

**Minutes of 880<sup>th</sup> Meeting of the  
Town Planning Board held on 16.3.2007**

**Present**

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

Dr. Peter K.K. Wong      Vice-Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Director of Environmental Protection  
Ms. Anissa Wong

Director of Lands  
Mr. Patrick L.C. Lau

Director of Planning  
Mrs. Ava S.Y. Ng

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

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor Peter R. Hills

Professor N.K. Leung

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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  
Mr. Ivan Chung

1. The Chairperson extended a welcome to Members.

### **Agenda Item 1**

[Open Meeting]

#### Confirmation of Minutes of the 879<sup>th</sup> Meeting held on 2.3.2007

2. The minutes of the 879<sup>th</sup> meeting held on 2.3.2007 were confirmed without amendment.

### **Agenda Item 2**

[Open Meeting]

#### Matters Arising

3. The Secretary said that there was no matter arising to report.

### **Agenda Item 3**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-SK/132

Proposed Temporary Open Storage of Vehicles for a Period of 3 Years in “Residential (Group D)” zone, Lot 847RP in DD 114, Kam Sheung Road, Shek Kong, Yuen Long (TPB Paper No. 7777)

---

[The hearing was conducted in Cantonese.]

#### Presentation and Question Session

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

Mr. King Wong

Mr. Robert Siu

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

[Mr. Tony C.N. Kan, Dr. Daniel B.M. To, Dr. Peter K.K. Wong, Mr. Raymond Y.M. Chan and Mr. Y.K. Cheng arrived to join the meeting at this point.]

6. With the aid of plans and photos, Mr. Wilson 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 application on 19.5.2006 as set out in paragraph 1.2 of the Paper;
- (b) since the rejection of the planning application on 19.5.2006, no similar application for temporary open storage use in the subject “Residential (Group D)” (“R(D)”) zone had been considered by the Board;
- (c) the applicant’s further written representations in support of the review application as summarised in paragraph 3 of the Paper;
- (d) departmental comments – the Chief Town Planner/Urban Design and Landscape(CTP/UD&L), PlanD had reservation on the application as there was insufficient information to demonstrate that the adverse impact on landscape would be mitigated. The Director of Environmental Protection (DEP) did not support the application as there was sensitive use in the vicinity of the site and environmental nuisance was expected. The preliminary impact assessment study report submitted by the applicant failed to address the environmental nuisance issue;
- (e) two public comments on the review were received in July 2006. One from a Yuen Long District Council (YLDC) member and the other from the Rural Association of Pat Heung Sheung Tsuen (RA). The YLDC member

objected to the review application as the site was once illegally converted into a vehicle stripping yard causing environmental nuisance to the neighbourhood; and the site zoned for residential use was not suitable for temporary open storage of vehicles. The RA's objection was on similar grounds. In response to further information published on 5.1.2007, two comments from the same commenters above were received. The YLDC member commented that there was a need to provide car parking facilities in the area and the RA withdrew its objection as the applicant had conducted the relevant assessment; and

- (f) PlanD's view – the application was not supported for the reasons as detailed in paragraph 6.2 of the Paper in that the proposed development was not in line with the planning intention of the “R(D)” zone, there was insufficient information to demonstrate that the proposed development would have no adverse environmental, drainage and landscape impacts on the surrounding areas, the application was not in line with the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses”, and approval of the application would set an undesirable precedent.

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

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

8. Mr. King Wong made the following points:

- (a) According to the Shek Kong Outline Zoning Plan (OZP), the planning intention of the “R(D)” zone was primarily for improvement and upgrading of existing temporary structures within the rural area through redevelopment of existing temporary structures into permanent buildings. This intention should only be applicable to those sites with existing temporary structures. As the application site was currently vacant, the planning intention had not prohibited temporary development prior to redevelopment. The other planning intention of the “R(D)” zone for

low-rise, low-density residential developments also did not bar the temporary development of the application site, including open storage of vehicles. “Public Vehicle Park (excluding container vehicle)” was a Column 2 use of the “R(D)” zone on the Notes of the Shek Kong OZP. As the existing OZP already allowed permanent development of “Public Vehicle Park (excluding container vehicle)” subject to approval, the Board should also consider the current application for temporary storage of vehicles;

- (b) the application site was currently vacant. Should approval be given by the Board, the applicant was willing to comply with the approval conditions and the proposed development would then be subject to the monitoring and regulation by concerned government departments. That would help achieve an improvement in the health, safety, convenience and general welfare of the community, in line with the object of the Town Planning Ordinance;
- (c) in the s.16 application submitted on 28.3.2006, the applicant on behalf of the land owner had undertaken a technical assessment which confirmed no adverse impact on the environment, traffic, water supply, drainage, landscape and visual aspects. No mitigation measures were required. In the s.17 review application, another professional firm commissioned by the applicant confirmed the previous findings that the proposed development would not create adverse environmental, traffic, water supply, drainage, landscape and visual impacts;
- (d) Lands Department, Drainage Services Department, Transport Department, Buildings Department and Hong Kong Police Force had raised no objection to the application. In response to CTP/UD&L’s comments, the Board could impose conditions to address his concerns on landscape aspect. DEP did not support the development because of the environmental nuisance to the sensitive use in the vicinity but without specifying the nature of the environmental nuisance. The only one residential structure to its north-east was already being affected by the operation of open storage of vehicles and vehicle parts on an adjoining site. As the occupants of the

residential structure had no problems with the open storage use on the adjoining site, they should not have concern with the current application. In accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department (EPD), the applicant was prepared to submit a proposal to satisfy EPD’s requirement should the application be approved. Besides, the applicant was willing to limit the operation of the proposed use from 9:00a.m. to 6:30p.m. so as to minimise nuisance to neighbours;

- (e) two public commenters had raised objection to the application on the grounds that the site was illegally converted into a vehicle stripping yard and used for illegal selling of industrial diesel oil; and the site was not suitable for temporary open storage of vehicles as it was zoned for residential use. These objections were unsubstantiated and the Hong Kong Police Force had not mentioned any illegal use on the site in its comments on the application. The two commenters had subsequently withdrawn their objections after knowing the findings of the professional report submitted at the s.17 stage;
- (f) the current applicant was different from the applicants of previous applications and any previous illegal uses should bear no relation with him. The applicant agreed to restrict the use of the site for storage of vehicles, instead of vehicle parts and there would be no repairing of vehicles;
- (g) From the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses”, the applicant had a “legitimate expectation”. According to the Guidelines, the application site fell within the Category 3 areas within which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. As such, the Board should take account of the previous application for car park use approved by RNTPC in 2003. In line with the spirit of the Guidelines, it was logical and cost-effective for the applicant to carry out technical assessments only after approval was given by the Board;



- (h) as to the issue on land use compatibility, the assessment report submitted by the applicant had found that most of the areas to the south of Kam Sheung Road were being used for storage of vehicles or vehicle parts. Only the area to the east of the application site was being used for residential purpose. PlanD's statement of land use incompatibility had not taken account of the existing uses in the vicinity of the application site; and
- (i) as stated in the Town Planning Board Guidelines No. 13D, each application would be considered on its own individual merits. Any decision made by the Board would not have a binding effect on other cases to be submitted. This viewpoint had been accepted by the Town Planning Appeal Board.

