

**Minutes of 906th Meeting of the
Town Planning Board held on 29.2.2008**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Raymond Young

Chairman

Dr. Peter K.K. Wong

Vice-Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

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 Planning

Mrs. Ava S.Y. Ng

Director of Lands

Miss Annie Tam

Deputy Director of Environmental Protection

Dr. Michael Chiu

Assistant Director(2), Home Affairs Department

Ms. Margaret Hsia

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Ms. Ava Chiu

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu (a.m.)

Senior Town Planner/Town Planning Board
Mr. Ivan M.K. Chung (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 905th Meeting held on 15.2.2008

[The meeting was conducted in Cantonese.]

1. The minutes of the 905th meeting held on 15.2.2008 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising from the last meeting.

[Professor Nora F.Y. Tam, Dr. C.N. Ng, Ms. Anna S.Y. Kwong and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Open Storage and Port Back-up Land and
the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port
Back-up Uses under Section 16 of the Town Planning Ordinance
(TPB Paper No. 8007)

[The meeting was conducted in Cantonese]

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

- Mr. Wilson Y.L. So - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
- Mr. W.K. Hui - District Planning Officer/Shatin, Tai Po and North District (DPO/STN), PlanD
- Ms. S.H. Lam - Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), PlanD

4. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

5. With the aid of a Powerpoint presentation, Ms. S.H. Lam made the following main points as detailed in the Paper:

Background

- (a) the purposes of the Paper were to report on the progress of the review of open storage (OS) and port back-up (PBU) land in the North West New Territories (NWNT) and the review of the Town Planning Board Guidelines No. 13D (the Guidelines), and to seek Members' agreement that the proposed reclassification of 15 sites under the Guidelines as detailed in paragraphs 6 to 8 of the Paper was suitable for consultation with the stakeholders;
- (b) since the promulgation of the current Guidelines in November 2005, the Administration had kept collecting feedbacks from the trade of OS/PBU uses and local communities through regular liaison meetings and ad-hoc meetings. Proposals to revise the Guidelines had been received;

[Ms. Sylvia S.F. Yau and Dr. Daniel B.M. To arrived to join the meeting at this point.]

Major proposals from the trade

- (c) the trade requested that more land should be reclassified as Category 1 and 2 areas to meet the needs of the trade. Seven sites in Ha Tsuen, Lau

Fau Shan and Ngau Tam Mei were proposed by the trade for reclassification from Categories 3 and 4 to Category 2. After assessment, PlanD considered that two of these sites were suitable to be reclassified. The remaining five sites were not suitable for reclassification mainly due to non-compliance of OS/PBU uses with the planning intention of the zonings of the concerned sites and the surrounding areas, including “Green Belt” (“GB”), “Coastal Protection Area” and “Conservation Area”;

- (d) the trade also proposed that Ha Tsuen should be planned as a PBU hub in light of its strategic location of being close to the Kong Sham Western Highway;

Planning for the provision of OS/PBU land

- (e) at present, about 655 ha of land had been designated for OS/PBU uses in the rural area, which should be sufficient to meet the demand. However, these areas might not be fully utilized due to various constraints relating to the ownership, rental affordability, accessibility of the sites and individual operational needs;
- (f) PlanD had undertaken a land use review in Ha Tsuen, with emphasis on the “Recreation” zone on both sides of San Wai Road where there was already a major concentration of OS/PBU uses. It was recommended in the review that 35 ha of land should be rezoned to “Open Storage” (“OS”) or “OS(1)” and 20 ha should be rezoned to “GB”. The recommendations had been incorporated in the draft Ha Tseun Outline Zoning Plan (OZP) No. S/YL-HT/9 which was gazetted on 25.1.2008 for public inspection;
- (g) PlanD had also undertaken a land use review on an area (about 100 ha) to the west of Kung Um Road which was zoned “Undetermined” (“U”) on the Tong Yan San Tsuen OZP. According to the review, there was potential to rezone the majority of the “U” zone to “OS(1)” in order to capture its locational advantage of being close to major cross-boundary

transport links and take into account the proliferation of OS uses in the area. An integrated feasibility led by the Civil Engineering and Development Department would be undertaken to ensure that the rezoning proposal would be sustainable in traffic, infrastructure and environmental terms;

[Mr. Tony C.N. Kan, Mr. Nelson W.Y. Chan and Ms. Margaret Hsia arrived to join the meeting at this point.]

Review of the Guidelines

- (h) the principles for classification of land and the criteria for assessing applications for OS/PBU uses were well accepted by the community, and no major comments were received since the promulgation of the Guidelines. In general, there was a close relationship between planning intention and corresponding classification under the Guidelines. However, given the acute demand for temporary OS/PBU land, it was proposed that some flexibility should be allowed for accommodating such need in areas where the long-term planning intention might not be totally compatible but there was no development programme for permanent use;
- (i) site-specific reclassification proposals involving 15 sites were made as detailed in paragraphs 6 to 8 of the Paper. These 15 sites included:
 - one site in Nam Sang Wai which was not under any category at present and was proposed to be classified as Category 1;
 - eight sites (six proposed by PlanD and two by the trade) in Lau Fau Shan, Ha Tsuen, Kam Tin North, Kam Tin South, Pat Heung, Lung Yuet Tau and Ta Kwu Ling to be reclassified from Category 3 to Category 2;
 - one site in Kam Tin North to be reclassified from Category 4 to

Category 3;

- the two sites in Ha Tsuen which were rezoned to “OS”, “OS(1)” and “GB” as recommended in the Ha Tsuen Land Use Review. The “OS” and “OS(1)” sites were proposed to be reclassified as Category 1 and the “GB” site as Category 4;
 - three sites in Ha Tsuen, Lau Fau Shan and Kam Tin South, which were recommended by the Board to be included for review when considering previous planning applications. These sites were currently classified as Categories 2 and 4 and were proposed to be reclassified as Categories 3 and 2 respectively.
- (j) opportunity was also taken to refine the Guidelines to better reflect the Board’s practices, such as those relating to the extension of time for compliance with the time-limit approval conditions;

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

- (k) with the reclassification proposals, the area under Categories 1, 3 and 4 would be increased by about 36.24 ha, 0.1 ha and 15.37 ha respectively. The area under Category 2 would be reduced by about 50.84 ha;
- (l) departmental comments on the reclassification proposals were detailed in paragraphs 10.1 to 10.5 of the Paper. The Director of Environmental Protection (DEP) was concerned about the possible environmental nuisances caused by OS/PBU uses to sensitive receivers at the sites near residential uses. The Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that upgrading would be necessary for the access roads to accommodate OS/PBU uses at some of the sites;
- (m) PlanD’s responses to the departmental comments were detailed in paragraphs 10.7 to 10.9 of the Paper. A cautious approach had been taken in assessing the reclassification proposals in order to minimize

possible impacts on local areas and residents. The categorization under the Guidelines was very broad-brush in nature. Detailed planning control would be exercised through the planning application system, through which appropriate approval conditions could be imposed to alleviate possible impacts; and

Way forward

- (n) subject to agreement by the Board, PlanD would consult the stakeholders, including the local communities, the trade and green groups on the re-classification proposals. The proposals would then be revised, where appropriate, and submitted to the Board for endorsement.

6. Members had the following questions:

Reclassification proposals – general

- (a) whether the significant increase in the area of land under Category 1 would have adverse environmental and traffic implications;
- (b) whether the reduction in the overall area of land under Categories 1 and 2 would aggravate the shortage of OS/PBU land as claimed by the trade;

Reclassification proposals – site-specific

- (c) whether the proposal of reclassifying Site No. YL-LFS-1 (Plan 5 of the Paper) from Category 3 to Category 2 was compatible with the planning intention of encouraging tourism-related uses in Lau Fau Shan, and whether it would aggravate the interface problems between OS/PBU uses in the site and the residential uses along Lau Fau Shan Road in the adjacent Site No. YL-LFS-4, which was zoned “Residential (Group E)” (“R(E)”) and was proposed to be reclassified from Category 2 to Category 3;

[Professor David Dudgeon arrived to join the meeting at this point.]

- (d) noting that the portion of Site No. YL-HT-5 amidst the “OS” zone (Plan 29 of the Paper) was part of an archaeological site, whether it would be more appropriate to rezone the site as “Other Specified Uses” with an annotation reflecting the archaeological significance, instead of “GB”;
- (e) noting that Site No. YL-HT-2 (Plan 8 of the Paper) comprised mainly filled ponds adjacent to a large piece of Category 4 area, whether re-classifying it to Category 2 would give a false message to the trade that once the ponds in a site had been filled, there stood a chance of reclassification into Category 2 for OS/PBU uses;
- (f) in light of the concerns raised by the DEP and AC for T/NT in paragraphs 10.2 and 10.3 of the Paper, whether it was possible for the trade to obtain planning permission for OS/PBU uses at Site No. YL-HT-2 even if it was re-classified to Category 2;

Strategy of provision and planning control of OS/PBU land

- (g) whether there would be any long term measures to increase the supply of OS/PBU land to meet the economic needs and minimize temporary use of rural land for such purpose;
- (h) upon reclassification of the sites as proposed, whether a more stringent approach would be adopted by the Planning Authority in enforcement against unauthorized development (UD) for OS/PBU uses;

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

- (i) whether the Government’s commitment to proceed with the proposed Hong Kong – Zuhai – Macau Bridge would have any implications on the demand for OS/PBU land in the New Territories;

[Ms. Anna S.Y. Kwong arrived and Mr. Felix. W. Fong returned to join the meeting, and Mr. Tony C.N. Kan and Dr. James C.W. Lau left the meeting temporarily at this point.]

