

**Minutes of 873<sup>rd</sup> Meeting of the  
Town Planning Board held at 9.00am on 8.12.2006**

**Present**

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

Chairperson

Dr. Peter K.K. Wong

Vice-chairman

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Environmental Protection  
Ms. Anissa Wong

Director of Lands  
Mr. Patrick L.C. Lau

Director of Planning  
Mrs. Ava Ng

Deputy Director of Planning/District  
Mr. Raymond T.L. Chiu

Secretary

**Absent with Apologies**

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor N.K. Leung

Professor Bernard Vincent W.F. Lim

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

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

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  
Mr. C.T. Ling

Senior Town Planner/Town Planning Board  
Ms. Teresa L.Y. Chu

### **Agenda Item 1**

[Open meeting]

#### Confirmation of Minutes of the 872<sup>nd</sup> Meeting held on 24.11.2006

1. The minutes of the 872<sup>nd</sup> meeting held on 24.11.2006 were confirmed without amendment.

### **Agenda Item 2**

[Open meeting. The meeting was conducted in Cantonese.]

#### Matters Arising

#### Approval of Outline Zoning Plans (OZPs)

2. The Secretary reported that on 5.12.2006, the Chief Executive in Council (CE in C) approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) the following plans:
  - (a) draft San Tin OZP No. S/YL-ST/7A (renumbered as S/YL-ST/8);
  - (b) draft Ngau Tam Mei OZP No. S/YL-NTM/11A (renumbered as S/YL-NTM/12);
  - (c) draft Shek Kip Mei OZP No. S/K4/20A (renumbered as S/K4/21); and
  - (d) draft Peng Chau OZP No. S/I-PC/7A (renumbered as S/I-PC/8).
3. The approval of these four OZPs would be notified in the Gazette on 15.12.2006.

### **Agenda Item 3**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-NTM/194

Proposed Public Utility Installation (CLP Transformer Package Substation)

in “Village Type Development” zone, Lot 2308C(Part) in DD 104,  
Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long  
(TPB Paper No. 7727)

---

[The hearing was conducted in Cantonese.]

#### Presentation and Question Session

4. The Chairperson informed Members that the applicant sought planning permission to develop a CLP transformer package substation on a site zoned “Village Type Development” (“V”). The proposal was previously rejected by the Rural and New Town Planning Committee (RNTPC) on 18.8.2006 **due to the lack of** insufficient information to demonstrate the suitability of the proposed site location, and causing drainage and landscape impacts on the surroundings.

5. The Chairperson went on to explain that the applicant had subsequently **submitted various assessments and** proposed to construct a channel underneath the substation so as to avoid stream diversion and reduce the impact on the nearby mature trees. As such, the Director of Agriculture, Fisheries and Conservation and Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) had expressed no further objection. As to Chief Engineer/ Mainland North, Drainage Services Department’s concern on the lack of information on drainage arrangements and the obstruction of maintenance of channel inlets by proposed tree plantings, approval conditions could be imposed requiring the submission and implementation of drainage and landscape proposals, taking into account channel dimension and likely impacts on inlet maintenance. With the resolution of the various impacts, PlanD had no objection to the proposed facility.

6. The applicant had indicated that he would not make any presentation. As the reasons for rejection by the RNTPC had been resolved and subject to the applicant’s agreement, Members considered that there was no need for presentation by the representative of PlanD. Members agreed that the views of the applicant should be sought on this approach.

7. **Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long District (DPO/TMYL) of PlanD and** the applicant’s representative, Mr. Li Wai-hung, were invited to the meeting at this point.

8. The Chairperson extended a welcome and explained that Members had studied the Paper, noting that RNTPC's reasons for rejection had been resolved. She suggested that unless the applicant's representative had further information to supplement, DPO's presentation on the review application could be dispensed with. The applicant's representative agreed to the proposed arrangement and confirmed that he had no additional information to add.

9. The Chairperson accordingly declared that the hearing procedures for the review had been deemed to be completed. The Board would deliberate on the application and the applicant would be informed of the Board's decision in due course. The Chairperson thanked the [applicant's representative](#) and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

10. The Chairperson remarked that the substation was required to serve local development and no suitable alternative locations could be identified. As the facility was small in scale and the previous technical concerns have been addressed, she considered that the proposed facility could be supported. Members agreed and considered that the application should be approved.

11. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The permission should be valid until 8.12.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission of a comprehensive tree survey and the submission and implementation of landscape and tree preservation proposals, taking into account the likely impacts on Drainage Services Department's maintenance works of the inlet structure, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of fire service installations proposals to

the satisfaction of the Director of Fire Services or of the Town Planning Board.