9. In response to a Member's enquiry, Mr. Wilson So explained that the planning intention of the "R(D)" zone was primarily for improvement and upgrading of existing temporary structures within the rural area through redevelopment of existing temporary structures into permanent buildings. Should a temporary use be approved, a condition might be imposed to request the applicant to reinstate the site to an amenity area upon the expiry of the planning permission. Approval of the subject case, however, would set an undesirable precedent and with the approval of more cases in the vicinity, reinstatement of the area to the original status would be difficult.

10. The same Member expressed concern about the lack of data in the technical assessments submitted by the applicant in support of the application. Mr. King Wong said that the assessments were prepared by qualified professionals and the Board should accept their professional recommendations. The concerned professionals should have followed their code of conduct in preparing these assessments.

11. A Member enquired about the nature of nuisance raised by EPD and asked why the previously approved Application No. A/YL-SK/114 had been revoked. Mr. Wilson So explained that apart from the residential development to the north-east of the application site as pointed out by the applicant's representative, there were other residential development as shown on Plan R-2 of the Paper. According to EPD's "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites", there were concerns relating to dust and noise nuisance if the subject site was within 100m from the nearest

sensitive uses. He added that Application No. A/YL-SK/114 for car park use was revoked mainly due to non-compliance with the landscape and drainage conditions.

12. Referring to paragraph 4.1.1 of the Paper, the same Member noted CTP/UD&L's reservation on the proposal in that there was no proposal to demonstrate measures to mitigate adverse impact on the existing landscape arising from the proposed development. Mr. King Wong responded that the applicant had agreed to comply with the landscape condition should it be imposed by the Board as an approval condition.

[Mr. Patrick L.C. Lau arrived to join the meeting at this point.]

13. In reply to a Member's query on the relationship between the applicant and the owner of the application site, Mr. King Wong said that the applicant, Propertywise Surveyors Limited, was only an agent acting on behalf of the current land owner who was different from the owners/applicants of the previous applications submitted for the same site.

14. In response to a Member's enquiry, Mr. King Wong said that the town planner and estate surveyor preparing the technical report for the review application were both professionally qualified and information on their qualifications could be provided if required by the Board.

15. The Chairperson noted paragraph 5.1.3 of the technical report stating that the report was only for the use of the land owner. Mr. King Wong clarified that the land owner had agreed to the applicant's submission of the report in support of the review application.

16. A Member asked why the existing open storage of vehicles on the site adjoining the application site was permitted and if there was any change in planning circumstances since the last consideration of the Application No. A/YL-SK/114. Mr. Wilson So stated that the open storage use on the adjoining site was an existing use tolerated under the Town Planning Ordinance. Appropriate enforcement action would be taken by the Planning Authority against other unauthorised developments in the vicinity. He confirmed that there was no change in planning circumstances since the last consideration of Application No. A/YL-SK/114.

17. A Member referred to paragraph 6.3 of the Paper and asked why there was no

objection to the previously approved Application No. A/YL-SK/114. Mr. Wilson So explained that the previous application was for car park use for small vehicles and both DEP and the Assistant Commissioner for Transport/New Territories, Transport Department had no objection to the application. RNTPC therefore agreed to approve the proposed use with conditions.

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

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

#### Deliberation Session

19. Though the applicant had emphasised his willingness to comply with the conditions and to carry out detailed assessments to address departmental concerns pursuant to the Board's approval, the Chairperson pointed out that there were no detailed impact assessments providing concrete evidence or sufficient information in the submissions to support the review application. As the applicant could not demonstrate that the proposed development would have no adverse environmental, drainage and landscape impacts on the surrounding areas, the Chairperson said that it was difficult for the Board to approve the application. Members concurred with the Chairperson's views. The Secretary added that according to the guidance notes and guidelines promulgated by the Board, an applicant was required to submit for the Board's consideration relevant impact assessments to support his application. The current undertaking by the applicant to submit various impact assessments only after the Board's approval was contrary to the spirit of the existing guidance notes and guidelines.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

20. A Member noted that EPD had raised no objection to the previous application for car park use on the same site but subsequently did not support the current application when

its use changed to open storage of vehicles. She suggested that for similar cases in the future, DPO should liaise closely with EPD with a view to obtaining more information from EPD about their specific environmental concerns and rationale for their change in views, if any. The Chairperson agreed that greater input from EPD would assist the Board in its deliberation and suggested that this should be followed up by PlanD.

[Ms. Carmen K.M. Chan, Mr. Alfred Donald Yap, Ms. Starry W.K. Lee and Dr. Daniel B.M. To left the meeting temporarily at this point.]

21. 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 “R(D)” zone on the OZP, which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was insufficient information in the submission to justify a departure from such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would have no adverse environmental, drainage and landscape impacts on the surrounding areas;
- (c) the proposed development did not comply with the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses” in that it was not compatible with the nearby residential structure, there were adverse departmental comments and no previous approval for open storage use had been granted at the site; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

**Agenda Item 4**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-HT/469

Temporary Centre for Inspection of New Vehicles and Office for a Period of 3 Years in  
“Residential (Group D)” and “Recreation” zones,

Lots 4(Part), 5(Part), 6(Part) and 7(Part) in DD 124, Lots 1498S.BRP(Part), 1527RP, 1528RP  
and 1529RP in DD 125 and Adjoining Government Land,

Ha Tsuen, Yuen Long

(TPB Paper No. 7776 and Supplementary Paper)

---

[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

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

Mr. Lau Tak

Ms. Regina Chang

Mr. Tang Kwan-shing

Mr. Chan Chun-kit

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

[Mrs. Ava Chiu arrived to join the meeting, Ms. Starry W.K. Lee returned to join the meeting and Mr. B.W. Chan left the meeting temporarily at this point.]

24. With the aid of plans and photos, Mr. Wilson 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 application on 1.12.2006 as set out in paragraph 1.2 of the Paper;
- (b) similar application for temporary open storage use within the same “Recreation” (“REC”) zone which had been considered by the Board as stated in paragraph 1.4 of the Paper;
- (c) the applicant’s further written representations and supplementary information in support of the review application as summarised in paragraph 3 of the Paper and paragraph 1 of the Supplementary Paper;
- (d) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be clarified before the application was processed further. Approval of the application might set an undesirable precedent. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the proposed development and raised no further comments on the revised drainage proposal submitted by the applicant;

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

- (e) no public comment was received at the s.17 stage; and
- (f) PlanD’s view – the application was not supported for the reasons detailed in paragraph 6.3 of the Paper and paragraph 3.1 of the Supplementary Paper in that the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was insufficient information to demonstrate that the applied use would not cause adverse

environmental, drainage and traffic impacts on the surrounding areas, approval of the application would set an undesirable precedent, and the application was not in line with the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses”.

25. Mr. Wilson So drew Members’ attention to typos in the Supplementary Paper in that “TPB Paper No. 6667” quoted in lines 3 and 4 of paragraph 2.1.2 and Annexes A & B should read “TPB Paper No. 7776”.

[Ms. Carmen K.M. Chan, Mr. B.W. Chan and Dr. Daniel B.M. To returned to join the meeting and Mrs. Ava Chiu left the meeting temporarily at this point.]