- (j) whether the Administration had any plans to improve the infrastructure provision in the rural area to meet the demand for OS/PBU uses which might be triggered by the implementation of cross-boundary transport links;
- (k) whether consideration had been given to rezoning fallow agricultural land in the rural area for low-density residential developments so as to provide incentives for discontinuing OS/PBU uses; and
- (l) whether it was possible to work out an arrangement with the relevant authority in the Mainland to allow storage of containers in China so as to reduce the demand for PBU land in Hong Kong.

7. In response to Members' questions, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

Reclassification proposals – general

- (a) the proposed increase in the area of land under Category 1 was mainly due to the reclassification of 35 ha of land along San Wai Road in Ha Tsuen which was currently under Categories 2 and 3. The reclassification was to reflect the existing OS/PBU uses in the area and the current "OS" and "OS(1)" zoning of the land as recommended in the Ha Tsuen Land Use Review and after thorough discussion with the trade and local people. To address the environmental concerns, the portion of the site near to the existing villages was zoned "GB", or "OS(1)" which had no provision for uses involving severe environmental nuisance, safety hazards and traffic problems. Regarding the traffic concerns, improvements to San Wai Road were already in place to enhance its connection with Kong Sham Western Highway and safety in traffic. The Ha Tsuen OZP incorporating the rezoning had been gazetted for public inspection and any representations

and comments received would be submitted to the Board for consideration;

- (b) a balance had to be struck on the needs to provide sufficient OS/PBU land and to avoid adverse environmental and traffic impacts in the concerned areas. While the suggestions made by the trade to increase the supply of OS/PBU land could not be unanimously accepted, it was expected that upon the completion of the feasibility study of the proposed rezoning of the “U” zone in the Tong Yan San Tsuen OZP as detailed in paragraph 4.7 of the Paper, more land for OS/PBU uses might be available in future;

Reclassification proposals – site specific

- (c) Site No. YL-LFS-1 was zoned “Commercial/Residential” but no known proposal for the planned uses was available. It was partly occupied for OS/PBU uses. Given that OS/PBU uses were not totally incompatible with the surrounding environment and there was no known proposal for the planned uses, it was more pragmatic to reclassify the site to Category 2 without frustrating the long-term planning intention. The proposed reclassification would not aggravate the interface problems between OS/PBU uses on the site and residential uses on the adjacent “R(E)” site along Deep Bay Road (Site No. YL-LFS-4) as the implementation of major residential development in the “R(E)” site was subject to various constraints including a lack of sewerage facilities and fragmented land ownership. At the same time, new OS/PBU uses would not be encouraged within the “R(E)” site as it would be reclassified from Category 2 to Category 3. Industrial/residential interface problems, if any, could be addressed by imposing appropriate planning conditions on planning permission;

[Mr. B.W. Chan left the meeting temporarily at this point.]

- (d) although Site No. YL-HT-5 was part of the Tseung Kong Wai Archaeological Site, “GB” zoning was considered appropriate for the site

as it was covered by dense vegetation and the planning intention was to avoid encroachment of OS/PBU uses onto the site;

- (e) Site No. YL-HT-2 was part of an extensive “Comprehensive Development Area” (“CDA”) zone with no known development proposal. The ponds therein had been filled for years. The areas to the east and south of the site were already occupied by OS uses and the site itself was separated from Fung Kong Tsuen by some distance. Reclassifying the site to Category 2 would not frustrate the long-term planning intention of the “CDA” zone. The traffic and environmental impacts of OS/PBU uses at the site would be addressed through the planning application system and appropriate planning conditions could be imposed in the granting of planning approvals;

Strategy of provision and planning control of OS/PBU uses

- (f) in recognition of the importance of OS/PBU industries to the economy, the Board had designated suitable sites for such uses under “OS”, “Industrial”, “Industrial (Group D)” and “Other Specified Uses” on rural OZPs. According to the HK 2030 Study, sufficient supply of PBU land had been planned to meet the demand up to 2030. The Administration would closely monitor the situation and take appropriate actions to ensure a sufficient supply of land to meet the demand; and
- (g) upon reclassification, more land would be available for OS/PBU uses and it was expected that more UD would be discontinued. Furthermore, with the commencement of the Town Planning (Amendment) Ordinance in 2005, the Planning Authority had stepped up enforcement against UD since the submission of a planning application for regularizing the UD would no longer be taken as a reasonable step to comply with the enforcement notice;

8. In response to Questions (i) and (l) above, Mrs. Ava S.Y. Ng made the following points:

- (a) the land reserved for PBU uses in the old container terminals (CT) was inadequate. For the newly planned CT, such as CT9 and CT10, adequate land would be reserved near the berths for PBU uses. The need to use rural land for such uses would thus be greatly relieved. In the long term, new PBU land would be provided with all necessary infrastructural facilities in the new development area in Hung Shui Kiu; and
- (b) the Administration had taken actions in the past years to liaise with the relevant authorities in the Mainland China on the arrangements to facilitate storage of containers in China and to minimize cross-boundary vehicular trips. The Administration would continue to work in that direction.

9. In response to Question (j) above, the Chairman said that the Administration would plan ahead for the provision of necessary infrastructure to meet the demand for OS/PBU facilities arising from implementation of strategic transport links. Actions would also be taken to improve the infrastructural provision in areas with existing OS/PBU uses to minimize possible environmental nuisances to the local residents.

[Ms. Margaret Hsia and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

10. In response to Question (k) above, a Member said that the logistics industry had a working population of about 200,000 and any measures that might affect the operation of the industry would need to be handled with care. Moreover, efforts should be taken to improve the overall planning of OS/PBU uses so as to minimize their impacts on the environment. This Member suggested that representatives from the Logistics Development Council should be invited to give a briefing to the Board on the major issues and concerns of the logistics industry. The Chairman also said that there was an obvious demand for OS/PBU land to meet the economic needs. He agreed to convey the above suggestion to the Transport and Housing Bureau.

11. In conclusion, the Chairman said that the Board noted the progress of the

reviews of OS/PBU land and the TPB Guidelines No. 13D undertaken by PlanD, and agreed that the reclassification proposals as detailed in the Paper were suitable for consultation with the stakeholders. The proposals together with public views collected should be submitted to the Board for further consideration prior to formal promulgation.

12. The Chairman thanked Mr. Wilson Y.L. So, Mr. W.K. Hui and Ms. S.H. Lam for attending the meeting. They all left the meeting at this point.

[Mr. Tony C.N. Kan, Ms. Margaret Hsia and Mr. Walter K.L. Chan returned to the meeting, and Ms. Starry W.K. Lee, Dr. Daniel B.M. To and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Agenda Item 4

[Open Meeting]

Planning and Engineering Review of Potential Housing Sites
in Tuen Mun East Area – Feasibility Study (Stage 1 Consultation)
(TPB Paper No. 8018)

[The meeting was conducted in Cantonese.]

13. The following representatives of Government departments and study consultants were invited to the meeting at this point:

Mr. Wilson Y.L. So	- District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
Ms. S.H. Lam	- Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), PlanD
Mr. S.W. Wong	- Senior Engineer/District Monitoring Group on Housing Sites/West (New Territories North and West), Civil Engineering and Development Department
Mr. Collin Chan	- Scott Wilson Limited

14. The Chairman extended a welcome and invited the representatives of the Government departments and study consultants to brief Members on the Paper.

15. Mr. Wilson Y.L. So said that the purpose of the Paper was to consult Members on the preliminary proposals in respect of the development intensity of the study sites in the ‘Planning and Engineering Review of Potential Housing Sites in Tuen Mun East Area – Feasibility Study’ (the Study). The Study commenced in September 2007 and the Board was briefed on the objectives and scope of the Study on 9.11.2007. Since then, the consultants had completed a baseline review on the existing land uses and development intensity, urban design, landscape, traffic and other technical matters, and worked out the preliminary proposals. The Study was now at Stage 1 public consultation. Tuen Mun District Council was consulted on 21.1.2008 and a public consultation forum was conducted on 16.2.2008.

16. With the aid of a Powerpoint presentation and a 3-D fly-through animation, Mr. Collin Chan made the following main points as detailed in the Paper:

Background

- (a) the Study was to examine the development potential and possible impacts of housing development on 14 sites in the Tuen Mun East area bounded by Tai Lam Chung Nullah, Maclehorse Trail and Hoi Wing Road. The Study Area and location of the 14 sites were shown on Figure 2 of the public consultation document at Annex I of the Paper. These 14 sites included six sites which were currently zoned “Government, Institution or Community” (“G/IC”) but were no longer required for any Government, institution or community (GIC) uses, seven sites designated for private housing and one site previously reserved for public housing. The findings of the Study would provide the basis for further engineering investigation and detailed design of developments on the sites;

[Ms. Starry W.K. Lee, Dr. Daniel B.M. To and Ms. Anna S.Y. Kwong returned to the meeting at this point.]

