to the Board for considering whether the OZP should be extended to cover it. They had the following views/questions:

- (a) it was doubtful whether there was demand for a bathing beach at the subject site as there was no particular scenic quality or attraction in the area. A land fill was located not too far away from the site. The water quality of

Tolo Harbour might not be suitable for bathing beach use;

- (b) there was concern on the ecological impact of the proposed reclamation in the area, in particular the mangroves along the shoreline of Ting Kok;
- (c) the traffic impact of the proposed bathing beach on Ting Kok Road should be fully assessed as there were frequent traffic jams in the section of the road leading to the Bride's Pool and Luk Keng; and
- (d) the proposed land requirement boundary in Drawing A-1 did not match with the proposed reclamation area in Plan 1 of the Paper. Whether flexibility should be built in so that the OZP would not need to be further amended if the location of the proposed bathing beach was shifted at detailed design stage.

34. In response, Mr. W.K. Hui explained the following points:

- (a) there was a great demand for recreational outlets in Tai Po. However, there was no beach facility and the existing swimming facilities at Tai Po Swimming Pool Complex were inadequate. Since the coastal areas of Tai Po were mainly of rocky nature not suitable for swimming, the former Regional Services Department had proposed to construct a man-made bathing beach at the subject site. The project was strongly supported by the Tai Po District Council, and it had been accorded priority for implementation in the 2005 Policy Address;
- (b) various impact assessments of the proposed bathing beach would be available when the detailed zoning for the proposed reclamation area was submitted to the Board for consideration later;
- (c) under the project, an existing box culvert would be replaced by a new one located further away from the proposed bathing beach (Drawing A-1 of the Paper). Besides, the proposed reclamation was a designated project under

the Environmental Impact Assessment Ordinance (EIAO). Issues relating to the ecological impact on the mangroves and the water quality in the area would be dealt with under the EIAO process, which had not started yet;

- (d) the proposed reclamation area (i.e. the area proposed to be included in the Ting Kok OZP) would only cover the sand portion of the proposed bathing beach, but the proposed land requirement boundary prepared by the Civil Engineering and Development Department would cover both the sand portion and the adjoining water where some related works would be carried out; and
- (e) the technicality for the proposed bathing beach had been confirmed by a feasibility study carried out by the Architectural Services Department. Although the boundary of the proposed bathing beach might be adjusted upon detailed design, substantial change in its location was not anticipated.

35. The Secretary added that the Board could only exercise statutory planning control over land and hence the OZP should only be extended to cover the sand portion of the proposed bathing beach. Under the covering Notes of the OZP, there was provision for minor adjustment of zoning boundaries.

36. A Member asked whether the Government could proceed with the project if the Board did not agree to extend the Ting Kok OZP.

37. Mr. W.K. Hui responded as follows:

- (a) before 1996, OZP amendments for reclamation works under the Town Planning Ordinance (TPO) and the gazetting procedures under the Foreshore and Seabed (Reclamation) Ordinance (FS(R)O) were not proceeded in parallel. There were cases that reclamation works might be authorised by the Chief Executive in Council (CE in C) under FS(R)O prior to the completion of the town planning procedures; and

- (b) except for small-scale piers, landing points and utilities and facilities, the administrative arrangement agreed in 1996 would allow the procedures under TPO and FS(R)O be carried out at the same time, but reclamation would only be authorised under the FS(R)O upon completion of the town planning procedures.

38. Mr. Bosco C.K. Fung pointed out that FS(R)O and TPO served different functions. The former focused on the reclamation works per se, but the latter served to invite public participation on the land use planning aspects of the proposed reclamation and its interface with the hinterland.

39. The Secretary added that the purpose of the Paper was to seek the Board's agreement to recommend to CE in C for extending the boundary of the OZP. If CE in C decided that the OZP be extended, detailed study on the appropriate zoning for the proposed reclamation area would be carried out and be submitted to the Board for consideration by way of OZP amendments.

40. After further deliberation, the Board agreed that the proposed reclamation area for the proposed bathing beach should be covered by the Ting Kok OZP and the administrative arrangement in paragraph 2 of the Paper should apply.

41. The Vice-chairman thanked PlanD's representative for attending the meeting. Mr. W.K. Hui left the meeting at this point.

[Dr. Lily Chiang, Mr. Erwin A. Hardy, Mr. Daniel B.M. To and Mrs. Angelina P.L. Lee left the meeting temporary at this point.]