26. The Chairperson then invited the applicant’s representatives to elaborate on the application.

27. Mr. Lau Tak made the following points:

- (a) the proposed development was mainly for inspection of new vehicles before delivery to the buyers in Hong Kong and Mainland China. No vehicle repairing activities or mechanical test would be carried out on site;
- (b) though the application site was about 4,000m<sup>2</sup>, not many cars would be parked within the site. As indicated in the further information, the average of new commercial vehicle sale was about 50 units per year, which was equivalent to about 5 vehicles per month. Traffic generated by the proposed development was minimal;
- (c) with the imminent opening of the Hong Kong-Shenzhen Western Corridor (SWC) in July 2007, the application site was at an advantageous location for storage of new vehicles imported into Hong Kong through the Kwai Chung container terminal and then re-exported to the Mainland China by making use of San Wai Road and its direct connection with SWC. It would help avoid a circuitous route and reduce cross-boundary traffic using other domestic road network within Hong Kong;

- (d) neighbouring lots had been converted to open storage use. For example, Applications No. A/YL-HT/371 and A/YL-HT/460 for the adjoining sites had been approved by RNTPC for open storage of construction machinery and vehicle repair workshop;
- (e) the residential structure to the north-west of the application site was being used for an aquarium. Occupants of the residential structure had confirmed no objection to the application as indicated in the two letters tabled at the meeting;
- (f) the applicant had been verbally advised by TD that it had no objection to the application but only requested concerned departments to consider whether the application would become a precedent case. The Hong Kong Police Force had raised no comment on the application as stated in paragraph 2.1.2 of the Supplementary Paper;
- (g) TD had undertaken measures to improve traffic circulation of Tin Ha Road and San Wai Road by installing new traffic lights as illustrated by the photos shown at the meeting;
- (h) the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses” had been reviewed for several times and the application site still fell within Category 2 areas instead of being downgraded to Category 3 or 4 areas where application for open storage uses would normally not be favourably considered by the Board;
- (i) given the area in Ha Tsuen had been converted to open storage uses and lack of planning incentives to the land owners, there was a slight chance of bringing about environmental improvement to the whole area albeit the Board’s disapproval of the application; and
- (j) the applicant was willing to accept temporary use of the proposed development should approval be given by the Board.

[Ms. Maggie M.K. Chan and Mrs. Ava Chiu returned to join the meeting at this point.]



28. In response to a Member's enquiry on the number of residents affected by the proposed development, Mr. Wilson So said that apart from two nearby residents, DEP had also raised concern about the environmental nuisance on other sensitive receivers along the access road leading to the site. In response to the same Member's enquiry on the approval of storage uses on the adjoining sites, Mr. So explained that San Wai Road was originally a service road linking Tin Ha Road and San Wai Sewage Treatment Plant and subsequently widened and upgraded by the open storage operators in the area. The Board had all along adopted a pragmatic approach by giving favourable consideration to those applications for open storage uses within the "REC" zone if they were directly abutting both sides of San Wai Road and had conducted technical assessments to demonstrate no adverse impact on the surrounding areas. Appropriate conditions would be imposed if approval was given by the Board.

29. In response to the same Member's enquiry, Mr. Lau Tak said that the land area covered by the application was the minimum requirement for the proposed centre for inspection of new vehicles having regard to the operational, security and environmental requirements. He indicated that the vehicles to be stored in the application site were imported from Sweden and the operator would observe stringent environmental requirements.

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

#### Deliberation Session

31. A Member considered that the areas surrounding the application site were already being used as open storage and workshop and it might be practical to allow temporary use of the site prior to the implementation of the "R(D)" zone. This view was shared by another Member.

32. The Chairperson remarked that as no approval had been given for the proposed

use within the “R(D)” zone since rejection of the s.16 application in December 2006, giving approval to the subject application might not be fair to other applications previously rejected by the Board on similar grounds.

33. The Chairperson said that with the imminent opening of SWC and the Deep Bay Link, the current and future land use of the Ha Tsuen area including the application site which had developed into a logistics centre should be reviewed. Mrs. Ava S.Y. Ng remarked that PlanD had recognised the need for such a land use review arising from the opening of SWC and the corresponding improvement of the traffic network in the Ha Tsuen area. The planning review was now underway and its findings would be reported to the Board in about three months’ time. She added that whether the application site together with the adjoining areas would be retained as “R(D)” zone would hinge on the findings of the review.

34. A Member was of the view that it was prudent to maintain consistency in the Board’s decisions in dealing with applications in this area pending the findings of the review. Otherwise, it would undermine PlanD’s land use review. The Chairperson agreed with this Member’s view and said that as the future planning and land uses of the whole area were being studied, it would be prudent not to pre-empt the PlanD’s land use review.

35. A Member considered that based on equity consideration and for consistency, granting approval to this application would be unfair to other applications which had been rejected by the Board within the “R(D)” zone. Another Member concurred with this view and said that while the opening of SWC would increase the demand for open storage uses in the area, it was better to await the findings of the review.

36. The Chairperson summed up Members’ views that as no approval had been given for the proposed use within the “R(D)” zone since rejection of the s.16 application in December 2006, there was no reason for the Board to vary its previous decision at this stage.

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

- (a) the development was not in line with the planning intention of the “R(D)” zone which was intended primarily for improvement and upgrading of existing

temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong justification had been given in the current submission for a departure from such planning intention, even on a temporary basis;

- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for “Application for Open Storages and Port Back-up Uses” in that there were adverse departmental comments and there was insufficient information in the current submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone.

### **Agenda Item 5**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. No. A/NE-KTS/241

Proposed House (New Territories Exempted House (NTEH) — Small House) in “Green Belt” zone, Government Land, Tong Kung Leng, Sheung Shui  
(TPB Paper No. 7775)

[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

38. The Chairperson said that on 17.11.2006, the Rural and New Town Planning Committee (RNTPC) rejected the application on the grounds of not complying with the “Interim Criteria for Assessing Planning Application for NTEH/Small House (SH) Development” (Interim Criteria) in that sufficient land was available within the “Village Type Development” (“V”) zone of Tong Kung Leng Village to meet the future SH demand; not in line with the planning intention of the “Green Belt” (“GB”) zone; and setting of an

undesirable precedent. Upon receiving further representation from the applicant and updated comments from concerned departments, the Planning Department (PlanD) had recommended to approve the application on review for the following reasons:

- (a) the District Lands Officer/North, Lands Department (DLO/N, LandsD) had recently advised that the total number of outstanding SH applications for Tong Kung Leng Village was 5 while the 10-year SH demand forecast for the village was 20 (as compared to the respective figures of 5 and 8 previously provided). Based on the latest figures, land within the “V” zone (about 0.49 ha or equivalent to 14 SH sites) would be insufficient to meet the demand, hence the application would comply with the Interim Criteria;
- (b) the application site fell within the “village environs” (“VE”) of Tong Kung Leng Village; and
- (c) the applicant had previously obtained 2 planning permissions for 2 proposed SH on 2 separate sites immediately to the south of the application site.

39. With the aid of a plan, the Chairperson also drew Members’ attention that the Board had approved upon review two similar applications (Nos. A/NE-KTS/242 and A/NE-KTS/243) located to the immediate south of the application site for the same reasons at the last Board meeting on 2.3.2007.

40. Members agreed to the PlanD’s views as detailed in paragraph 6.1 of the Paper and concurred with the Chairperson’s suggestion to convey the Board’s intention to approve the application to the applicant’s representatives and that unless they wanted to, no presentation was necessary. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North, PlanD and Ms. Wong Hang-mui and Mr. Tong Wing Keung, the applicant’s representatives, were invited to the meeting at this point.