Preliminary Proposals

- (b) based on the preliminary planning review and technical assessments, the consultants considered that low and medium density residential developments were suitable in the Study Area. A maximum plot ratio (PR) between 0.4 and 1.3 was recommended for most of the Study Sites, except Sites 3 and 8;
- (c) Sites 1, 2, 3, 7 and 8 were ex-military sites and were located close to Tuen Mun town centre. The consultants suggested that these sites should be developed as the development node of Tuen Mun East. Sites 3 and 8, which were adjacent to the existing developments, Aegean Coast and Hong Kong Gold Coast, could be developed at a higher intensity with a maximum PR of 2.5. Maximum PR for the remaining sites was suggested to be 1.3;
- (d) Sites 4, 5, 12 and 13 were located at the eastern part of the Study Area, which was characterised with natural hilly landscape. Low density development at a PR of 0.4 was proposed for these sites;
- (e) for Sites 6, 9, 10 and 11, a maximum PR of 1.3 was proposed;
- (f) further assessments were necessary to determine whether Site 14 was suitable for public or private housing. The proposed PR for public and private housing at the site was 4.5 based on developable site area and 1.3 respectively.

Technical Assessments

- (g) preliminary traffic impact assessment indicated that to cater for the proposed housing developments, some of the existing underpasses linking Castle Peak Road and Tuen Mun Road would need to be widened, and some traffic junctions along the section of Castle Peak

Road between So Kwun Wat and Hoi Wing Road would need to be improved. Improvements to the existing pedestrian accesses and public transport facilities within the Study Area might also be required;

[Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

- (h) detailed assessments on the preliminary proposals would be undertaken to ensure that they were sustainable and feasible in terms of traffic, geotechnical, infrastructural and environmental aspects. As part of the environment review, air ventilation assessment by a wind tunnel test would be undertaken;

Public Consultation

- (i) major comments received during Stage 1 public consultation indicated that the existing character of the Study Area should be maintained; reservation to converting "G/IC" sites for residential use; concerns on the traffic impact of the proposed developments; request for a mass transit railway; and that public rental housing development on Site 14 was not preferred in view of its secluded location; and
- (j) taking into account public views received and the findings of further technical assessments, detailed proposals would be formulated for Stage 2 consultation scheduled for mid-2008.

[Mr. B.W. Chan returned to the meeting at this point.]

17. Members had the following comments:

- (a) GIC facilities were generally insufficient in the area. Actions should be taken to address the issue;
- (b) residential development at Site 14 would generate traffic problems in the Tuen Mun East area no matter it was for public or private housing. To

alleviate the problems, consideration should be given to using the site for senior citizens' housing, which would involve less traffic. It would also help address the housing need of the increasing elderly population in Hong Kong. To complement that proposal, more community facilities suiting the need of the elderly should be provided in the area;

- (c) there were too many signalised junctions along Castle Peak Road, which sometimes caused disruption to traffic flow. The planning of signalised junctions should be carefully considered to avoid aggravating the situation; and
- (d) the public view on the development public housing at Site 14 should be duly considered. It was important to ensure that the new public housing development would not affect the availability of public facilities to the existing residents.

18. In response to Members' comment under paragraph 17(a) above, Mr. Wilson Y.L. So said that requests for more GIC facilities had also been raised by the public during Stage 1 consultation. Further discussion with the relevant Government bureaux and departments would be undertaken to ascertain the need for such facilities.

[Ms. Sylvia S.F. Yau returned to the meeting at this point.]

19. Regarding the other comments raised above, the Chairman said that further consideration should be given by the consultants to ensure that Members' concerns would be duly addressed.

20. The Chairman thanked Mr. Wilson Y.L. So, Ms. S.H. Lam, Mr. S.W. Wong and Mr. Collin Chan for attending the meeting. They all left the meeting at this point.

Agenda Item 5

[Open Meeting]

Information Paper on the Progress of Redevelopment Plans for Ocean Park and Hotel Proposal

(TPB Paper No. 8023)

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

21. The Chairman said that Dr. Greg C.Y. Wong had declared an interest on this item for being a Board Member of the Ocean Park Corporation (OPC). As the purpose of this item was to brief Members on the progress of the OPC's Redevelopment Plans and hotel proposal, Dr. Wong was allowed to stay at the meeting.

22. The following representatives of Government departments and OPC were invited to the meeting at this point:

Ms. Au King-chi)	
Ms. Kinnie Wong)	Tourism Commission
Mr. Kevin Ng)	
Ms. Brenda Au	}	Hong Kong District Planning Office, Planning
Mr. David Lam	}	
Dr. Allan Zeman]	
Mr. Tom Mehrmann]	
Mr. Alex Chu]	OPC
Mr. Matthias Li]	
Miss Angela Ho]	

23. The Chairman extended a welcome and invited the representatives of the Government departments and OPC to brief Members on the Paper.

24. Ms. Au King-chi started the presentation and made the following points:
- (a) the implementation of the Redevelopment Plans for Ocean Park had commenced in late 2006, which would cover eight phases over a 5-year period up to 2012/13. Part of the Phase I project had already been completed. Upon completion of the project, Ocean Park would offer about 70 attractions, compared with 35 at present, and its attractiveness as a world-class marine-themed recreational and education park and destination for family visitors would be enhanced;
 - (b) to complement the Redevelopment Plans, OPC proposed to build three hotels, each with a distinctive theme, in the Park. The hotel proposal would enhance the Park's tourism appeal, diversify visitors' experience and lengthen their stay both in the Park and in Hong Kong. It was in line with the objective of promoting 'Meetings, Incentives Travel, Conventions and Exhibitions (MICE) tourism' as stated in the Chief Executive's Policy Address 2007/08 and the Financial Secretary's Budget Speech in 2008;
 - (c) with the implementation of the South Island Line (SIL) of the Mass Transit Railway, the connectivity between the Park and other parts of Hong Kong would be greatly improved, making the Park more suitable for hotel development. According to preliminary assessments commissioned by OPC, the hotel proposal was feasible in the technical aspects;
 - (d) OPC had consulted the Southern District Council on 28.2.2008, which indicated support to the hotel proposal. The Panel on Economic Development of the Legislative Council would be consulted in March; and
 - (e) the Administration had given policy support to the hotel proposal. The Tourism Commission would submit, on behalf of OPC, a section 16 application for the hotel development to the Board in mid-2008.

25. With the aid of a Powerpoint presentation, Dr. Allan Zeman and Mr. Tom Mehrmann presented the Paper and covered the following main aspects:

- (a) the objective of the Redevelopment Plans, which was to enhance Ocean Park as a world-class theme park, and the importance of the proposed hotels in ensuring the sustainability of Ocean Park and in maintaining Hong Kong's competitiveness in the tourism market in the region in view of recent development of themed hotels in Singapore and Macau;
- (b) the background and implementation progress of the Redevelopment Plans as detailed in paragraphs 2 and 3 of the Paper;
- (c) major features of the new themed zones under the Redevelopment Plans included the 'Aqua City' and 'Amazing Asian Animals' zones in the 'Waterfront' area at the lowland, the 'Rainforest', 'Thrill Mountain' and 'Polar Adventure' zones in the 'Summit' area at the headland, and the new funicular system linking the Waterfront and Summit areas;
- (d) the hotel proposals as detailed in paragraphs 4.1 to 4.4 of the Paper – three hotels, each with a distinctive theme, namely, 'Ocean Hotel', 'Fisherman's Wharf Hotel' and 'Spa Hotel', were proposed at the new entry plaza, Tai Shue Wan and the highland above Tai Shue Wan respectively. Each of the hotels would be designed to have distinctive market positioning;
- (e) the economic benefits of the hotel proposals, including the enhancement of Hong Kong's tourism appeal for under-served market, e.g. family tourists, spa lovers and high-yield visitors, catalyst to the revitalization of Southern District, generation of about 3,180 man-years of job places during construction and long-term contribution in the Gross Domestic Product and employment opportunities; and
- (f) findings of preliminary technical assessments and environmental review as detailed in paragraphs 4.9 to 4.11 of the Paper – the proposal was feasible in terms of geotechnical, structural and civil engineering aspects and none of the hotel sites was located within areas of ecological, conservation or cultural heritage importance.

26. Members generally supported the concepts for enhancement of the attractiveness of Ocean Park as presented above. The following specific questions and comments were raised:

Redevelopment Plans

- (a) the existing cable car in Ocean Park was over-utilized and it was a good idea to provide a funicular system as another choice for transportation between the Summit and Waterfront areas;
- (b) environmental-friendly design should be adopted for the new buildings to minimize the consumption of energy;
- (c) whether there would be any provision for social enterprises under the Redevelopment Plans;
- (d) whether the construction works under the Redevelopment Plans would affect the environment and atmosphere in Ocean Park;
- (e) keeping live animals from the polar regions in Ocean Park would enhance the attractiveness of the Park. However, it was important to ensure that the artificial habitats would be suitable for keeping such animals; the new facilities would help bring the message of conservation to the public; and to address possible criticisms from the concern groups of animal rights to using wild animals for entertainment purposes;

Hotel Proposal

- (f) whether the three proposed hotels would be built simultaneously or by phases;
- (g) it was envisaged that the proposed Spa hotel would be welcomed by many Hong Kong people. As the Spa hotel was located in a landscape

sensitive area, detailed studies should be undertaken and sensitive design should be adopted to ensure that it would not create adverse landscape and visual impacts on the area;

- (h) the scale of the proposed 17-storey Ocean Hotel appeared quite excessive as compared with the developments in the surrounding area. Sensitive design was necessary to ensure that it would not create adverse impact on the surrounding environment;
- (i) with the introduction of the SIL, more hotels should be planned in the area to complement with the Redevelopment Plans of OP;
- (j) there was a concern on the number of trees to be felled. More detailed study should be undertaken to ensure that no valuable species of trees would be affected. Opportunity should be taken to plant more trees, in particular native species, in the Park;
- (k) noting that the site for the proposed Fisherman's Wharf Hotel was separated from the coast by an existing road, whether the hotel would abut the waterfront as shown in a slide of the Powerpoint presentation;
- (l) photomontages should be submitted in the planning application to illustrate the visual impact of the proposed hotels on the surrounding environment; and
- (m) it appeared that the number job places to be created upon the operation of the hotel proposal should be greater than 320 as forecast in paragraph 4.7 of the Paper.