12. The Board also agreed to advise the applicant of the following:
- (a) apply to the District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on site;
  - (b) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the sizes of the existing ditch at both upstream and downstream of the proposed transformer facility should be indicated in the drainage proposal and that the proposed 8 *Chrysalidocarpus lutenscens* next to the existing inlet structure would likely obstruct DSD's maintenance works;
  - (c) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance (BO) was required and that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment may be taken if contravention was found;
  - (d) note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to avoid damage of the root system and the overhanging tree branches of the existing tree during excavation/construction;
  - (e) note the comments of the Director of Electrical & Mechanical Services that the agreement from CLP Power should be sought on the matter of constructing electricity cable across the existing channel and to properly design the drain so that it would not flood the bottom of the proposed substation including the plinth and underground electricity cables; and
  - (f) note the comments of the Chief Engineer/Development (2), Water Supplies Department to extend the inside services to the nearest Government water mains for connection with regard to provision of water supply to the development, to resolve any land matter associated with the provision of

water supply and be responsible for the construction, operation and maintenance of the inside services within the site to WSD's standards.

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

#### **Agenda Item 4**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KLH/350

Proposed House (New Territories Exempted House (NTEH) – Small House)

in “Agriculture” zone, Lot 525 in DD 7, Tai Hang Village, Tai Po

(TPB Paper No. 7725)

---

[The hearing was conducted in Cantonese.]

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

13. The Chairperson informed Members that sufficient notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the review hearing. The Chairperson suggested and Members agreed to proceed with the hearing in the absence of the applicant. [Mr. W.K. Hui, District Planning Officer/Shatin, Tai Po and North District \(DPO/STN\)](#) of the Planning Department (PlanD) was invited to the meeting at this point.

14. The Chairperson extended a welcome and invited [Mr. W.K. Hui](#) to brief Members on the background to the application. With the aid of some plans, [Mr. Hui](#) 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 planning application for proposed house (New Territories Exempted House (NTEH)–Small House) in the “Agriculture” zone on [18.8.2006](#);
- (b) no further justification was put forth by the applicant in support of the review application;



- (c) departmental comments – the Chief Engineer/Development (2), Water Supplies Department (WSD) had raised objection as the proposed development could not comply with the interim criteria for assessing planning application for NTEH/Small House (SH) development since the application site fell within WSD’s upper indirect water gathering grounds (WGG) and was unable to be connected to existing or planned sewerage system. In addition to the sewerage concern, the Director of Environmental Protection (DEP) was of the view that potential water quality impact from the septic tank to the WGGs would be a long-term environmental problem. The application was not supported by District Lands Officer/Tai Po as development of NTEH/SH outside both the village environ (‘VE’) and the ‘Village Type Development’ (“V”) zone would normally not be approved unless under very exceptional circumstances which was not warranted in this case. The application was not favoured by Director of Agriculture, Fisheries and Conservation (DAFC) as the application site had been a well-established orchard with agricultural activities in the vicinity and should potentially be retained for agricultural uses. Chief Town Planner/Urban Design and Landscape of Planning Department also raised concern from landscape point of view;
- (d) [one public comment was received during the public inspection period](#) of the review application [raising](#) objection as the application site was outside “V” zone and the ‘VE’, and close to a natural stream which might result in environmental impacts on surrounding agricultural land and the downstream ecology. Such views were supported by DAFC. No [local objection was received from the District Officer/Yuen Long](#); and
- (e) PlanD’s view – not supporting the application given non-compliance with the interim criteria, the departmental concerns and public comment. As the application site was far away from the existing village, approval would set an undesirable precedent resulting in impacts on the surroundings.

15. As Members had no question to raise, the Chairperson said that the hearing procedures for the review had been completed and the Board would further deliberate on the application and inform the applicant of the Board’s decision in due course. The Chairperson thanked PlanD’s representative for attending the meeting. Mr. W.K. Hui left the meeting at

this point.

### Deliberation Session

16. The Chairperson noted that in addition to lack of sewerage connection there were also water quality problem, concern on land aspects and public comment. Members agreed that was no justification to deviate from the previous decision and the subject review application could not be supported.

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds 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 justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development was completely outside the “Village Type Development” (“V”) zone and the ‘village environs (‘VE’). Development of NTEH/Small House outside both the ‘VE’ and the ‘V’ zone would normally not be approved unless under very exceptional circumstances. There was no information in the submission which warrants special consideration;
- (c) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department’s upper indirect Water Gathering Ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and

- (d) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative environmental and landscape impacts.