41. The Chairperson extended a welcome and informed the applicant’s representatives of the Board’s intention to approve the application. She added that the applicant still had to comply with the approval conditions imposed by the Board and take follow-up actions with

LandsD as appropriate. Ms. Wong Hang-mui said that she was glad to know the Board's intention to approve the application and agreed to comply with the conditions as imposed by the Board.

42. As the applicant's representatives had no further point to make and Members had no further question to raise, the Chairperson thanked the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

43. Given the considerations set out at paragraphs 38 and 39, the Board decided to approve the application on the terms of the application as submitted. The permission should be valid until 16.3.2011, 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) no felling or over-pruning of the trees adjoining the application site should be carried out;
- (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 fighting access, water supplies and fire service installations proposals to the satisfaction of the Director of Fire Services or of the Town Planning Board.

44. The Board also agreed to advise the applicant:

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments:
  - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply, and the applicant should be responsible for the construction,

operation and maintenance of the inside services within private lots to Water Supplies Department's standards;

- (ii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
  - (iii) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

[Mr. Patrick L.C. Lau left the meeting at this point.]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KLH/353

Temporary Open Storage of Building Materials for a Period of 1 Year in "Agriculture" zone, Lots 237S.P(Part), 409 and 410 in DD 7, Tai Hang, Tai Po

(TPB Paper No. 7774)

---

### **Presentation and Question Session**

45. The Chairperson said that reasonable notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the review hearing. Members agreed to proceed with the hearing in the absence of the applicant.

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

46. The Chairperson extended a welcome and invited Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North of the Planning Department (PlanD), to brief Members on the background to the application.

47. With the aid of plans and photos, Mr. W.K. Hui 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 application on 17.11.2006 as set out in paragraph 1.2 of the Paper;
- (b) no further written submission or justifications had been provided by the applicant for the review;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application and considered that the site could be rehabilitated for agriculture use. The Chief Engineer/Mainland North, Drainage Services Department did not support the application as the site fell within a flood plain subject to overland flow and inundation during heavy rainstorms. There were no public stormwater drainage facility and public sewerage connection in the vicinity of the subject site. Open storage would increase surface run-off compared to the planned use of “Agriculture”. The Chief Engineer/Development(2), Water Supplies Department raised objection to the application as open storage use would increase pollution risks to the water quality of the water gathering ground (WGG) and encroach upon the no blasting zone of Tau Pass Culvert. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site. Operation of the open storage use would likely cause noise nuisance. The site surface run-off during heavy rainfall would adversely affect the water quality of the WGG. Assistant Commissioner for Transport/New Territories, Transport Department did not support the application in view of insufficient information to address access, parking, loading and unloading facilities. There was also no proper access road to the site. Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the

application from the landscape planning point of view;

- (d) no public comment was received at the s.17 stage; and
- (e) PlanD's view – the application was not supported for the reasons detailed in paragraph 5.2 of the Paper in that the Town Planning Board Guidelines No.13D for “Application for Open Storage and Port Back-up Uses” were not complied with, the proposed development was not in line with the planning intention of the “Agriculture” zone, there was insufficient information to demonstrate that the proposed development would not cause adverse traffic impacts, flooding, water pollution and environmental nuisance to the area, and approval of the application would set an undesirable precedent.

48. As Members had no question to raise, the Chairperson thanked PlanD's representative for attending the meeting. Mr. W.K. Hui left the meeting at this point.

#### Deliberation Session

49. The Chairperson said that as no further presentation had been provided by the applicant and there was no change in planning circumstances since the application was last considered by RNTPC, the Board had no reasons to approve the application. Members agreed.

50. Accordingly, the Board decided to reject the application on review and the reasons were:

- (a) the development was not in compliance with Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses” in that there was no previous planning approval for similar open storage use granted to the application site. There was no technical assessment in the submission to demonstrate that the temporary open storage use would not generate adverse impacts on the surrounding areas and there were adverse comments from concerned Government departments;



- (b) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone 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 justification had been provided for a departure from this planning intention, even on a temporary basis;
- (c) there was insufficient information in the submission to demonstrate that the development would not increase the flooding risk of the nearby areas, cause adverse impact on the water quality in the WGG; cause adverse traffic, environmental and visual impacts to the surrounding areas. Moreover, the site encroached upon the Water Supplies Department’s upper indirect WGGs and partially encroached upon the no blasting zone of Tau Pass Culvert. The development might cause potential damages to the Tau Pass Culvert; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 7**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-HC/133

Film Studio Development in “Recreation” and “Green Belt” zones, Lots 289S.A, 289RP, 295 and 299 in DD 247, Ho Chung, Sai Kung

(TPB Paper No. 7778 and Supplementary Paper)

---

[The hearing was conducted in Cantonese.]

Presentation and Question Session

[Mr. Bernard V.W.F. Lim returned to join the meeting at this point.]

51. Mr. Michael Chan, District Planning Officer/Sai Kung and Islands of the Planning Department (PlanD), and the following applicant/applicant's representatives were invited to the meeting at this point:

Ms. Kan Mei-ha

Dr. Chan Hon-fai

Mr. Jesse Yuen Wai-tat

52. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. She then invited Mr. Michael Chan to brief Members on the background to the application.

53. With the aid of Powerpoint slides, Mr. Michael Chan 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 application on 1.12.2006 as set out in paragraph 1.2 of the Paper;

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

- (b) three previous temporary planning approvals granted by RNTPC or the Board on 15.12.1995, 16.6.2000, and 16.9.2005 for the development of a film studio at the subject site for a period of 3 to 5 years as detailed in paragraph 5.1 of the Paper. As the approval conditions imposed on the last planning application (No. A/SK-HC/121) approved on 16.9.2005 had not been complied with within the specified time period, the planning permission was revoked on 16.3.2006;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application because Ho Chung Road was a narrow road with bends and its steep road gradient was not suitable for passage of large or heavy vehicles. Traffic improvement measures should be undertaken by the

applicant. The Director of Environmental Protection (DEP) considered that the submission had not demonstrated how to avoid or mitigate environmental nuisances to nearby residents;

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

- (d) further information provided by the applicant on 8.3.2007 in support of the review application had been attached to the Supplementary Paper tabled at the meeting and departmental views on the further information were detailed in paragraph 2 of the Supplementary Paper;
- (e) 34 public comments on the review application have been received. One of the public commenters supported the application as the Government had pledged his commitment to promote the film production industry. Another commenter commented that the local villagers should be consulted. The remaining 32 public comments were against the proposed development on the grounds that the application site was not used as film studio as claimed, but mainly used as karaoke, barbecue or party venue, etc., creating environmental problems and disturbance to local villagers; and the aforesaid activities would cause severe traffic problem at Ho Chung Road; and
- (f) PlanD's view – the application was not supported for the reasons detailed in paragraph 5.2 of the Paper and paragraph 3.2 of the Supplementary Paper in that there was insufficient information to demonstrate that the development would not cause adverse impacts on traffic and safety hazard to other road users and noise nuisance to the nearby residents.

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

[Dr. Greg C.Y. Wong and Mr. Walter K.L. Chan returned to join the meeting at this point.]