27. In response to Members' questions and comments, Dr. Allan Zeman and Mr. Tom Mehrmann made the following points:

Redevelopment Plans

- (a) environmental-friendly design would be adopted for the new buildings to minimize the consumption of energy;
- (b) the Ocean Park had undertaken many actions to ensure that the under-privileged people in the community would not be deprived of the opportunity to enjoy the Park due to unaffordable ticket price. They would continue to do so after redevelopment;
- (c) construction works under the Redevelopment Plans had already commenced and the works were carefully phased to ensure that Ocean Park would continue to operate without disturbance;

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

- (d) live animals from the polar region, including penguins, polar bears and walruses, would be kept in the 'Polar Adventure' zone to enhance the attractiveness of Park to visitors and to educate people on the importance of wildlife conservation. The animals would not be used for entertainment purposes. Decent accommodation would be provided and a team of professionals would be deployed to ensure that the animals would be kept under due care. Facilities would also be provided for organizing education activities on wildlife conservation;
- (e) Ocean Park was accredited by the American Zoological Association (AZA), recently renamed as Association of Zoos and Aquariums, for compliance with its standards for animal management and care and performance in conservation, research and education programs. Ocean Park was also committed to abide by many regulations and requirements in respect of animal management and care as set by concerned international bodies. It could be rest assured that the animals would be duly cared and handled;

Hotel Proposal

- (f) the three proposed hotels would be located in different areas of the Park and

it was possible to carry out the construction works simultaneously. It had not been decided if they would need to be built at one time or by phases. From the financial point of view, it would be better to have the hotels start operation as early as possible;

- (g) the scale of the proposed hotels would be the minimum required to meet the operation needs and the hotels would be designed to blend well with the surrounding environment. Besides, it was all along the Ocean Park's practice to maximize the landscaping and greenery in the Park. Further landscape and visual assessments would be undertaken and the findings and recommendations would be submitted to the Board for consideration in the planning application. Photomontages showing the visual implications of the proposed hotels on the surrounding environment would also be submitted;
- (h) more study would be necessary to determine whether it would be feasible and desirable to increase the scale of the proposed Ocean Hotel;
- (i) the proposed Fisherman's Wharf Hotel was separated from the coast by an existing coastal road. The presentation only illustrated the conceptual design of the hotel while the detailed design was yet to be worked out; and
- (j) the forecast of job places was worked out on the basis of various assumptions and economic analyses. The assumptions and analyses would be revisited to ensure that the forecast was accurate as far as possible.

28. To conclude, the Chairman said that the Board noted the progress of the Redevelopment Plans for Ocean Park and OPC's proposal for hotel development within the Park. It was expected that Members' suggestions and concerns raised in the meeting would be addressed in the planning application to be submitted for the Board's consideration in near future.

29. The Chairman thanked the representatives of Government departments and OPC for attending the meeting. They all left the meeting at this point.

30. Due to other commitment, the Chairman left the meeting at this point. The Vice-chairman took over the chairmanship of the meeting.

[Mr. K.Y. Leung left the meeting temporarily and Mr. Stanley Y.F. Wong, Mr. Raymond Y.M. Chan, Professor Peter R. Hill, Mr. Walter K.L. Chan and Dr. James C.W. Lau left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/167

Proposed House Development in “Residential (Group E)” zone,

Lot 3578 in DD 129, Lau Fau Shan, Yuen Long

(TPB Paper No. 8021)

[The meeting was conducted in Cantonese.]

31. The Vice-chairman said that Dr. James C.W. Lau had declared an interest on this item for having current business dealings with Wong & Leung Architects Limited, which was the consultant of the applicant. Members noted that Dr. Lau had left the meeting.

32. The Secretary said that the applicant had indicated that it would not attend or be represented at the hearing. As sufficient notice had been given to the applicant, Members agreed to proceed with the hearing in the absence of the applicant.

Presentation and Question Session

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

34. The Vice-chairman extended a welcome and invited Mr. Wilson Y.L. So to brief Members on the background to the application.

35. With the aid of some plans and photographs, Mr. Wilson Y.L. So presented the application and covered the following aspects as detailed in the Paper:

- (a) the Rural and New Town Planning Committee (RNTPC) rejected the application on 2.11.2007 for the reason that there was insufficient information in the submission to demonstrate that the industrial/residential interface problem could be adequately addressed and the proposed development would not be subject to adverse environmental impacts from the nearby industrial uses;
- (b) no further written representation was submitted by the applicant in support of the review application;
- (c) departmental comments – the relevant Government departments maintained their previous views on the application. The Director of Environmental Protection (DEP) had grave concern on the potential industrial/residential interface problem on the future residents of the proposed house development and considered that the proposed development was environmentally undesirable;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) PlanD's view – PlanD did not support the application for the reason that there was insufficient information in the submission to demonstrate that the industrial/residential interface problem could be adequately addressed and the proposed development would not be subject to adverse environmental impacts from the nearby industrial uses.

36. Members had the following questions:

- (a) whether there was any program for the provision of sewerage connection to the application site; and

- (b) noting that planning approvals had been given to restaurant use in the application site for three times (Applications No. A/YL-LFS/66, 105 and 150), what were the reasons of PlanD not supporting the current application for house development.

37. In response to Members' questions, Mr. Wilson Y.L. So made the following points:

- (a) a trunk sewer would be provided in the vicinity of the application site under the Lau Fau Shan/Mong Tseng Sewerage Project which was scheduled to commence in 2009 and complete in 2012. However, the project would not include the connection to the application site. The infrastructural provision in the area would be reviewed under a study to be carried out for the enhancement of tourism developments in Lau Fau Shan Rural Town; and

[Mr. K.Y. Leung returned to the meeting temporarily at this point.]

- (b) Applications No. A/YL-LFS/66, 105 and 150 were approved subject to planning conditions, including the provision of sewage disposal facilities. No submission had been made by the applicant for compliance with the conditions, and the first two planning approvals had already expired. According to the applicant, it was technically difficult and costly to provide the sewage disposal facilities up to the Government's standards, and house development would be a more viable alternative to restaurant use due to the less stringent sewage disposal requirements. However, the applicant had not provided sufficient information to demonstrate that the requirements on sewerage provision could be satisfied in the proposed house development. Furthermore, sewerage provision was only one of the considerations in the application. PlanD was concerned about the interface problem between the proposed house and surrounding industrial uses, and hence did not support the application.

38. Members had no further question to raise. The Vice-chairman thanked Mr. Wilson Y.L. So for attending the meeting. Mr. So left the meeting at this point.

Deliberation Session

39. After deliberation, Members decided to reject the application for the reason that there was insufficient information in the submission to demonstrate that the industrial/residential interface problem could be adequately addressed and the proposed development would not be subject to adverse environmental impacts from the nearby industrial uses.

Agenda Item 7

[Open Meeting]

Request for Deferral of Review of Application No. A/YL-NTM/221

Temporary Warehouse for Cargo Handling and Forwarding Facility for a Period of 2 Years in “Comprehensive Development Area” zone, Lots 1700(Part), 1703(Part), 1704(Part), 1705(Part), 1706(Part), 1707(Part), 1708, 1709A and B, 1710, 1711(Part), 1712(Part), 1713(Part), 1737(Part), 1739(Part), 1740, 1741, 1742(Part), 1743(Part), 1744, 1745(Part), 1746, 1747 (Part), 1755(Part), 1756, 1757(Part), 1758(Part), 1759, 1760(Part), 1762(Part) and 1763(Part) in DD 104 and Adjoining Government Land,

Chuk Yau Road, Ngau Tam Mei, Yuen Long

(TPB Paper No. 8022)

[The meeting was conducted in Cantonese.]

40. The Secretary said that Dr. James C.W. Lau had declared an interest in this item for having current business dealings with Top Bright Consultants Limited, which was the consultant of the applicant. Members noted that Dr. Lau had left the meeting.

41. The Secretary said that the request was for deferment of consideration of the review application for two months in order to allow more time to prepare assessment reports to address the environmental and traffic issues. The request met the criteria set out

in the TPB Guidelines No. 33 in that the applicant needed more time to resolve major technical issues with relevant Government department, the deferment period was not indefinite, and the deferment would unlikely affect the interest of other relevant parties.

42. After deliberation, the Board agreed to the request for deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that a period of two months was allowed for preparation and submission of further information, and no further deferment would be granted unless under very special circumstances.

43. The meeting adjourned for a lunch break at 12:50 p.m.

44. The meeting was resumed at 2:20 p.m..

[Mr. David W.M. Chan arrived to join the meeting at this point.]