**Agenda Item 6**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-LT/349

Proposed New Territories Exempted House (NTEH) (Small House) in  
“Village Type Development” and “Agriculture” zones, Lot 1535B in DD 8,  
San Tong Village, Lam Tsuen, Tai Po  
(TPB Paper No. 7543)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

[Dr. Lily Chiang and Mr. Erwin A. Hardy returned to join the meeting during the presentation and question session.]

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

Mr. W.K. Hui                      District Planning Officer/Shu Tin, Tai Po and North

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

Mr. Chung Kee-yau            –            Applicant  
Mr. Murphy Mak                )            Applicant’s representatives  
Mr. Ng Shui-ching             )

44. The Vice-chairman extended a welcome and explained briefly the procedures of the review hearing. The Vice-chairman then invited Mr. W.K. Hui to brief Members on the background to the application.

45. With the aid of powerpoint slides shown at the meeting, Mr. W.K. Hui made the following main points:

- (a) the reasons for the Rural and New Town Planning Committee to reject the proposed New Territories Exempted House (NTEH) (Small House) on 23.12.2005;
- (b) the justifications put forth by the applicant in support of the review application as summarised in paragraph 3 of the Paper. In particular, the applicant argued that the zoning line was drawn up arbitrarily. The situation was the same as that of Town Planning Appeal No. 24 of 2003 which was allowed by the Town Planning Appeal Board;
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as only a minor portion (8%) of the proposed Small House site (footprint) fell within the village “environs” (‘VE’) of San Tong Village;
- (d) no public comment or local objection was received on the review application; and
- (e) PlanD’s views – not supporting the application as majority of the application site was located outside the ‘VE’ of San Tong Village and only 8% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone. The subject application was not directly comparable with Town Planning Appeal No. 24 of 2003. In the subject case, although the “V” zone boundary did not follow the existing roads or the contours of the landscape, it had largely followed the ‘VE’ boundary of San Tong Village. The parts of “V” zone and ‘VE’ boundaries at the application site actually overlapped with each other.

46. The Vice-chairman then invited the applicant/applicant’s representatives to elaborate on the application.

47. Mr. Chung Kee-yau said that before acquiring the site in 1990/1991, he had obtained advice from DLO/TP that the site could be developed into Small House. There was no urgent need to build a Small House at that time. However, his mother passed away 3 years ago. It was necessary for him to take care of his father, who was over 80 years old, by building a Small House near his father's house. Mr. Murphy Mak added that the land available within the "V" zone was insufficient to meet the Small House demand. It was difficult for the applicant to acquire another piece of "V" land that was close to his father's house. Sympathetic consideration should be given for sites located at or near the edge of the "V" zone.

48. A Member noted that the comments made by Mr. Chung Kee-yau in paragraph 47 above were inconsistent with the current advice of DLO/TP as stated in paragraph 4.1 of the Paper. The Vice-chairman asked whether the applicant could produce documentary proof on DLO/TP's previous advice.

49. In response, Mr. Chung Kee-yau said that only verbal advice was sought from DLO/TP in 1990/1991. He would not acquire the site if DLO/TP advised that no Small House could be built at that time. Mr. Murphy Mak added that the changes in land administration and planning practices on Small House developments over years had not been made known to the applicant.

50. Members sought clarifications from Mr. W.K. Hui on the following:

- (a) whether the village house to the south of the site as shown in Plan A-3 in Annex A of the Paper was an unauthorised development;
- (b) whether the 'VE' was in place when the Lam Tsuen Interim Development Permission Area (IDPA) Plan was prepared in 1990;
- (c) whether there was sufficient land within the "V" zone to meet the Small House demand; and

- (d) whether DLO/TP would approve the Small House application if planning permission was granted to the proposed Small House.

51. Mr. W.K. Hui responded as follows:

- (a) if the village house located to the south of the site was in existence prior to the publication of the Lam Tsuen IDPA Plan in 1990, it would be regarded as an “existing use”;
- (b) the ‘VE’ was drawn up by Lands Department (LandsD) at a distance of 300 feet from the edge of the last village type house built in San Tong Village when the Small House Policy was implemented in 1972;
- (c) the outstanding Small House applications and the 10-year Small House demand forecast of San Tong Village was 37. About 33 Small House sites were available in the subject “V” zone; and
- (d) LandsD would normally not approve Small House sites which fell outside ‘VE’. DLO/TP advised that the subject Small House application would not be considered by his office because only a minor portion (8%) of the proposed house footprint fell within the ‘VE’ of San Tong Village.