55. Ms. Kan Mei-hai made the following points:

- (a) the application was aimed at facilitating local film production industry, including advertisement and music television (MTV). As the production process called for a quiet environment and was normally carried out indoor, noise nuisance on the neighbouring residents was unlikely. Outdoor shooting on the open area within the application site was very infrequent; and
- (b) to allow continual operation of the film studio would be in line with the Government's intention of promoting local film industry and providing more employment opportunities.

56. Mr. Jesse Yuen Wai-tat made the following points:

- (a) the applicant would actively and positively address the environmental and traffic issues raised by relevant government departments;
- (b) a quiet environment was essential for the film shooting and therefore the film studio was fully enclosed and insulated against noise. Noise nuisance to the surrounding areas was unlikely;
- (c) whether pyrotechnic materials would be used for film production or advertisement shooting was subject to the operational need and requirement of the clientele of the film studio. His record showed that there were only three times where simple pyrotechnic special effect had been conducted inside the totally enclosed film studio. No pyrotechnical special effect had been conducted within the site since 2000. If DEP had serious reservation, the applicant could prohibit the use of pyrotechnic materials within the site;
- (d) according to EPD and the Hong Kong Police Force, no noise complaint had been received since 7.5.2005 and therefore any noise nuisance should not be related to the operation of the film studio;
- (e) a letter dated 9.2.2007 from the Food and Environmental Hygiene Department confirmed no unlicensed food premises within the application site;

[Ms. Anissa Wong arrived to join the meeting at this point.]

- (f) the submitted traffic impact assessment (TIA) concluded that the film studio would not generate great volume of traffic and create an adverse impact on Ho Chung Road. No complaint on traffic along Ho Chung Road due to the operation of the film studio had been received so far;
- (g) TD's request for the applicant to implement improvement measures for Ho Chung Road was unreasonable as it was a public road and any improvement measures would likely involve land of private ownership. Nonetheless, the submitted TIA had proposed some measures to improve the traffic along Ho Chung Road. The film studio would not involve the use of heavy or medium vehicles and only light vehicles or 7-seat van would be parked inside the application site;
- (h) for the past 10 years, the operation of the film studio on the application site had brought about an improvement to the local environment as compared to the previous use of open storage of vehicles; and
- (i) according to the Notes of the Ho Chung Outline Zoning Plan, barbecue spot and picnic area were always permitted within the "Recreation" ("REC") zone. As such, if the application site was to be converted to such permitted uses, there would be more noise nuisance to the neighbouring residents.

57. In response to a Member's questions, Mr. Michael Chan said that the previous application approved in 2005 had been revoked because of the applicant's failure to comply with the approval conditions relating to landscape and tree preservation proposals, vehicular access and traffic arrangement proposals, and detailed proposals to ensure no pollution to the water gathering ground. He added that Ho Chung Road was a narrow road with bends and although there was no major traffic accident, TD had suggested no medium/heavy vehicles be allowed to enter the film studio should the application be approved by the Board. As to the noise complaints, Mr. Michael Chan stated that before 2005, the Hong Kong Police Force had received noise complaints against the film studio but no further complaints had been received

since then.

58. A Member asked the applicant about the steps that had been taken to avoid noise nuisance due to party activities during holidays. Mr. Jesse Yuen Wai-tat confirmed that no party activities had been held within the film studio and since the revocation of the planning permission in March 2006, the film studio had ceased operation and any noise nuisance should not be caused by the operation of the film studio.

59. A Member asked whether the previously approved application was revoked due to outdoor shooting from 11p.m. to 7a.m.. Mr. Jesse Yuen Wai-tat explained that revocation was not related to night-time operation, the permission was revoked because the applicant had failed to comply with the approval conditions by 16.3.2006.

60. In response to the Chairperson's enquiry, Mr. Michael Chan confirmed that the previously approved Application No. A/SK-HC/121 had been revoked on 16.3.2006 due to non-compliance with the approval conditions within the specified time period rather than due to activities related to the operation of the film studio.

61. In response to the Chairperson's and a Member's questions, Mr. Jesse Yuen Wai-tat responded that as film shooting was best carried out at night time which offered a quiet environment, condition restricting operation of the development from 7:00a.m. to 11:00p.m. including indoor production would pose great difficulties on its operation. He confirmed that indoor production within the film studio would not produce any noise nuisance and outdoor shooting could be prohibited from 11:00p.m. to 7:00a.m. to avoid any nuisance to the surroundings, if necessary. He agreed to abide by such a restriction if the Board approved the application.

62. A Member asked if the barbeque advertisement attached to the public comments in the Paper was related to the film studio. Mr. Michael Chan said that two adjoining sites were once used for golf course in the vicinity of the application site but subsequently ceased operation. It was difficult to confirm whether the advertisement was related to the film studio or these ex-golf course sites. However, the applicant confirmed that no such activities were held within the site and the eating place there only catered for the staff of the studio. Ms. Kan Mei-ha confirmed that the film studio had not put up any advertisement as quoted by the public commenter and there was no barbeque spot within the application site.

The noise nuisance might be due to fans' activities which had been prohibited since 2005 and afterward, no more complaints had been received by the Hong Kong Police Force.

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

[Mr. Nelson W.Y. Chan left the meeting temporarily and Mr. Edmund K.H. Leung left the meeting at this point.]

#### Deliberation Session

64. The Chairperson recapitulated the applicant/applicant's representatives' clarification that the local residents' major concern on noise nuisance was not related to the operation of the film studio, and that they were able to restrict outdoor shooting from 7:00a.m. to 11:00p.m. in order to minimize possible nuisance to the surroundings, prohibit the use of pyrotechnic materials and not allow medium/heavy vehicles to enter the film studio. She considered that such measures would help avoid adverse traffic and environmental impacts on Ho Chung Road and the surrounding residents. Approval of the current application was in line with the rationale of the Board's approval of the previous application. The Chairperson added that the approval conditions should be amended to reflect the applicant/applicant's representatives' agreement. Members concurred with her views.

65. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of three years up to 16.3.2010 subject to the following conditions:

- (a) no outdoor shooting and related activities from 11:00 p.m. to 7:00 a.m. were allowed within the development during the approval period;
- (b) no use of pyrotechnic materials was allowed within the development at any time during the approval period;

- (c) no medium/heavy good vehicles were allowed to enter the film studio at any time during the approval period;
- (d) the submission of landscape and tree preservation 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 16.6.2007;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction the Director of Planning or of the Town Planning Board by 16.9.2007;
- (f) the submission of vehicular access and traffic arrangement proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.6.2007;
- (g) in relation to (f) above, the implementation of vehicular access and traffic arrangement proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.9.2007;
- (h) the submission of drainage proposals 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 16.6.2007;
- (i) in relation to (h) above, the provision of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.9.2007;
- (j) the submission of detailed proposals to ensure no pollution would occur to the water gathering grounds within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 16.6.2007;



- (k) in relation to (j) above, the provision of detailed proposals to ensure no pollution would occur to the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 16.9.2007;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k), 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.