45. The following Members and the Secretary were present in the afternoon session:

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Dr. Michael Chiu

Agenda Item 8

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KLH/364

Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking for a Period of 3 Years in “Green Belt” and “Open Storage” zones, Lots 617BRP, 618BRP, 622BRP(Part) and 626RP(Part) in DD 9, Nam Wa Po Village, Kau Lung Hang, Tai Po
(TPB Paper No. 8020)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

46. Mr. W.K. Hui, District Planning Officer/Shatin, Tai Po and North of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point:

Miss Sandy Lam

Mr. Xylem Leung

Mr. Li Wai-kit

Mr. Truong Bao Hung

Ms. Lai Lai Chun, Kuby

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

48. With the aid of some plans, Mr. W.K. Hui did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years on the application site which was partly zoned “Open Storage” (“OS”) and partly zoned “Green Belt” (“GB”) on the Kau Lung Hang Outline Zoning Plan (OZP);
- (b) approved by the Rural and New Town Planning Committee (RNTPC) with conditions on 27.7.2007 on a temporary basis for a period of 12 months until 27.7.2008. The applicant applied for a review of the RNTPC’s decision to grant the permission for a period of 12 months instead of 3 years as submitted;
- (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 departmental comments were summarized in paragraph 5 of the Paper. The Chief Highway Engineer/New Territories East, Highways Department advised that the application site would be in conflict with the site boundary of the Stage 2 of the “Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling – for the section of Fanling Highway between Tai Hang and Wo Hop Shek Interchange”. The project was scheduled for commencement of construction in December 2009 and for completion in end 2012/early 2013. The portion of site should be made available for road widening works by July 2009. The District Lands Officer/Tai Po, Lands Department (LandsD) advised that part of the site fell within the resumption limit of the “Widening of Tolo Highway/Fanling Highway” project and the affected lots would be resumed in early 2009. There was no objection to the application subject to the approval period not to exceed end 2008. The Director of

Environmental Protection did not support the application since it involved traffic of heavy vehicles and the open vehicle park was located less than 100m from residential building. The District Officer/Tai Po, Home Affairs Department advised that a Tai Po District Council member and Village Representatives (VRs) of Nam Wa Po had been consulted. The VRs objected to the application as the open vehicle park brought adverse environmental impacts and increased likelihood of traffic accidents in the village. The Tai Po District Council member and Tai Po Rural Committee Chairman also issued letters to support the VRs' views;

- (e) public comments – during the statutory publication period of the review application, no public comment was received. On 28.12.2007, further information on the review application was published for public inspection. During the statutory public inspection period, one public comment from the Tai Po Rural Committee was received objecting to the application on vehicular access and road safety grounds; and
- (f) PlanD's view – PlanD did not support the review application to extend the approval period up to 27.7.2010 for reasons stated in paragraph 8.1 of the Paper. However, the PlanD had no objection to extend the approval period up to 31.12.2008 considering that the site fell within the project limit of the “Widening of Tolo Highway/ Fanling Highway” which was scheduled to commence work in December 2009, and the affected lots would only need to be resumed in early 2009 taken into account the time for land resumption and land administrative procedures.

49. The Vice-Chairman asked whether the applicant was still intent on proceeding with the review given PlanD's recommendation to extend the approval period up to 31.12.2008. Miss Sandy Lam advised in the positive. The Vice-Chairman then invited the applicant's representatives to elaborate on the application.

50. With the aid of a Powerpoint presentation, Miss Sandy Lam made the following main points:

- (a) the subject review aimed at seeking extension of the approval period of the application from 1 year to 3 years (up to 27.7.2010);
- (b) with reference to the Highways Department's website, the construction works of Stage 2 of the "Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling" would commence by end 2009. There would be a time lag of about 17 months after the approval lapsed by July 2008. In case of any delay to the road widening works due to technical or land matters, the time lag would likely be more than 17 months. Moreover, there was currently no confirmed date of publication of a resumption notice according to the Roads (Works, Use and Compensation) Ordinance. It was therefore unfair for the applicant to have a shorter approval period;
- (c) the portion of the application site affected by the road widening works was about 800m², accounting for 20% of the total site area. This portion currently included a porch and a site office. Even the Board approved the application for 3 years up to 27.7.2010, there should be no conflict between the 3-year approval period and the road project in that the applicant was willing to surrender the required portion to the Government subject to reasonable compensation. The development could be setback from the works limit;
- (d) the applicant had already spent significant resources in fulfilling all the approval conditions. The approval period granted should be 3 years instead of 1 year so that he could continue his business with a more reasonable time frame and more development certainty;
- (e) part of the site was zoned "OS" on the OZP, the applicant could always convert it to open storage use without requiring the Board's approval. However, the applicant was willing to make an improvement to the existing site by keeping the site neat and tidy and comply with the approval conditions. The applicant had also been liaising with the local

people, the majority of whom had raised no objection to the application;
and

- (f) to address the Government's concern about land resumption due to the road widening works, the applicant was willing to accept an additional approval condition, viz. "to setback the application site from the resumption limit of the 'Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling' upon request/the gazettal of notice of resumption under Roads (Works, Use and Compensation) Ordinance to the satisfaction of the relevant the Government departments or of the Board".

51. In response to the Vice-Chairman's enquiry on the time lag between the programme of the road widening works and the subject application, Mr. W.K. Hui advised the following:

- (a) the subject road project was gazetted in 2002 and the resumption notice of the affected lots was yet to be published by the Government. However, based on the Highways Department's schedule to commence construction by end 2009, the planning approval of the subject application needed to be terminated by end 2008 to ensure reasonable time for LandsD to proceed with land resumption in 2009. Though there might be unforeseen circumstances affecting the programme of the road widening works, it was prudent for the Government to plan for the project based on the currently available information; and
- (b) the applicant was entitled to use part of the site for open storage use under the current zoning of the OZP, but part of the application site would still have to be resumed by the Government for the road widening works.

52. Some Members had the following questions:

- (a) whether there was any difference in the Government's assessment of

compensation between the open storage use and open vehicle park;

- (b) whether PlanD had duly taken account of the programme of the road widening works conditions in recommending a realistic approval period; and
- (c) if the site was changed to open storage use, whether the same environmental problems would persist.

53. Mr. W.K. Hui had the following responses:

- (a) the Government's assessment of compensation for resumption of private land was based on the prevailing land resumption policy which would take into account, amongst others, the existing use;
- (b) PlanD's current recommendation to extend the approval period from 27.7.2008 to 31.12.2008 had taken into account the applicant's request and the need for the approval of the application to tie in with the programme of the road widening works; and
- (c) according to the Code of Practice (COP) on Handling Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department (EPD), open storage use might create nuisance to the sensitive uses in its vicinity. In this connection, the subject site would still be required to comply with this COP should it be converted to open storage use. For the planning approval for the subject site given by RNTPC, there was an advisory clause requesting the applicant to adopt environmental measures according to the COP.

54. In response to the Vice-Chairman's enquiry, Mr. Truong Bao Hung stated that a shorter approval period would create uncertainty to the continuous operation of the vehicle park. Moreover, requirements raised by EPD and other departments had called for investment of significant resources and it was reasonable for the Board to grant a longer approval period.

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

Deliberation Session

56. A Member considered that as a large part of the site was zoned "OS", the site could still be converted to open storage use under Column 1 of the Notes of the OZP without requiring the Board's permission. Should this be the case, similar environmental problems would still exist. This Member was of the view that a longer approval period might be justified if the applicant was willing to accept an approval condition requiring the surrender of the relevant portion of the site for road widening.

57. Some Members considered that apart from the "OS" zone, the site was partly zoned "GB", the planning intention of which was to define the limits of the Nam Wa Po Village Development and there was a presumption against development. The Board had all along adopted a flexible approach in dealing with the subject site and temporary approvals had been granted for previous applications, and the existing use had been in operation for a number of years. However, it was important to ensure approval of the subject application would not affect the scheduled commencement of the road widening works. On this premise, these Members considered that approval of the application on a temporary basis up to the end of 2008 was reasonable and the applicant could still submit a fresh application to the Board for continuous operation of the current use after the resumption of the site in early 2009.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

58. Dr. Michael Chiu said that despite the inclusion of an advisory clause requiring the applicant to adopt the environmental measures in the COP had been suggested by RNTPC when approval was given on 27.7.2007, the environmental measures had not been

fully implemented by the applicant. In this regard, DEP did not give support to the review application.

59. The Vice-Chairman said that considering Members' views and the scheduled commencement of the road widening works, approval of the application till the end of 2008 should be reasonable. Members agreed.

60. After further deliberation, the Board decided to approve the application on a temporary basis until 31.12.2008 on the terms of the application as submitted and subject to the following conditions:

- (a) the existing drainage facilities, landscape planting and proposals of preventive measures against water pollution on the application site should be maintained at all times during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed;
- (d) the submission of the design of the vehicular access, parking, loading and unloading spaces within six months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the Town Planning Board by 27.1.2008;
- (e) in relation to (d), the implementation of the vehicular access, parking, loading and unloading spaces within nine months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the Town Planning Board by 27.4.2008;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the approval period, the approval hereby given

should cease to have effect and should be revoked immediately without further notice;

- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

61. The Board noted that the applicant had complied with condition (d) but yet to implement the measures in condition (e) above.