52. Mr. Murphy Mak pointed out that the village house to the south of the site belonged to another village. Based on its outlook, this village house should be built 5-6 years ago.

53. The Secretary pointed out that in the past, Small House applications with proposed house footprint marginally falling within ‘VE’ might be approved by LandsD. LandsD had changed its policy to only approving those applications with over 50% of the proposed Small House footprint falling within ‘VE’.

54. As the applicant/applicant’s representatives had no further comment to make and Members had no further question to raise, the Vice-chairman 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 them of the Board's decision in due course. The Vice-chairman thanked the applicant/applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

[Mr. Daniel B.M. To returned to join the meeting during deliberation session.]

55. A Member said that the application did not comply with the interim criteria for assessing planning application for NTEH/Small House development in New Territories (Interim Criteria). Approval should not be given to the application.

56. Some Members held sympathetic views which were summarised as follows:

- (a) the site might not be put to agricultural use if the application was rejected;
- (b) a portion of land within the 'VE' encroached onto Lam Kam Road which could not be used for Small House development. The 'VE' boundary drawn up over 30 years ago should be reviewed to include sufficient land to meet the current Small House demand;
- (c) rejecting the application based on a mechanically drawn "V" zone might not be appropriate. The "V" zone boundary should be reviewed to reflect the current conditions of the area; and
- (d) there was insufficient land within the "V" zone to meet the Small House demand, consideration could be given to approving those applications falling partly within the "V" zone.

57. Mr. Bosco C.K. Fung made the following points:

- (a) the 'VE' boundary as defined under the Small House Policy could not be changed;
- (b) in drawing up the boundary of "V" zones, factors including the 'VE', local topography, Small House demand forecast, etc. had been taken into account. Areas of difficult terrain, dense vegetation, fung shui woods, etc. had been excluded where practicable. The boundary of "V" zones would also be reviewed from time to time taking into account changing circumstances;
- (c) in order to protect the water quality of the water gathering grounds (WGGs) in Lam Tsuen area, a comprehensive review of the "V" zones in Lam Tsuen had been carried out in 2002. Further extension of the "V" zones might have water quality implications; and
- (d) the Interim Criteria were introduced to set out clear guidance for assessing NTEH/Small House developments which fell entirely/partly outside "V" zone/'VE' in an objective and fair manner. Favourable consideration would be given if more than 50% of the proposed Small House footprint fell within "V" zone. Deviation from the 50% rule without strong justifications would not be appropriate and could have precedent effect in processing similar applications.

58. A Member said that water quality should not be a concern as the Small House would need to be connected to public sewers. The site had been paved and fell partly within the "V" zone. Another Member pointed out that the Water Supplies Department and Environmental Protection Department had no objection to the application as the site could be connected to the planned sewerage system for the "V" zone.

59. The Secretary pointed out the following:

- (a) the proposed Small House did not comply with the Interim Criteria in that only a very minor portion of the proposed Small House footprint fell within the "V" zone;

- (b) the application was not supported by DLO/TP under the current land policy, but the applicant was eligible to build a Small House in other villages within Tai Po “Heung” if there was no local objection; and
- (c) due to the presence of WGGs, the demand and supply of land for Small House developments was not assessed on individual village basis but for the Lam Tsuen area as a whole. Although there was a shortfall of “V” land in San Tong Village, sufficient land had been zoned “V” to meet the Small House demand of the Lam Tsuen area according to the review conducted in 2002.

60. After further deliberation, the Board decided to reject the application on review and the reason was that the proposed New Territories Exempted House (NTEH)/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the majority of the application site was located outside the village “environs” of San Tong Village and only 8% of the footprint of the proposed Small House fell within the “Village Type Development” zone. Hence, favourable consideration could not be given.

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-NTM/189

Temporary Warehouse for Construction Equipment and Appliances for a Period of 3 Years in “Recreation” zone, Lot 284(Part) in DD 104, Ngau Tam Mei, Yuen Long

(TPB Paper No. 7545)

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

[Mr. Patrick L.C. Lau arrived to join the meeting during presentation and question session.]

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

Mr. Wilson Y.L. So                      District Planning Officer/Tuen Mun and Yuen Long

62. The following applicant's representatives were also invited to the meeting at this point:

Mr. Wilfred Cheng Wing-for

Mr. Wayne Lee Wing-kwan

Mr. Leo Cheng Yin-man

63. The Vice-chairman extended a welcome and explained briefly the procedures of the review hearing. The Vice-chairman then invited Mr. Wilson Y.L. So to brief Members on the background to the application.