66. The Board agreed to remind the applicant that the permission was given to the use/development under application. It did not condone any other use/development currently existing on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

67. The Board also agreed to advise the applicant:

- (a) a shorter approval period of three years was granted in order to closely monitor the operation of the film studio and discourage abuse in putting the site to other uses not covered by the planning application;
- (b) to liaise with District Officer/Sai Kung with a view to addressing the local concerns related to operation of the film studio;
- (c) to liaise with Director of Water Supplies on the design of the drainage system and the details of the operation in the film studio to avoid polluting the water gathering ground;
- (d) to note AMO, LCSD's advice that Ho Chung Archaeological Site was located in the vicinity of the subject site. The applicant was required to report to the AMO in case of discovery of antiquity or supposed antiquity in the course of

excavation work. Also reasonable measures should be taken to protect the antiquity and supposed antiquity;

- (e) to apply to District Lands Officer/Sai Kung, Lands Department for short term waiver; and
- (f) to liaise with the Director of Buildings on the unauthorized building works in relation to the subject development.

[Ms. Maggie M.K. Chan, Mr. B.W. Chan, Mr. Walter K.L. Chan, Ms. Starry W.K. Lee and Dr. Daniel B.M. To left the meeting at this point.]

[The meeting was adjourned for a break of five minutes.]

### **Agenda Item 8**

[Open Meeting]

Draft Harbour Planning Guidelines for Victoria Harbour and its Harbour-front Areas  
(TPB Paper No. 7782)

---

68. The following representatives from the Harbour-front Enhancement Committee (HEC) and the Planning Department (PlanD) were invited to the meeting at this point to brief Members on the Paper:

Dr. Andrew L. Thomson	Convenor of Harbour Planning Principles Task Group
Mr. Vincent Ng	Chairman of Sub-Committee on Harbour Plan Review
Mr. Raymond Lee	Chief Town Planner/Sub-Regional, PlanD

69. The Chairperson extended a welcome and invited the representatives of HEC to brief Members on the Paper.

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

70. With the aid of Powerpoint slides, Dr. Andrew L. Thomson covered the following points as detailed in the Paper:

- (a) to guide the formulation of a revised Harbour Planning Framework, a set of Harbour Planning Principles (HPPs) was endorsed by the HEC on 27.4.2006;
- (b) the HPPs focused mainly on broad principles and were rather abstract and conceptual. To enable relevant stakeholders and members of the public to better understand the intentions and requirements of the HPPs, a set of draft HPGs was prepared with a view to establishing more specific guidelines to guide the sustainable planning, preservation, development and management of the Victoria Harbour and the harbour-front areas. The draft HPGs were considered and endorsed by the HEC on 25.1.2007 as a working draft for consultation with relevant stakeholders;
- (c) the draft HPGs were general and advisory in nature. Due to the broad scope of the HPGs and different roles and functions of the harbour-front areas in different locality, the application of the HPGs to individual harbour-front sites would depend on the characteristics of the site and the circumstances pertaining to it;
- (d) the HPGs were grouped under nine aspects, namely, land formation, public engagement, land use planning, urban design, landscaping, physical linkage, harbour-front management, sustainable development and temporary land uses. Some of the guidelines might be specifically targeted at achieving a particular principle of the HPPs. Many of them would comply with a multiple of principles;
- (e) the draft HPGs had been issued to relevant stakeholders such as District Councils, quasi-Government bodies, interested groups and utility companies for consultation until April 2007; and
- (f) in the light of public comments received, the draft HPGs would be revised and submitted to the HEC for final endorsement in May/June 2007 prior to their promulgation to the public.

71. The Chairperson expressed appreciation of the efforts of the HEC in working out the draft HPGs and said that the Board shared the same vision of the HEC regarding the planning and development of the Victoria Harbour. Members also congratulated the HEC on the good work done in coming up with the draft HPGs. Views/questions of Members on the draft HPGs were summarised as follows:

General

- (a) the principles as embodied in the draft HPGs were generally acceptable to the Board;
- (b) the Board had all along attached great importance to the planning and development of the harbour-front areas and was ready to work closely with the HEC to achieve a synergetic effect with the same objective of protecting the Victoria Harbour. The Board was poised to discharge its statutory functions properly in this regard;
- (c) it was important to ensure that HPGs would give Hong Kong a special flavor setting out its own uniqueness and distinctiveness which would be different from the harbours of other cities;

Specific Questions/Comments

- (d) how to make the HPGs practical and acceptable to various sectors of the community;
- (e) whether the HPGs should be incorporated as the Board guidelines for promulgation to the public;
- (f) how the HEC was going to put across the HPPs and HPGs to the community enabling different sectors of people have a proper perspective of the planning and development of the harbour-front areas. For example, given that the community was generally averse to the wall-effect of high-rise buildings on harbour-front, how the promulgation of the HPGs would facilitate the public at

large to understand the merits and demerits of high-rise buildings, particularly the technical aspects, in an objective manner;

- (g) how the HPGs would help overcome the current physical constraints and make the harbour-front areas more accessible to the public;
- (h) under the aspect of “Land Formation” of the draft HPGs, the specification of no reclamation might freeze the development of the Victoria Harbour and put it into a strait-jacket, pre-empting creative plans which might make the harbour more vibrant;

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

- (i) it was important to improve the quality of the street furniture and incorporate the provision of street arts for the future planning and development of the harbour-front areas;
- (j) apart from the provision of more green and landscape areas, thoughts should be given to the provision of ancillary facilities, e.g. café and retail outlets, which would make the harbour-front more vibrant and attractive;
- (k) the draft HPGs seemed to imply that environmental considerations would take precedence over the need for economic development, a proper balance should be struck; and
- (l) quoting the example of the water-front area in Kwun Tong and Yau Tong, the design of the public open space and the road layout there were unattractive or even discouraged the public from accessing the water-front and were not in line with the draft HPGs. It was important to rectify these mistakes in the future planning for the harbour-front areas.

72. In responses to the comments/questions raised by Members, Mr. Vincent Ng and Dr. Andrew L. Thompson made the follow points:

- (a) the HPGs were not mandatory but general, advisory and dynamic in nature.

Having regard to the different roles and functions of the harbour-front areas, the application of the HPGs to individual sites would depend on the characteristics of the site and the circumstances pertaining to it. The HPGs needed to be tied in with the changing aspirations of the community. It was hoped that its promulgation to the public in the future would help create a vision and purpose amongst the community towards the future of the Victoria Harbour. Public engagement was important;

- (b) it might not be appropriate at this stage to translate the HPGs into statutory requirements or the Town Planning Board Guidelines because the HEC was still consolidating public views at the moment. Besides, the HPGs were more principle-oriented with a view to setting out the community's aspirations for and vision of the Victoria Harbour;
- (c) the work of the HEC and the Board complemented each other. Should the HPGs be accepted by the Board and the community, it would be desirable to incorporate the final recommendations of the HPGs into the Board's guidelines as appropriate;
- (d) whilst it was difficult for different sectors of the community to understand some technical studies and therefore assess objectively the merits and demerits of developments along the harbour-front areas, e.g. high-rise buildings, it might be fruitful to use some illustrative and visual aids, e.g. models, to explain to the general public the specific projects under discussion, similar to the case of Kai Tak development. For professionals or developers, preparation of a set of measurable criteria might help;
- (e) there was no conflict in facilitating the people to get close to the harbour whilst providing appropriate land uses, e.g. retail, on the harbour-front areas;
- (f) the HPGs were more focused on the improvement of greening and public accessibility to the harbour-front areas but the area of emphasis might shift over time to tie in with the community's aspirations. It was important to keep listening to the public and maintaining a continued dialogue with them;

- (g) as to the assessment of economic and financial factors, there might be a need to consider how to use some financial models or tools in the planning of the harbour-front areas; and
- (h) how to plan and develop the Victoria Harbour and its harbour-front areas was a complex issues and the HEC was ready to consolidate the Board's comments and strengthen the message of the HPGs prior to its release to the public.