62. The Board also agreed to advise the applicant:

- (a) shorter approval period up to 31.12.2008 was granted as the site would be affected by the “Widening of Tolo Highway/ Fanling Highway” project;
- (b) the applicant should resolve any land issue relating to the development with other concerned owner of the application site;
- (c) the applicant should terminate the use of the temporary direct access (Point A on Plan A-2) with immediate effect and provide temporary measures to block the temporary direct access immediately. Vehicular access should be made via the existing track (Point B on Plan A-2);
- (d) in the event of any ground subsidence caused by the development, the applicant should indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence;
- (e) note the comments of Chief Engineer/Development (2), Water Supplies

Department at Appendix V of the paper;

- (f) the applicant should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines; and
- (g) the environmental measures recommended in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ should be adopted to minimize environmental nuisance.

Agenda Item 9

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/659

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in DD 176, Wo Liu Hang Village, Sha Tin

(TPB Paper No. 8028)

Agenda Item 10

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/660

Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Government Land in DD 176, Wo Liu Hang Village, Sha Tin

(TPB Paper No. 8029)

Agenda Item 11

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/661

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in DD 176, Wo Liu Hang Village, Sha Tin

(TPB Paper No. 8030)

Agenda Item 12

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/662

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in DD 176, Wo Liu Hang Village, Sha Tin
(TPB Paper No. 8031)

Agenda Item 13

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/663

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in DD 176, Wo Liu Hang Village, Sha Tin
(TPB Paper No. 8032)

[The meeting was conducted in Cantonese.]

63. As Applications No. A/ST/659, 660, 661, 662 and 663 were similar in nature and the application sites were located in close proximity to each other, the 5 applications could be considered together. Members noted that sufficient notice had been given to the applicants, but the applicants had indicated that they would not attend or be represented at the review hearing. The meeting agreed to proceed with the hearing in the absence of the applicants.

64. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North of the Planning Department (PlanD) was invited to the meeting at this point. The Vice-Chairman extended a welcome and invited Mr. W.K. Hui to brief Members on the background to the applications.

65. With the aid of some plans, Mr. W.K. Hui did so as detailed in the Papers and covered the following main points:

- (a) all the 5 applicants applied for the development of New Territories Exempted Houses (Small Houses) at the application sites which fell within an area zoned “Green Belt” (“GB”) on the Sha Tin Outline Zoning Plan with the exception of Application No. A/ST/660 which straddled both “GB” and “Village Type Development” (V) zones;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the applications on 30.11.2007 were set out in paragraph 1.2 of the Papers;
- (c) no written representation was submitted by the applicants. However after the Papers were issued, a letter from the applicants was received by the Secretariat of the Board on 27.2.2008 and tabled at the meeting for Members’ consideration. In the letter, the applicants indicated their applications would comply with the requirements of the Fire Services Department without causing adverse landscape and traffic impacts;
- (d) departmental comments –the departmental comments were summarized in paragraph 5 of the Papers. The District Lands Officer/Shan Tin, Lands Department advised that the proposed sites fell within the village boundaries of Wo Liu Hang Village; the number of outstanding applications in the village was 27 and the estimated 10-year Small House demand for the village was 35. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the applications and considered that the Small House development should be confined within the “V” zone. Such development if permitted would set an undesirable precedent case for similar applications in the future. As a result, cumulative adverse traffic impact could be substantial. The Director of Agricultural, Fisheries and Conservation (DAFC) did not support the applications from the nature conservation point of view considering that the sites were densely wooded area comprising mostly native species worthy of preservation. The Director of Environmental Protection advised that Wo Liu Hang Village was outside Water Gathering Ground but there were records of complaints of polluting

effluent discharge at this village. The Chief Engineer/Mainland South, Drainage Services Department advised that there was no public drainage system in the vicinity. The Chief Town Planner/Urban Design and Landscape, PlanD objected to the applications from the landscape planning point of view. The District Officer/Shu Tin, Home Affairs Department advised that since there were objections to the applications, it was hoped that the Board would carefully consider the objectors' views;

- (e) public comments – during the statutory public inspection period, four public comments on each of the applications were received. These comments were provided by the same commenters, including the Village Representative of Wo Liu Hang Village, the Chairman of the Indigenous Inhabitant Village Committee of Wo Liu Hang Village, the Secretary of the Indigenous Inhabitant Village Committee of Wo Liu Hang Village and the Treasury of the Indigenous Inhabitant Village Committee of Wo Liu Hang Village. All of them raised objection to the applications as the proposed Small Houses were not entirely within the “V” zone and over 10 Small House sites had been reserved on the Government land to the west of Wo Liu Hang Village (within “V” zone); and
- (f) PlanD's view – PlanD did not support the applications for reasons stated in paragraph 8.1 of the Papers in that the proposed applications were not in compliance with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories; not being in line with the planning intention of the “GB” zone; and insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic and landscape impact on the area.

66. The Vice-Chairman had the following questions:

- (a) noting that the application site of Application No. A/ST/660 largely fell within the “V” zone, what were the planning considerations for PlanD to

recommend rejection of this application; and

- (b) any tree felling was required for the development of Small House within the “V” zone.

67. Mr. W.K. Hui had the following responses:

- (a) the application site of Application No. A/ST/660 straddled both the “GB” (about 17m²/26.14%) and “V” (about 48.03 m²/73.86%) zones. However, the application did not meet the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as the application site was densely wooded area comprising mostly native species which were worthy of preservation. The proposed development would involve extensive clearance of existing natural vegetation and thus would cause adverse landscape impacts on the surrounding areas. DAFC did not support the application from the nature conservation point of view in this regard. At present, there was no access to the application site and construction of the access road would cause disturbance to the woodland and alter the landscape character of the area; and
- (b) there was a stream course running through the “V” zone and trees were found within the “V” zone. However, there was formed land available within the “V” zone for Small House development.

68. As Members had no further question to raise, the Vice-Chairman thanked PlanD’s representative for attending the meeting. Mr. W.K. Hui left the meeting at this point.

Deliberation Session

69. The Vice-Chairman said that there was no change in circumstances that warranted departure from the previous decision and as to Application No. A/ST/660 which straddled “GB” and “V” zones, the applicant should consider adjusting the site boundary to

ensure the proposed Small House Development to fall entirely within the “V” zone. Members agreed.

70. After further deliberation, the Board decided to reject Applications No. A/ST/659, 660, 661, 662 and 663 on review and the reasons were:

- (a) the proposed Small House development did not comply with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories as the application site was a densely wooded area comprising mostly of native species which were worthy of preservation, the proposed development would involve extensive clearance of existing natural vegetation and cause adverse landscape impacts on the surrounding areas. No mitigation measures had been proposed to address the adverse landscape impact;
- (b) the proposed Small House development was not in line with the planning intention of the “Green Belt (“GB”) zone 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. There was a general presumption against development within “GB” zone. No strong justifications had been provided in the submission to merit a departure from the planning intention; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic and landscape impact on the area.

Agenda Item 14

[Open Meeting]

Request for Deferral of Review of Application No. A/ST/657

Proposed Flat Use in “Green Belt” and “Residential (Group B)” zones, Lots 2 and 671(Part) in DD 181 and Adjoining Government Land, Pak Tin Village, Tai Wai, Sha Tin
(TPB Paper No. 8034)

[The meeting was conducted in Cantonese.]

71. The Secretary said that the request was for deferment of consideration of the review application for 3 months in order to allow sufficient time to address in details the traffic and landscape impacts associated with the proposed residential development. The request for deferment met the criteria set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to resolve major technical issues with relevant Government departments, the deferment period was not indefinite, and the deferment would unlikely affect the interest of other relevant parties.

72. After deliberation, the Board decided to agree to the request for deferment for 2 months and that the application would be submitted to the Board for consideration within 3 months upon receipt of further submission from the applicant.

73. The Board also decided to advise the applicant that the Board had allowed 2 months for the applicant for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

Agenda Item 15

[Open Meeting]

Revitalising Historic Buildings Through Partnership Scheme
(TPB Paper No. 8037)

[The meeting was conducted in Cantonese.]

74. The following representatives from the Development Bureau were invited to the meeting at this point to brief Members on the Paper:-

Ms. Janet Wong	Deputy Secretary (Works)
Mr. Alan Au	Assistant Secretary (Policy & Development)

75. The Vice-Chairman extended a welcome and invited Ms. Janet Wong to brief Members on the Paper.

76. With the aid of a Powerpoint presentation and an application package on “Revitalising Historic Buildings Through Partnership Scheme” (the Revitalisation Scheme) tabled at the meeting, Ms. Janet Wong made the following main points:-

- (a) the 2007-08 Policy Address stated that the Government would seek to revitalise Government-owned historic buildings by introducing a new scheme which would allow Non-governmental Organisations (NGOs) to apply for adaptive re-use of these buildings. The Finance Committee on 1.2.2008 approved a sum of \$100M for meeting the non-recurrent costs of the Revitalisation Scheme;
- (b) the Revitalisation Scheme aimed at preserving and putting historic buildings into good and innovative use; transforming historic buildings into unique cultural landmarks; promoting active public participation in the conservation of historic buildings; and creating job opportunities in

particular at the district level;

- (c) collaboration with non-profit-making NGOs in the form of social enterprise (SE) was adopted;
- (d) the modus operandi of the Revitalisation Scheme was as follows:
 - applicants to submit proposals for seven historic buildings, including Old Tai Po Police Station, Lui Seng Chun, Lai Chi Kok Hospital, North Kowloon Magistracy, Old Tai O Police Station, Fong Yuen Study Hall and Mei Ho House;
 - non-profit making organizations (NPOs) with charitable status under Section 88 of the Inland Revenue Ordinance (Cap. 112) were eligible to submit proposals;
 - a Scheme Committee would be set up to examine the proposals and there would be two rounds of selection;
 - the Government would provide one-stop shop advisory service for NPOs and a secretariat would be set up to oversee the operation of the Revitalisation Scheme;
 - the Government would provide financial support including: a one-off grant to cover the cost for major renovation to the buildings, nominal rental for the building, and if justified, a one-off grant (up to a ceiling of \$5M per project) to meet the starting costs and operating deficits (if any) of the SEs for a maximum of the first two years;

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

Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- (e) possible adaptive re-uses included business or enterprise purpose (e.g. Chinese medicine clinic, café, etc), education purpose (e.g. operating self-financing courses), fee-charging arts and cultural centre offering courses/venues for performance and youth hostel;
- (f) the Revitalisation Scheme was launched on 22.2.2008 and the deadline for the application of the first batch of projects was 21.5.2008; and
- (g) approval-in-principle for the first project(s) would be given in around September 2008. Depending on the proposed use(s) for the historic buildings, the NPO(s) would submit section 12A or section 16 application to the Board for consideration, if necessary, after October 2008.