64. With the aid of plans shown at the meeting, Mr. Wilson Y.L. So covered the following main aspects as detailed in the Paper:

(a) the reasons for the Rural and New Town Planning Committee to reject the 2-storey temporary warehouse for construction equipment and appliances for a period of 3 years on 9.12.2005;

(b) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper;

(c) departmental comments – given the infrequent vehicular movements and the small-scale of the development, the Director of Environmental Protection considered that the applied use would unlikely generate major environmental nuisances if the materials would not be stored in the open area and there was no workshop activity. Drainage proposals should be

submitted to the Drainage Services Department (DSD) for consideration;

- (d) no public comment or local objection was received on the review application; and
- (e) PlanD's views – the subject warehouse was situated within an enclosed open storage yard of construction materials at Lots 283 and 284. Its operation seemed to be closely related to this open storage yard. The applicant had not demonstrated that the items to be stored in the subject warehouse could not be accommodated in conventional godown premises. The development was not compatible with the surrounding rural setting. The local track leading to the site was substandard and not suitable for use by heavy vehicles. No similar application for warehouse use had been approved in the same "Recreation" zone. For reasons stated in paragraph 6.1 of the Paper, PlanD maintained its previous views of not supporting the application.

65. The Vice-chairman then invited the applicant's representatives to elaborate on the application.

Mr. Wilfred Cheng Wing-for made the following main points:

- (a) his company was engaged in construction business. Some construction materials like tiles could not be stored in the open area. Some construction equipment was too heavy or too large for delivery by lifts in conventional godown buildings. When a construction project was completed, some storage space was required to accommodate the office equipment (e.g. walkie-talkies, computers) and office furniture before another site office could be set up in a new construction site;
- (b) although his company had some warehouses in the urban areas, most of the new construction sites were located in the New Territories. It was more cost-effective to store the materials at the subject site;

- (c) the local track connecting the site had been paved. Medium-sized trucks would be used for delivery of materials and only minimal traffic would be generated; and
- (d) the warehouse would be made of permanent materials with boundary walls and landscape plantings. The development would not cause any visual problem. A watchman would be employed for the site. The general environment and the law and order of the area could be improved. Besides, professional consultants would be engaged to prepare drainage proposals for consideration by DSD.

66. In response to Members' questions about the open storage yards in the area, Mr. Wilson Y.L. So said that the open storage yard for construction materials at Lots 283 and 284 was outside the subject application site and was in operation without planning permission. The 2 open storage yards to the east and west of the site were "existing uses" tolerated under the Town Planning Ordinance.

67. Mr. Wayne Lee Wing-kwan pointed out that the adjoining open storage yard, which was also owned by the applicant, was an "existing use". It could be seen from an aerial photo taken on 14.9.1990 that several oil tanks were stored on the adjoining site at that time.

68. In response to a Member's query about "existing use", Mr. Wilson Y.L. So made the following points:

- (a) "existing uses" referred to those uses which existed on the date of the first publication of the Ngau Tam Mei Interim Development Permission Area Plan No. IDPA/YL-NTM/1 in 1990 and which had continued without material change since then;
- (b) according to the records of the Central Enforcement and Prosecution Section of PlanD, the adjoining site was a piece of "miscellaneous unused land" in 1990. If there was material change in the use of the adjoining site,

it might be subject to enforcement action of the Planning Authority; and

- (c) the application was for a warehouse on the subject site, rather than the open storage yard at the adjoining site.

69. In response to Members' questions, Mr. Wilfred Cheng Wing-for and Mr. Wayne Lee Wing-kwan made the following points:

- (a) the applicant acquired the site several years ago. The previous landowner had used the site for open storage of construction materials for more than 10 years; and
- (b) it was the applicant's plan to replace the current open storage of large items at the adjoining site with a warehouse for small and delicate items at the subject site. This would help improve the local environment.

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

#### Deliberation Session

71. Mr. Bosco C.K. Fung pointed out that whether the adjoining open storage yard was an "existing use" was a matter for the court to decide. The Board should focus on the subject application which was for a warehouse.

72. Members generally considered that there were no particular merits justifying approval of the application.

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

- (a) the proposal was not in line with the planning intention of the “Recreation” (“REC”) zone, which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on temporary basis;
- (b) the proposed development was not compatible with the residential dwellings and village settlements in the surrounding area;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for applications for other developments within the “REC” zone, the cumulative effect of which would result in a general degradation of the environment of the “REC” zone.