73. Mr. Raymond Lee, Chief Town Planner/Sub-Regional, PlanD added that as to the application of the HPGs, PlanD had duly taken account of the HPPs and the draft HPGs in preparing the planning brief for the Oil Street development which would be submitted to the Board for consideration in due course. In response, a Member gave his compliments to the PlanD for the planning brief it had prepared for the Oil Street development and considered it a good example illustrating the incorporation of the HPPs and HPGs. The Member suggested that PlanD should continue to adopt this approach for other developments on the harbour-front areas and use some examples to explain to the public the successful application of the required guidelines and assessments, e.g. air ventilation assessment (AVA). Another Member supported that for large-scale developments, it was reasonable to request the project proponents to carry out suitable assessments including computer-simulation to convince the public of the merits of their development and also as a pre-condition for the Board's consideration.

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

74. The Chairperson noted that for the Oil Street site which was a Government sale site, the Government had, in response to community aspirations and on its own accord, reduced the plot ratio despite the loss of potential revenue. This was very much in line with the Board's vision for the harbour and the HEC's HPPs and HPGs. As to future development along the harbour-front, she pointed out that the Board might consider requiring developers to undertake relevant assessments, e.g. AVA, to demonstrate the merits of their development similar to the current practice of submitting traffic and environmental impact assessments. Although the public might not see the effects of good harbour-front planning immediately, they would learn to appreciate the Board's decision over time.

75. Referring to a Member's views on the "Land Formation" aspect of the HPGs, the

Chairperson suggested that the HEC should consider elaborating in the HPGs the need to put the “Land Formation” aspect in a wider context so as not to deter any creative plan which would enhance the quality of the harbour. She thanked the representatives of the HEC and PlanD for attending the meeting and relaying the views of the Board on the draft HPGs to the HEC.

### **Agenda Item 9**

[Open Meeting]

Proposed Delegation of Authority under the Town Planning Ordinance  
(TPB Paper No. 7783)

---

#### Presentation and Question Session

76. Mr. C.T. Ling, Chief Town Planner/Town Planning Board of the Planning Department (PlanD) was invited to the meeting at this point.

77. The Chairperson extended a welcome and then invited Mr. C.T. Ling to brief Members on the background of the Paper.

[Mr. K.Y. Leung left the meeting and Mrs. Ava Chiu left the meeting temporarily at this point.]

78. With the aid of Powerpoint slides, Mr. C.T. Ling covered the following main aspects as detailed in the Paper:

- (a) the provisions of the Town Planning Ordinance for the Board to delegate its powers and functions as detailed in paragraph 2 of the Paper;
- (b) the current practice for processing s.16A(2) applications by the Director of Planning (D of Plan) with the authority delegated by the Board as set out in paragraph 3 of the Paper;
- (c) the proposed delegation of authority to a class of public officer, namely Assistant Director of Planning (AD), in addition to that delegated to D of Plan in respect of processing s.16A(2) application as covered in paragraph



4 of the Paper; and

- (d) consultation with the Department of Justice (DoJ) as mentioned in paragraph 5 of the Paper.

#### Deliberation Session

79. The Chairperson had no objection to the proposal of the Paper and asked if it would be appropriate to delegate the relevant authority to the Deputy Director of Planning/District (DD/D) who was also the Secretary of the Board already handling a number of tasks related to planning applications.

[Mrs. Ava Chiu returned to join the meeting at this point.]

80. In response, Mrs. Ava S.Y. Ng, D of Plan, said that she did not see any problem with such an arrangement and suggested that the authority could be delegated to both DD/D and AD. Members agreed.

81. In response to Members' suggestion, the Chairperson agreed that the Board could be more specific in the delegation and proposed that the authority be delegated to the DD and ADs of the District Branch of PlanD as they were more familiar with the issues and procedures of handling s.16A(2) applications, subject to no adverse comments from DoJ on the proposed arrangement.

82. After further deliberation, the Board decided to agree to the following subject to no adverse comments from DoJ:

- (a) to delegate the Board's powers and functions to DD and ADs of the District Branch, in addition to the delegation of authority to D of Plan, in respect of an application made under s.16A(2) of the Ordinance;
- (b) subject to (a), endorse the corresponding amendments to the relevant parts of Appendix I of the Town Planning Board Procedure and Practice (P&P) and TPB Guidelines No. 36A; and

- (c) agree that the revised P&P and TPB Guidelines No. 36A should be promulgated to the public.

### **Agenda Item 10**

[Closed Meeting]

An Assessment of the Conservancy Association's Request for the Preparation of a Development Permission Area Plan Covering the Soko Islands

(TPB Paper No. 7779)

---

83. The Secretary said that the request was made by the Conservancy Association (the Association) and Dr. C.N. Ng being a Director of the Association had declared an interest and had not attended today's meeting.

84. In the capacity of the Director of Environmental Protection (DEP), Ms. Anissa Wong declared that an Environmental Impact Assessment (EIA) report submitted by the Castle Peak Power Company Limited (CAPCO) for the development of a Liquefied Natural Gas (LNG) receiving terminal at South Soko Island was being processed under the EIA Ordinance and she was the approval authority under the EIA Ordinance. Professor Bernard V.W.F. Lim informed the Board that he was a member of the Energy Advisory Committee. The Board agreed that they could stay at the meeting and participate in deliberation.

### **Presentation and Question Session**

85. Mr. Michael Chan, District Planning Officer/Sai Kung and Islands, and Ms. Maggie Chin, Senior Town Planner/Islands, of the Planning Department (PlanD) were invited to the meeting at this point.

86. The Chairperson extended a welcome and then invited Mr. Michael Chan to brief Members on the background of the Paper.

87. With the aid of Powerpoint slides, Mr. Michael Chan covered the following main aspects as detailed in the Paper:

- (a) the Association requested the Board to prepare a Development Permission

Area (DPA) plan to cover the whole Soko Islands which should all be zoned as “Green Belt” (“GB”) and the planning intention of the “GB” zone was to promote the conservation of natural environment with the purpose of providing outlet for passive recreational uses;

- (b) justifications put forward by the Association included: the South West New Territories Development Strategy Review endorsed in 2001 identified Soko Islands as valuable for their natural features; a study undertaken by the Agriculture, Fisheries and Conservation Department in 1999 had indicated the unique ecological value of the sea around Soko Islands; the proposal to designate about 1,270 ha. of waters around Soko Islands as marine park was never gazetted; the proposed DPA plan and “GB” zone of Soko Islands were needed to avoid degradation of the ecological value of the area; and the “GB” zone would not preclude the construction of essential public utility installations on the islands;
- (c) the existing land uses and assessment of the site in that Soko Islands consisted of a group of six outlying islands which were uninhabited; the surrounding waters of the islands had been identified as both a spawning ground and a nursery area for commercial fisheries resources; according to the South West New Territories Recommended Development Strategy endorsed in 2001, the Soko Islands were proposed as “Conservation Area” while the surrounding water bodies identified as “Inshore Water Protection/Recreation Area”; the Consultancy Study on the Development of New Tourism Infrastructure – Spa and Resort Facilities commissioned by the Tourism Commission in 2004 had selected South Soko as one of the short-listed locations for reviewing and examining the development of spa and resort facilities in Hong Kong; and the majority of land in the Soko Islands were held by Government;
- (d) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) considered that that the proposal to zone the Soko Islands as “GB” was largely based on the marine ecological value of the area. As the designation plan of the marine park around Soko Islands had not been put on hold, the ecological value of the marine waters around the

islands would be safeguarded to some extent in future. Except for Tai A Chau (i.e. South Soko Island), which was the subject of a recent EIA Study conducted by CAPCO, there was inadequate information from nature conservation point of view to determine the appropriate zoning, such as “GB” or “Conservation Area” on the other islands; and