### **Agenda Item 5**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TKL/285

Proposed Two Houses (New Territories Exempted Houses) (NTEHs)

in “Green Belt” and “Government, Institution or Community” zones,

Lot 1380 in DD 82, Ping Che Road, Ta Kwu Ling

(TPB Paper No. 7726)

---

[The hearing was conducted in Cantonese]

18. The Chairperson informed Members that sufficient notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the review hearing. The Chairperson suggested and Members agreed to proceed with the hearing in the absence of the applicant. [Mr. W.K. Hui, District Planning Officer/Shatin, Tai Po and North District \(DPO/STN\)](#) of the Planning Department (PlanD) was invited to the meeting at this point.

### **Presentation and Question Session**

19. The Chairperson extended a welcome and invited [Mr. W.K. Hui](#) to brief Members on the background to the application. With the aid of some plans, [Mr. Hui](#) 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 planning application for building 2 houses (NTEHs), with a total gross floor area of 260.12m<sup>2</sup>, on a site mainly zoned “Green Belt” (“GB”) and partly zoned “Government, Institution or Community” (“G/IC”) on [16.6.2006](#);
- (b) the justifications put forth by the applicant in support of the review

application as detailed in paragraph 3 of Paper No. 7726;

- (c) departmental comments – District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that 2 of the 3 existing structures (Nos. 2 and 3) were erected without permission. The application was not supported as the scale of development exceeded that permitted in the Building Licence granted for Structure No. 1 on the application site. Application for NTEH other than the rebuilding of the house under the Building Licence would not be entertained under the current land policy;
- (d) **there was** 1 public comment received during public inspection period of the review application which expressed no comment on the application. No local objection was received; and

[Mr. C.N. Ng arrived to join the meeting at this point.]

- (e) PlanD's view – not supporting the application as the application site was largely within a vegetated "GB" zone, the proposal was considered not in line with the planning intention. The 5 previous approvals (Application Nos. A/NE-TKL/65, 211, 224, 248 and 260) for development of NTEH (Small House) quoted by the applicant, falling in "Agriculture" and "GB" zones and within/partly within village environs, were NTEH (Small House) development for indigenous villagers, hence not comparable with the subject case. Notwithstanding the above, the rebuilding of the existing Structure No. 1 covered by Building Licence was always permitted under the provision of the OZP.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

20. As Members had no question to raise, the Chairperson said that the hearing procedures for the review had been completed and the Board would further deliberate on the application and inform the applicant of the Board's decision in due course. The Chairperson thanked the PlanD's representative for attending the meeting. Mr. W.K Hui left the meeting at this point.

#### Deliberation Session

21. The Chairperson pointed out that the application was not in line with the planning

intention of the “GB” zone. It was also noted that no planning permission was required for rebuilding of one of the existing structures with approved building licence but the applicant’s proposal for NTEH development, as advised by DLO/N could not be entertained from land policy point of view.

22. 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 “GB” zoning for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. In addition, there was a general presumption against development within this zone. No strong justification had been provided in the submission for a departure from the planning intention; and
- (b) the approval of the proposed development would set an undesirable precedent for similar developments within “GB” zone. The cumulative effect of approving such application would result in a general degradation of the natural environment.

### **Agenda Item 6**

[Open meeting (Presentation and Question Session Only).]

Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/29

Consideration of Representations No. TPB/R/S/K5/29-1 to 15

(TPB Paper No. 7723)

---

[The hearing was conducted in Cantonese.]

23. The Chairperson said that on 7.7.2006, the draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/29 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). A total of 15 valid representations were received during the 2-month exhibition period and no comment was received during the 3-week publication of the representations. As the representations were similar in nature, the Board

agreed to hear them collectively.

24. The Chairperson informed Members that, given that there might be misunderstanding on the proposed amendments, [District Planning Officer/Tsuen Wan and West Kowloon District \(DPO/TWK\)](#) of the Planning Department (PlanD) had further liaised with the key representative of the representers to explain the background and rationale of the amendments before the meeting. The representers had indicated that they would not attend or be represented at the hearing. The Chairperson suggested and Members agreed to proceed with the hearing in the absence of all the representers. [Ms. Heidi Chan, DPO/TWK](#) of PlanD was invited to the meeting at this point.