**Agenda Item 8**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/294

Temporary Public Car Park with Ancillary Office and Staff Canteen for a Period of 3 Years in “Village Type Development” zone, Lots 673A, 673B, 673C, 673D, 673RP and 674RP(Part) in DD 99, Lots 3054(Part), 3055A(Part), 3055E(Part), 3055RP(Part) and 3064(Part) in DD 102, and Adjoining Government Land, San Tin, Yuen Long

(TPB Paper No. 7548)

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[The hearing was conducted in Cantonese.]



Presentation and Question Session

[Dr. Lily Chiang and Mr. Erwin A. Hardy left the meeting during presentation and question session.]

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

Mr. Wilson Y.L. So                      District Planning Officer/Tuen Mun and Yuen Long

75. The following applicant and applicant's representatives were also invited to the meeting at this point:

Mr. Man Whi-chung	–	Applicant
Mr. Raymond Leung	)	
Miss Cannis Lee	)	Applicant's representatives
Mr. Ku Kin-pong	)	
Ms. Li Choi-mui	)	

76. The Vice-chairman extended a welcome and explained briefly the procedures of the review hearing. The Vice-chairman then invited Mr. Wilson Y.L. So to brief Members on the background to the application.

77. With the aid of plans shown at the meeting, Mr. Wilson Y.L. So covered the following main aspects as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the temporary public car park with ancillary office and staff canteen for a period of 3 years on 9.12.2005;
- (b) no written representation had been received from the applicant in support of the review application;

- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as 5 Small House applications in the southern part of the site had been approved in early 2005, with another one at the south-eastern part of the site under processing. The Director of Environmental Protection (DEP) noted that heavy vehicles were parked on the site. As the applicant had indicated that the proposed car park was for private vehicles without car washing and repairing activities, DEP considered the proposed use tolerable. The drainage proposal submitted by the applicant was considered not satisfactory. Submission and implementation of landscape proposals were required;
- (d) no public comment or local objection was received on the review application; and
- (e) PlanD's views – not supporting the application as the development might frustrate the Small House development on the site and there were drainage and landscape concerns. Three previous applications (No. A/YL-ST/126, 153 and 203) were rejected by RNTPC and a similar application (No. A/YL-ST/284) was rejected by the Board on review on similar considerations.

78. The Vice-chairman then invited the applicant/applicant's representatives to elaborate on the application.

79. With the aid of powerpoint slides, Mr. Raymond Leung made the following main points:

- (a) the applicant proposed to shorten the planning permission period sought from 3 years to one year, and to delete the ancillary office and staff canteen from the application as all the temporary structures on the site had been cleared upon receipt of PlanD's warning letter. The applicant's letter dated 24.3.2006 was tabled at the meeting for Members' consideration;

- (b) only 4 of the 5 approved Small Houses fell entirely within the application site. The concerned villagers had genuine intention to build Small Houses. The structures on the site had now been cleared and this satisfied the requirement for execution of the land grant documents. However, one of the Small House applicants was now in Germany and he could only return to Hong Kong to sign the relevant documents in July 2006. It would normally take another 6 to 9 months to obtain the Certificates of Exemption. Approving the public car park for one year would not jeopardise the planning intention;
- (c) shop and services uses were allowed on the ground floor of Small Houses. The public car park under application was not incompatible with Small Houses;
- (d) the applicant was the Village Representative of On Lung Tsuen and a member of the San Tin Rural Committee. Three adjacent public car parks under Applications No. A/YL-ST/268, 275 and 276 were also managed by the applicant in collaboration with other villagers. These car parks, providing some 800 car parking spaces, played an important role in supporting the cross-boundary function of Lok Ma Chau;
- (e) in the past, some heavy vehicles might stop at the site to exchange shipping documents, but they had nothing to do with the public car park under application. If the application was not approved and the site was left unmanaged, various types of vehicles might park there without control. Law and order of the area might be affected. The site might also become a dumping ground, causing environmental problem;
- (f) the applicant had a good record in complying with the approval conditions under Applications No. A/YL-ST/268, 275 and 276; and
- (g) a chartered engineer would be engaged to prepare drainage proposals for

consideration of the Drainage Services Department.

80. Referring to the photos shown at the meeting, Mr. Man Whi-chung added that there was no land use conflict between public car parks and Small Houses.