- (e) PlanD’s view – the request was not supported for the reasons in that sporadic development pressure on these remotely located islands was very low, the urgency for a statutory town plan could not be established. Should there be a need for a statutory plan for these islands, an Outline Zoning Plan (OZP), instead of a DPA plan, would be more appropriate.

88. A Member asked if PlanD had consulted the two indigenous villages on Soko Islands as to the request put forward by the Association. Mr. Michael Chan responded that the islands were currently uninhabited and PlanD, with the assistance of District Officer, would consult the indigenous villages should there be a need to prepare a plan for Soko Islands.

89. A Member recalled that for some previous cases, the Board had taken the initiative to prepare DPA plan to pre-empt some incompatible or undesirable uses. This Member was of the view that the suggested reasons to reject the Association’s request in paragraph 7.2(a) of the Paper seemed to give the impression that the Board’s decision or initiative on land use planning matters for the subject case could only follow ExCo’s decision of LNG receiving terminal.

90. A Member considered that the reasons for not preparing DPA plan for the time being should be that there was insufficient information to establish the ecological importance of the islands.

91. A Member considered that there might be merits to protect the ecology of the islands given that the ecological value of the marine waters had been clearly established.

92. In response to a Member’s enquiry about the implications of preparing a DPA plan for the Soko Islands, Mr. Michael Chan explained that pursuant to s. 3(1) of the Town Planning Ordinance (the Ordinance), the directive for the Board to prepare a new DPA plan

rested with the Chief Executive (CE). According to the Ordinance, a DPA plan with enforcement power was only an interim plan, which needed to be replaced by an outline zoning plan (OZP) within 3 years. Prior to the preparation of DPA plan, PlanD should first carry out a study on the use and characteristics of the area to enable formulating appropriate land use zonings. However, as Soko Islands were remote islands and there was no public transport facility servicing the islands, development pressure and the chance of any unauthorised development on these islands were expected to be very low. A majority of land in South Soko Island (98.8%) and North Soko Island (96.25%) were government land whilst there was no private land holding on the other four islands. In line with the current practice for other outlying islands, OZP was preferred for the control of the land area. He added that DAFC was still pursuing his plan to designate marine park to protect the marine waters around the islands.

93. As Members had no further question to raise, the Chairperson thanked PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

94. A Member said that paragraph 7.2(a) as suggested in the Paper would not be appropriate as this would give the impression that the Board's decision on whether to prepare a DPA plan was led by the Government's decision on the LNG receiving terminal and this could give rise to legal challenges. The same Member opined that there was no need to prepare a DPA plan at the moment. Nevertheless, some preparatory work to gather more information on Soko Islands could be initiated at an early stage.

95. Another Member noted that a large concrete platform had been formed on the South Soko Island for use as the ex-detention centre. Based on the information submitted by the Association, the same Member considered that there were insufficient grounds to establish a need for preparing a DPA plan for Soko Islands and to justify the designation of "GB" zone. As far as the marine waters were concerned, it was not within the ambit of the Board but that of the Country and Marine Parks Authority. Without detailed justifications and sufficient information, it was difficult for the Board to agree to their request and the rejection reasons should be stated on that basis.

96. A Member said that the waters around Soko Islands were important commercial

fisheries resources and conservation of the waters was important. As to whether there was a need to protect the islands, PlanD should undertake to gather more information in the first place.

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

97. A Member said that he was open to any planning proposals for the islands and agreed there was no information to support the proposed preparation of a DPA plan and the “GB” zone. However, in considering the subject request by the Association, the Board should not give the public the wrong impression that its decision was linked to the LNG receiving terminal proposal.

98. Ms. Anissa Wong clarified that instead of regulating development as mentioned in paragraph 7.2(b) of the Paper, the EIA Ordinance essentially aimed at empowering the DEP to evaluate and assess the EIA report submitted under the EIA Ordinance, having regard to the relevant project’s impact on the environment and the sufficiency of mitigation measures proposed. She suggested to take out the reference to the EIA Ordinance from paragraph 7.2(b).

99. Noting the concerns and views expressed by Members, the Chairperson clarified that the Board was not asked and indeed should not deliberate on the Association’s proposal in relation to the LNG receiving terminal. The matter before the Board was whether the Association’s proposal for preparation of a DPA plan with “GB” zoning for Soko Islands was appropriate and should be approved. According to PlanD’s planning assessments of the islands, viz. remoteness of the islands, majority of land being held by Government and lack of planning data in the Association’s request to support the “GB” zoning, the Chairperson considered and Members agreed that there was insufficient justification for the Board to agree to the preparation of a DPA plan for the islands now. The concerns about the Board’s decision being perceived as dictated by the Government’s decision on the LNG receiving terminal had been clarified with the foregoing discussions. In any case, the Board had to act on the directive of the Chief Executive in respect of the preparation of any DPA plan.

100. After further deliberation, the Board decided not to agree to the Association’s request for the following reasons:

- (a) there was insufficient information and justification to support the need for preparing a DPA plan for the Soko Islands and designating the whole islands as “GB”; and
- (b) Soko Islands were remote islands and there was neither public transport facility servicing the islands nor availability of public utility services on the islands rendering them less vulnerable to unauthorised development. Also, the great majority of land on the islands were held by Government. There was thus no urgency to prepare a DPA plan for the area.

[Professor Bernard V.W.F. Lim and Ms. Anissa Wong left the meeting at this point.]

### **Agenda Item 11**

[Open Meeting]

Draft Hung Hom Outline Zoning Plan No. S/K9/19

Information Note and Hearing Arrangement for Consideration of Representations and Comments  
(TPB Paper No. 7780)

---

101. The Secretary presented the Paper and requested Members to decide on whether the representations and comments should be considered by the Board and on the same date as for the draft Kai Tak Outline Zoning Plan.

102. After deliberation, Members agreed that the representations and comments should be considered in the manner as proposed in paragraph 2.2 of the Paper.

### **Agenda Item 12**

[Open Meeting]

Draft Kai Tak Outline Zoning Plan No. S/K22/1

Information Note and Hearing Arrangement for Consideration of Representations and Comments  
(TPB Paper No. 7781)

---

103. The Secretary presented the Paper and requested Members to decide on whether

the representations and comments should be considered by the Board.

104. After deliberation, Members agreed that the representations and comments should be considered in the manner as proposed in paragraph 2.2 of the Paper.

**Agenda Item 13**

[Open Meeting]

Any Other Business

105. There being no other business, the meeting was closed at 1:45 p.m..