25. The Chairperson extended a welcome and explained briefly the procedures of the hearing. She then invited Ms. Heidi Chan to brief Members on the background to the representations. With the aid of some plans, Ms. Chan did so as detailed in Paper No. 7723 and made the following main points:

- (a) the background and need for revision to the Notes for the “Industrial” (“I”), “Residential (Group E)” (“R(E)”) and “Other Specified Uses” annotated “Business” (“OU(Business)”) zones of the draft Cheung Sha Wan OZP on fire safety grounds as detailed in paragraph 3 of Paper No. 7723;
- (b) subject of representations – Representations 1 to 15 were against the deletion of the provision for applications for ‘Training Centre’ use in an industrial/ industrial-office (I-O) building from Column 2 of Schedule II of the Notes of the “OU(Business)” zone;
- (c) grounds of representations – opposing grounds were summarized in paragraphs 2.2 of the Paper. In brief, the representers considered that as industrial training was essential and should be carried out in industrial/I-O buildings, deletion of ‘Training Centre’ was not acceptable;
- (d) representers’ proposals – the representers had not proposed any amendments to the draft OZP; and
- (e) PlanD’s views – PlanD did not support any amendment based on the reasons and departmental comments stated in paragraphs 4.2 to 4.4 of the Paper. As the provision of industrial training was already subsumed under ‘Industrial Use’, it would not be affected by the deletion of ‘Training Centre’

use in an industrial/I-O building from Column 2 of Schedule II of the Notes of “OU(Business)” zone.

[Mr. Edmund K.H. Leung arrived to join the meeting at this point.]

26. A Member enquired whether there were any means to reduce misunderstanding of the proposed amendments by the general public. Ms Heidi Chan replied that they had contacted the individual representers, followed by clarification to the key person on the reasons for the amendment and a letter requesting for withdrawal. The representers, subsequent to PlanD’s explanation, indicated that they would not attend the hearing. Yet no withdrawal letter was received as the representers would defer their case to be considered by the Board.

27. On suggestions to better inform the public on the rationale for plan amendment, Mrs. Ava Ng said that PlanD would attempt to identify the leading objector(s) for early clarification to avoid misplaced representations. For cases where key persons could not be easily identified, assistance from District Officer in co-ordinating the representers to arrange for explanation could be considered. Notwithstanding the clarification made by PlanD before the meeting, the Chairperson remarked that it was up to the representers to decide whether to proceed with the hearing or to withdraw their representations. The Board was duty bound under the Ordinance to complete the representation handling procedures.

28. As Members had no further question to raise, the Chairperson thanked PlanD’s representative for attending the hearing. Ms Heidi Chan left the meeting at this point.

#### Deliberation Session

29. The Chairperson explained that the amendment was due to fire safety concerns. Given that industrial training had been subsumed under ‘Industrial Use’, the provision of industrial training would therefore not be affected by the deletion of ‘Training Centre’ use from the Notes. Members agreed that amendment to the plan to meet the representations was not required.

#### Representations No. 1 to 15

30. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representations No. 1 to 15 for the following reasons:

- (a) training in relation to industrial processes fell within the definition of 'Industrial Use'. According to Schedule II of the Notes of the "Other Specified Uses" annotated "Business" ("OU(Business)") zone for industrial/industrial-office (I-O) building, 'Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)' was always permitted while 'Industrial Use (not elsewhere specified)' might be permitted with or without condition upon application. The provision of industrial training in the area would not be affected by the deletion of provision for applications for 'Training Centre' use in an industrial/I-O building from Column 2 of the Schedule of Uses of "OU(Business)" zone; and
- (b) in response to Director of Fire Services' concerns on fire safety, provision for applications for 'Training Centre' (not relating to industrial processes) was deleted from Column 2 of the Schedule of Uses of "OU(Business)" zone for industrial/I-O building. Such use would likely result in attracting large number of people who are not working in the industrial/I-O building being exposed to fire risks which they would neither be aware of nor prepared to face. There was apparently no viable solution to address the fire safety concerns for such use to co-exist with the industrial use on the same floor or in the same building.

[Messrs. Leslie H.C. Chen and Daniel B.M. To arrived to join the meeting at this point. Mrs. Ava Ng and Mr. Patrick L.C. Lau left the meeting at this point.]

### **Agenda Item 8**

[Open Meeting]

Submission of the Draft Tsuen Wan West Outline Zoning Plan No. S/TWW/16  
to the Chief Executive in Council for Approval  
under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 7729)

---

[The meeting was conducted in Cantonese.]



32. The Secretary briefly introduced the Paper.
33. After deliberation, the Board agreed that:
- (a) the draft Tsuen Wan West Outline Zoning Plan (OZP) S/TWW/16A together with its Notes were suitable for submission under section 8 of the Ordinance to Chief Executive in Council (CE in C) for approval;
  - (b) the updated Explanatory Statement (ES) for the draft Tsuen Wan West OZP No. S/TWW/16A should be endorsed as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
  - (c) the updated ES for the draft Tsuen Wan West OZP No. S/TWW/16A was suitable for submission to CE in C together with the draft OZP.

### **Agenda Item 11**

Any Other Business

[Open Meeting. The meeting was conducted in Cantonese.]

36. There being no other business, the meeting was closed at [2.50 p.m.](#)