81. The Vice-chairman asked whether landowners' consent for the application had been obtained. Mr. Patrick L.C. Lau asked the applicant whether steps had been taken to implement the Small Houses since the approval given in early 2005, and whether the public car park would affect Government officers in carrying out site survey or other preparatory works for the approved Small Houses.

82. Messrs. Man Whi-chung and Raymond Leung responded as follows:

- (a) consent letters from landowners had been included in the application;
- (b) the 4 Small House applicants intended to build their Small Houses together. Administrative fees were paid in 2005. The structures on the site had already been cleared. While 3 building licences had been obtained, the remaining applicant would only sign the relevant documents upon his return in July 2006. The Small House applicants would then submit the detailed location plans to DLO/YL for setting out of the Small House sites. It would take about 9 months to complete the required procedures; and
- (c) the subject car park mainly served to meet the private car parking demand during weekends. Its operation would not affect the setting out of the Small House sites and other preparatory works to be carried out by Government officers on weekdays.

83. As the applicant/applicant's representatives had no comment to make and Members had no further question to raise, the Vice-chairman 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 them of the Board's decision in due course. The Vice-chairman thanked the applicant/applicant's representatives and PlanD's representative

for attending the meeting. They all left the meeting at this point.

### Deliberation Session

84. Having regard to the implementation programme of the approved Small Houses on the site, Members generally considered that the application could be approved for one year. However, approval conditions should be imposed to exclude staff canteen, site office and parking of goods vehicles at the site.

85. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 12 months up to 24.3.2007, on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site during the planning approval period;
- (c) no canteen, site office, car washing activity or vehicle repair workshop was allowed on the site during the planning approval period;
- (d) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.6.2006;
- (e) in relation to (d) above, the implementation 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 24.9.2006;

- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.6.2006;
- (g) in relation to (f) above, the provision of drainage facilities as proposed 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 24.9.2006;
- (h) the submission of vehicular access arrangement proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.6.2006;
- (i) in relation to (h) above, the provision of vehicular access arrangement as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.9.2006;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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 without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) a shorter approval period of 12 months was granted in order not to frustrate the prospective Small House development on site;
- (b) shorter compliance periods were imposed to monitor the fulfilment of relevant approval conditions;
- (c) the comments of the District Lands Officer/Yuen Long that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The unauthorised structures should be regularised through application of Short Term Waiver and Short Term Tenancy to his office;
- (d) the advice of the Director of Environmental Protection to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (e) the comments of the Chief Building Surveyor/NT West of Buildings Department that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found; and use of containers as office was considered as temporary buildings and were subject to control under the Building (Planning) Regulation Part VII; and
- (f) the advice of the Director of Food and Environmental Hygiene that the operation on site must not create any environmental nuisance to the surroundings and the management of the car park was responsible for removal and disposal of the trade refuse.

[Dr. Greg C.Y. Wong and Mr. Leslie H.C. Chen left the meeting temporarily at this point.]

**Agenda Item 9**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-LTYT/129

Temporary Vehicle Park for Goods Vehicles, Coaches and Container Vehicles

for a Period of 3 Years in “Green Belt” zone,

Lots 867A, 867B, 867CRP, 2507ARP, 2507B in DD 130,

Lo Fu Hang, Tuen Mun

(TPB Paper No. 7554)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

[Professor Bernard Vincent W.F. Lim left, while Mrs. Angelina P.L. Lee returned to join the meeting during the presentation and question session.]

87. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting.

88. Mr. Wilson Y.L. So said that the applicants submitted a letter on 13.3.2006 requesting for deferring the consideration of the review for 3 months to allow additional time for them to collect information and prepare documents. According to Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance, reasonable grounds must be provided to support the request and the proposed deferment period should not be indefinite. In considering the request, the Board would take into account all relevant factors and whether the right or the interest of other concerned parties would be affected. Mr. So pointed out that the application was involved in an enforcement case and enforcement notices were issued to the landowners on 3.6.2005. Besides, there was no indication of the type of further information to be collected by the applicants for preparation of documents. In view of the above, it was recommended that the request for deferment should not be acceded to. Mr. So then left the meeting.



Deliberation Session

89. After deliberation, the Board agreed not to accede to the deferment request.

Presentation and Question Session

[Mr. Daniel B.M. To left the meeting temporarily during the presentation and question session.]

90. Reasonable notice had been given to the applicants, but the applicants had informed the Secretariat that they would not attend or be represented at the review hearing. The Board agreed to proceed with the hearing in their absence.