77. Some Members had the following questions:

Funding arrangement

- (a) apart from the initial cost, whether the Government would be ready to provide additional funding support should there be financial deficit due to the recurrent maintenance of the historic buildings;
- (b) if planning applications (including section 12A or 16) were required for the proposed uses of the historic buildings, whether the NGOs could get funding support or subsidies from the Government for the expenses incurred for preparing the planning applications;

Eligible Applicants

- (c) whether any NGOs, e.g. educational institutions, which might not have as charitable status under section 88 of the Inland Revenue Ordinance were eligible to participate in the Revitalisation Scheme;

Possible Re-adaptive Uses

- (d) in line with the 2007-08 Policy Address which, amongst others, undertook to promote the development of mediation services, the North

Kowloon Magistracy might be an ideal site for development as a mediation centre;

- (e) whether all the historic buildings under the Revitalisation Scheme would be open to the public;

Monitoring

- (f) was there any chance that the Revitalisation Scheme would be abused by some organisations for their own benefit at the expense of the public funding e.g. giving unreasonably high salary to their staff;

Programming

- (g) if section 12A application was required for the proposed uses, whether there would be a longer lead time and the implementation programme would be lengthened as a result; and

Second Batch of Projects

- (h) what was the programme for the Government to proceed with the second batch of projects.

78. Ms. Janet Wong had the following responses:

Funding arrangement

- (a) in submitting their applications, the applicants were required to demonstrate that their SE proposals were projected to become self-sustainable after the first two years of operation. However, the Government would be ready to consider funding support, if necessary and justified, for any major renovation to the historic buildings arising from their maintenance on a case-by-case basis. Moreover, any maintenance of public slope relating to the historic buildings would be taken up by the Government;
- (b) the applicants should absorb all expenses incurred before all approvals had been obtained from the Government (including execution of

agreement);

Eligible Applicants

- (c) the starting point for the Revitalization Scheme was the adoption of SE concept. However, in reality, it was difficult to define SE. In this regard, it was considered appropriate to adopt the well-established criterion under section 88 of the Inland Revenue Ordinance. Moreover, according to the practice of the Inland Revenue Department, advancement of education was also considered as one of the charitable purposes under section 88;

Possible Re-adaptive Uses

- (d) the Government was open-minded about the proposed uses for the historic buildings. Each application would be assessed on its individual merits with regard to the vetting criteria as set out in the Guide to Application;
- (e) an important element of the assessment criteria of the proposals was the degree of public access to the historic buildings. Each proposal would be required to allow reasonable access to the public and the Scheme Committee would also carefully assess this aspect with regard to the proposed uses for the historic buildings;

Monitoring

- (f) each application would be carefully evaluated by the Scheme Committee with regard to the vetting criteria including reflection of historical value and significance, heritage preservation, SE operation and financial viability. Moreover, a secretariat would be set up to oversee the operation of the Revitalisation Scheme to ensure the actual operation of the SE be in compliance with these criteria;
- (g) section 5.8 of the Guide to Application had already spelled out that the successful applicants should exercise utmost prudence and care in procuring equipment, goods or services in relation to the project. For

staff to be employed for the project, the principles of openness, fairness and competitiveness should be strictly observed during the recruitment process. The level of pay should be on par with general market level and the employment terms should comply with the Employment Ordinance and any other relevant ordinance. The Scheme Secretariat would also monitor the operation of the SE projects and maintain a close contact with the Independent Commission Against Corruption. Besides, the successful applicants were required to submit annual accounts audited by a certified public accountant;

Programming

- (h) according to the preliminary assessment and consultation with PlanD, the possible adaptive re-uses for the historic buildings could generally be accommodated under Column 1 or 2 of the Notes of the relevant OZPs. Also, all the planning applications were subject to a statutory time-limit and therefore, the implications on the overall programme should not be substantial. Instead, it was expected more problems would be encountered in ensuring re-adaptive uses of the historic buildings to meet the current building and fire safety standards and requirements; and

Second Batch of Projects

- (i) there was no programme for the Government to proceed with the second batch of projects. However, the experience gathered from the first batch of projects would be duly taken into account by the Government in considering the way forward for the Revitalisation Scheme.

79. In response to the Vice-Chairman's enquiry on whether organisations other than those with charitable status under section 88 of the Inland Revenue Ordinance were eligible to apply, Ms. Janet Wong advised that to accommodate interested organisations that might not already possess charitable status, non-profit making organizations that had formally submitted an application to the Inland Revenue Department would also be allowed to apply but their applications might only be taken forward into the second round selection stage if by then charitable status had been obtained.

80. As Members had no more questions to raise, the Vice-Chairman thanked the representatives of the Development Bureau for the briefing and said that the meeting should proceed to the next item.

Agenda Item 16

[Open Meeting]

Preservation of King Yin Lei at 45 Stubbs Road, Hong Kong
(TPB Paper No. 8036)

[The meeting was conducted in Cantonese.]

81. The Vice-Chairman thanked the following representatives from the Development Bureau for briefing Members on the Paper:-

Ms. Janet Wong

Deputy Secretary (Works)

Mr. Alan Au
Development)

Assistant Secretary (Policy &

82. The Vice-Chairman said that the subject briefing was to inform the Board of the progress of the preservation option of the historic building of King Yin Lei and the rezoning applications relating to King Yin Lei would be separately discussed by the Metro Planning Committee of the Board later on. He then invited Mr. Alan Au to brief Members on the Paper.

83. With the aid of a Powerpoint presentation, Mr. Alan Au made the following main points:-

- (a) King Yin Lei was declared as a proposed monument on 15.9.2007. The proposed monument declaration would expire after 14.9.2008;
- (b) the site had an area of about 4,700m² with an existing plot ratio of 0.35 and site coverage of 15%. The site was currently zoned as “Residential

(Group C)1” on The Peak Area Outline Zoning Plan subject to a maximum building height of 3 storeys and a plot ratio of 0.5;

- (c) according to a comprehensive assessment conducted by the Antiquities and Monument Office (AMO), the heritage value of King Yin Lei reached the threshold that justified its declaration as a monument under the Antiquities and Monuments Ordinance in terms of historic value, architectural value, rarity, social value and integrity and authenticity;
- (d) after considering the AMO’s assessment and consulting the AAB on 25.1.2008, the Antiquities Authority would seek the Chief Executive’s approval for the declaration of the Building as a monument by notice in the Gazette;

[Mr. K.Y. Leung left the meeting at this point.]

- (e) meanwhile, the owner of King Yin Lei had confirmed his agreement to carry out and fund the restoration works of King Yin Lei under the supervision of AMO. AMO had started discussion with the representative of the new owner on the detailed arrangements of the restoration of King Yin Lei. The contractor to be engaged by the owner for the restoration of King Yin Lei would carry out the works under the supervision of AMO and to the satisfaction of AMO;
- (f) provision of economic incentives to encourage private owners to preserve historic buildings was explored in considering the preservation option of King Yin Lei. Yet, any economic incentives to be offered by the Government would have to observe the guiding principles of accountability, transparency and equity;
- (g) according to the current arrangement, the owner would surrender the whole site of King Yin Lei to the Government, while the Government would grant an adjacent site of man-made slope of the same size as King Yin Lei (about 4,700 m²) to the owner as exchange for new residential

development. This site would be subject to the same development parameters as King Yin Lei, i.e. a plot ratio of 0.5 and a three-storey height restriction. It was zoned as “Green Belt” on The Peak Area Outline Zoning Plan;

- (h) merits of the proposed option included:
 - the whole of King Yin Lei would be preserved and subsequently revitalised for public enjoyment;
 - owner to carry out and fund the restoration works of buildings and garden to the original state;
 - minimised tree felling or disturbance of natural vegetation by confining the development of new houses within the boundary of an adjacent man-made slope;
 - keeping the new houses away from King Yin Lei with buffer green belt in between;
 - minimise visual impact both from its immediate neighbourhood and lower areas of Happy Valley/Wan Chai by arranging the houses in two rows;
- (i) the technical feasibility of developing the man-made slope for residential development had been confirmed in principle by relevant departments;
- (j) the proposed option would be subject to the necessary procedures, including:
 - consultation with stakeholders (including LegCo);
 - approval by the Board for the rezoning application;

- approval by CE in C for non-in-situ land exchange;
- non-in-situ land exchange (including drawing up of the new land lease and approval of land premium); and
- submission by the owner on the detailed development proposals to the relevant authorities (such as submission of building plans for the new houses to the Buildings Department). The submission would be considered in accordance with the established rules and procedures and other controls prevalent at the time.