91. Mr. Wilson Y.L. So was then invited to the meeting to brief Members on the background to the application.

92. With the aid of plans shown at the meeting, Mr. Wilson Y.L. So covered the following main aspects as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee to reject the temporary vehicle park for goods vehicles, coaches and container vehicles for a period of 3 years at the application site on 25.11.2005;
- (b) the applicants had not submitted any written representation in support of the review application;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and the access road. According to the Assistant Commissioner for Transport, the site could only be accessed from a single-lane two-way road which might not be able to cope with the traffic generated from the site. The Chief Engineer/Mainland North of Drainage Services Department advised that a drainage impact assessment should be submitted;

- (d) no public comment or local objection was received on the review application; and
- (e) PlanD's views – the subject vehicle park for goods vehicles, coaches and container vehicle was not in line with the planning intention of the “Green Belt” (“GB”) zone. The development was not compatible with the surrounding areas with a number of residential structures. The nearest village house located to its south was only about 5m from the site boundary. There were environmental, traffic and drainage concerns. No similar application had been approved in the same “GB” zone. Approval of the application would set an undesirable precedent for similar applications. For reasons stated in paragraph 6.2 of the Paper, PlanD maintained its previous views of not supporting the application.

93. As Members had no further question to raise, the Vice-chairman thanked PlanD's representative for attending the meeting. Mr. Wilson Y.L. So left the meeting at this point.

#### Deliberation Session

94. After 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 “Green Belt” (“GB”) zone which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the vicinity;

- (c) there was no information in the submission to demonstrate that the development would not have adverse traffic, drainage and environmental impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

**Agenda Items 10 and 11**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K14/490

“Shop and Services (Bank/Retail/Showroom/Supermarket/Fast Food Shop/Photographic Studio)” Use in “Other Specified Uses” annotated “Business” zone,

Unit G and Storeroom, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong  
(TPB Paper No. 7549)

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Review of Application No. A/K14/492

“Shop and Services” Use in “Other Specified Uses” annotated “Business” zone,

Unit J, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong

(TPB Paper No. 7550)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

[Dr. Greg C.Y. Wong, Mr. Daniel B.M. To and Mr. Leslie H.C. Chen returned to join the meeting during the presentation and question session.]

95. Reasonable notice had been given to the applicants of A/K14/490, but the applicants had informed the Secretariat that they would not attend or be represented at the review hearing. The Board agreed to conduct the hearing of the review in their absence.

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

Mr. Raymond K.W. Lee      District Planning Officer/Kowloon,  
Planning Department

Mr. Yeung Chung-hau      Senior Divisional Officer (New Projects),  
Fire Services Department (FSD)

Mr. Chan Man-hon          Assistant Divisional Officer (New Projects), FSD

97. The following applicants of Application No. A/K14/492 were also invited to the meeting:

Ms. Cheng Shui-keung

Ms. Tang Suk-han

98. The Vice-chairman extended a welcome and explained briefly the procedures of the review hearing. The Vice-chairman then invited Mr. Raymond K.W. Lee to brief Members on the background to the applications.

99. With the aid of plans shown at the meeting, Mr. Raymond K.W. Lee made the following main points:

- (a) the 2 applications were for shop and services uses on the G/F of a 14-storey industrial building in an “Other Specified Uses” annotated “Business” zone on the Kwun Tong (South) Outline Zoning Plan. Both applications were rejected by the Metro Planning Committee on 12.10.2005 on fire safety ground; and

- (b) relevant departments were further consulted on the review applications. In view of the fire safety concern, PlanD maintained its previous view of not supporting the applications.

100. The Vice-chairman then invited the applicants of Application No. A/K14/492 to elaborate on their application.

101. Mr. Cheng Shui-keung said that both Units R and J were located next to the entrances to the building. The Board had approved the shop and services use at Unit R while rejecting his application at Unit J. He queried why Unit R could be exempted from the aggregate commercial floor area of 460m<sup>2</sup>.

102. In response, Mr. Raymond K.W. Lee said that 2 similar applications for shop and services uses (No. A/K14/479 and A/K14/491) on G/F of the same building had been approved. For Application No. A/K14/479 at Units A, B and C, the total floor area of 475m<sup>2</sup> was considered acceptable by FSD. Application No. A/K14/491 at Unit R was for a fast food shop. It was approved as the 460m<sup>2</sup> criterion was not applicable to fast food shop.

103. A Member asked about the uses on the 1/F, and whether it was possible to convert the whole G/F for commercial use by providing a buffer floor above it.

104. Mr. Raymond K.W. Lee said that with the exception of one unit which was occupied by a workshop, 1/F was mainly used for parking and loading/unloading purposes. If the workshop unit was changed to other non-industrial use, 1/F could serve as a buffer floor to facilitate conversion of the entire G/F for commercial use.

105. Mr. Yeung Chung-hau added the following points:

- (a) industrial undertakings might involve processes and products of high fire risk. Commercial uses were not encouraged in an industrial building as they would normally attract a large number of people who might not be aware of the potential fire risk or familiar with the design of the building. However, FSD had been adopting a pragmatic approach by tolerating some

small-scale commercial uses on the G/F of industrial buildings. In general, an aggregate commercial floor area of 460m<sup>2</sup> would be allowed on the G/F of a fully sprinklered industrial building; and

- (b) the prime consideration of FSD was to reduce the fire risk to the visitors attracted by the commercial uses. If a buffer floor without industrial uses could be provided to completely separate G/F from the industrial uses on upper floors, the 460m<sup>2</sup> aggregate commercial floor area criterion might be relaxed. One option was to convert the entire 1/F into a floor solely for car parking or plant room use.

106. A Member asked whether FSD would accept the option of converting the workshop unit on 1/F into commercial use. Mr. Yeung Chung-hau replied in the negative, as there would be no buffer floor between the commercial use on 1/F and the industrial undertakings above.

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

#### Deliberation Session

108. Members considered that fire safety should not be compromised. Sympathetic consideration could not be given to the applications.

109. A Member said that the Government should provide assistance to the applicants and the tenants/owners of the building to explore the possibility of converting the 1/F into a buffer floor. The Secretary said that in rejecting a similar application (No. A/K14/488) on review on 10.3.2006, the Board had raised similar concern and requested the District Office to provide necessary assistance to the applicants.

110. After further deliberation, the Board decided to reject the applications on review and the reason was that the applications were not acceptable from fire safety point of view.

[Messrs. Nelson W.Y. Chan and Michael K.C. Lai left the meeting temporarily at this point.]

### **Agenda Item 13**

[Open Meeting]

Submission of the Draft Mong Kok Outline Zoning Plan No. S/K3/23A  
under Section 8 of the Town Planning Ordinance to the Chief Executive in Council  
for Approval  
(TPB Paper No. 7552)

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117. The Secretary briefly introduced the Paper.

118. After deliberation, the Board:

- (a) agreed that the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/23A and its Notes at Annexes A and B of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Mong Kok OZP No. S/K3/23A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP No. S/K3/23A.

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

**Agenda Item 14**

[Open Meeting]

Submission of the Draft Urban Renewal Authority Mallory Street/Burrows Street  
Development Scheme Plan No. S/H5/URA1/1A under Section 8 of  
the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 7544)

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119. The following Members had declared interested in this item:

Mr. Bosco C.K Fung as the Director of Planning	Being a non-executive director of the Urban Renewal Authority (URA)
Mr. Patrick L.C. Lau as the Director of Lands	Being a non-executive director of (URA)
Ms. Margaret Hsia as the Assistant Director (2) of the Home Affairs Department	Being a co-opt member of the Planning, Development and Conservation Committee of URA
Dr. Alex S.K. Chan	Being a co-opt member of the Review Committee of URA
Mrs. Angelina P.L. Lee	Having current business dealings with URA
Mr. Michael K.C. Lai	Being a former non-executive director of URA
Mr. Tony W.C. Tse	Being a former director of URA

The Board noted that Ms. Hsia and Dr. Chan had tendered their apologies for being unable to attend the meeting. The Board agreed to allow Mrs. Lee and Messrs. Fung, Lau, Lai and Tse to stay at the meeting as the matter for consideration under this item was procedural in nature.



120. The Secretary briefly introduced the Paper.

121. After deliberation, the Board:

- (a) agreed that the draft Urban Renewal Authority Mallory Street/Burrows Street Development Scheme Plan No. S/H5/URA1/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Urban Renewal Authority Mallory Street/Burrows Street Development Scheme Plan No. S/H5/URA1/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zonings on the draft Development Scheme Plan and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft Development Scheme Plan.

**Agenda Item 17**

[Open Meeting]

**Any Other Business**

123. There being no other business, the meeting was closed at 1:00p.m..