84. A Member had the following questions:

- (a) what was the intended use of King Yin Lei upon preservation; and
- (b) how to explain to the public on the Government's rationale of approving a non-situ land exchange for preserving King Yin Lei and whether a precedent might be set for other landowners to follow suit; and how to avoid recurrence of similar incidents in the future.

85. Ms. Janet Wong had the following responses:

- (a) the future use of King Yin Lei had yet to be firmed up. However, the Government planned to consult the public and devise proposals for its revitalisation. The guiding principle was to put King Yin Lei to adaptive re-use and turn it into an attraction for local residents as well as tourists, on the understanding of the public's desire to have access into King Yin Lei to enjoy its architecture and to learn about its history;
- (b) the proposed option to preserve King Yin Lei had been conceived with due regard to its heritage value as demonstrated by AMO's assessment, its private ownership and the threat to the building last year. Also, the Government's heritage conservation policy recognized the need for economic incentives in order to encourage and facilitate private owners

to preserve historic buildings in their ownership. On this premise, after several rounds of discussion with the owner's representatives, the Government had reached an understanding with the owner on the proposed preservation option. It should be noted the man-made slope to be granted to the owner would be subject to the same development parameters as King Yin Lei, i.e. a plot ratio of 0.5 and a three-storey height restriction; and

- (c) it was agreed that conservation of historic buildings should not be done on a piecemeal basis. To adopt a more systematic and comprehensive approach, an expert panel under the Antiquities Advisory Board had been conducting heritage assessment for over 1,400 historic buildings. The assessment results would provide a better basis for considering how many heritage buildings should be conserved and in what form. The exercise was expected to be completed by end 2008.

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

86. Some Members gave the following views:

- (a) overseas experience had demonstrated viable cases in which historic buildings could be preserved through negotiation and consultation. King Yin Lei was considered a successful example through negotiation between the Government and the owner;
- (b) with community consensus on the preservation of King Yin Lei, flexibility for adopting an innovative option was supported. This could also set a good precedent for other historic buildings;

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

- (c) the current option had struck a balance between conservation and development in that King Yin Lei could be preserved whilst the development right of the owner was also protected by granting the

adjoining site of the same size with the same development parameters;
and

- (d) in the context of the current statutory framework which did not empower the Government to resume private historic buildings, the proposed option for the owner to surrender the whole site of King Yin Lei to the Government in exchange for an adjacent site was a win-win option to ensure the preservation of historic building whilst respecting the private property ownership.

87. In response to a Member's enquiry, Ms. Janet Wong advised that premium to be charged for granting the site adjacent to King Yin Lei would be subject to Lands Department's normal assessment and the owner had also confirmed his agreement to carry out and fund the restoration works of King Yin Lei under the supervision of AMO. The Vice-Chairman added that the today's discussion should focus on the progress of preserving King Yin Lei whereas land and compensation matters were outside the ambit of the Board.

[Ms. Sylvia S.F. Yau left the meeting at this point.]

88. As Members had no more questions to raise, the Vice-Chairman thanked the representatives of the Development Bureau for attending the meeting and they all left the meeting at this point.

Agenda Item 17

[Open Meeting]

Request for Deferral of Review of Application No. A/H17/119

Minor Relaxation of Building Height Restriction for an Additional Level for Residents' Lifts and Lift Lobbies use in "Residential (Group C)3" zone, 37 Island Road, Deep Water Bay – Rural Building Lot 599

(TPB Paper No. 8039)

[The meeting was conducted in Cantonese.]

89. The Secretary said that the request was for further deferment of consideration of the review application for 2 months in order to allow sufficient time to scrutinize the proposed scheme to ensure its compliance with the Buildings Ordinance while addressing Planning Department's comments. The request for deferment met the criteria set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to resolve major technical issues with relevant Government departments, the deferment period was not indefinite, and the deferment would unlikely affect the interest of other relevant parties.

90. After deliberation, the Board decided to agree to the request for further deferment of 2 months and that the application would be submitted to the Board for consideration within 3 months upon receipt of further submission from the applicant.

91. The Board also decided to advise the applicant that the Board had allowed another 2 months for the applicant for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

[Open Meeting]

Draft Yuen Long Outline Zoning Plan No. S/YL/17

Information Note and Hearing Arrangement for Consideration of Representations and Comment

(TPB Paper No. 8024)

[The meeting was conducted in Cantonese.]

92. The Secretary presented the Paper and said that on 23.11.2007, the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/17 was exhibited under section 7 of the Town Planning Ordinance. During the two-month exhibition period, a total of 3 representations were received. One of the representations was withdrawn by the representer of his own accord. The two unwithdrawn representations were published for three weeks for public comment. No comment was received. Both representations were considered invalid for the following:

Representation No. 1

- (a) the purpose of this representation was to request the Board for a fast-track hearing of a previous representation in respect of the previous amendments of OZP No. S/YL/16 (No. TPB/R/S/YL/16-3) that was yet to be heard. The representation site in Area 14 was not a site affected by Amendment Items A1 and B1 on OZP No. S/YL/17; and

Representation No. 2

- (b) Representation No. 2 objected to the extension of Road L3. Road L3 under the road scheme for the Kau Hui Development Engineering Works was authorized under the Roads Ordinance on 13.2.2007 and should be deemed to be approved by the Board under the Town Planning Ordinance. There was no provision for lodging objection to an authorized road scheme which was shown on the Plan for information only.

93. The Secretary went on to say that should the Board consider these two representations invalid, no arrangement for consideration of the representations was required. However, should the Board consider that any one or both of the Representations was/were valid, the Board was empowered to appoint a Representation Hearing Committee (RHC) from among its Members to consider representations. As there was/were only 1 or 2 representation(s), it was more efficient for the full Board to hear the representation(s) without resorting to the appointment of a RHC. The hearing could be accommodated in the Board's regular meeting.

94. After deliberation, the Board agreed that Representations No. 1 and 2 were invalid under sections 6(3)(b) and 12(3)(b)(i) of the Town Planning Ordinance and no arrangement for consideration of the representations was required.

Agenda Item 19

[Open Meeting]

Submission of the Draft Urban Renewal Authority Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan No. S/K5/URA2/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 8025)

[The meeting was conducted in Cantonese.]

95. The Secretary reported that as this item was related to a development scheme submitted by the Urban Renewal Authority (URA), the following Members had declared interests:

Mrs. Ava S.Y. Ng) Being a non-executive director of the URA
as the Director of Planning

Miss Annie K.L. Tam)
as the Director of Lands

Mr. Walter K.L. Chan)

Ms. Margaret Hsia) Being a co-opt member of the
as the Assistant Director(2)) Planning, Development and Conservation
Home Affairs Department) Committee of the URA

Dr. Greg C.Y. Wong) Having current business dealings
with the URA

Professional Bernard V.W.F. Lim)

96. Members noted that Mrs. Ava S.Y. Ng, Miss Annie K.L. Tam, Mr. Walter K.L. Chan, Ms. Margaret Hsia and Professor Bernard V.W.F. Lim had tendered apologies for not being able to attend the meeting. Members agreed that this item was procedural in

nature and Dr. Greg C.Y. Wong could remain in the meeting.

97. The Secretary presented the Paper.

98. After deliberation, the Board agreed that:

- (a) the draft Urban Renewal Authority (URA) Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan (DSP) No. S/K5/URA2/1A and its Notes at Annexes I and II respectively of the Paper were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) the updated Explanatory Statement (ES) for the draft URA Hai Tan Street/Kweilin Street and Pei Ho Street DSP No. S/K5/URA2/1A at Annex III of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft DSP and issued under the name of the Board; and
- (c) the updated ES was suitable for submission to the CE in C together with the draft DSP.

Agenda Item 20

[Open Meeting]

Submission of the Draft Tai Tam and Shek O Outline Zoning Plan No. S/H18/9A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 8035)

[The meeting was conducted in Cantonese.]

99. The Secretary presented the Paper.

100. After deliberation, the Board agreed that:

- (a) the draft Tai Tam and Shek O Outline Zoning Plan (OZP) No. S/H18/9A and its Notes at Annexes I and II respectively of the Paper were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) the updated Explanatory Statement (ES) for the draft Tai Tam and Shek O OZP No. S/H18/9A at Annex III of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 21

[Open Meeting]

Draft North Point Outline Zoning Plan No. S/H8/21

Confirmation of Proposed Amendments

(TPB Paper No. 8038)

[The meeting was conducted in Cantonese.]

101. The Secretary reported that on 27.7.2007, the draft North Point Outline Zoning Plan No. S/H8/21 (the Plan) incorporating, inter alia, the amendments reflecting the Central – Wan Chai Bypass and adjustments to the land uses related to the Bypass was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 10 representations were received. On 5.10.2007, the Board published the representations for three weeks for public comments. No comments were received. On 11.1.2008, after considering Representation No. TPB/R/S/H8/21-8, the Board decided to propose amendments to the Plan to partially meet the representation. On 1.2.2008, the proposed amendments were published for three weeks for further representations. No further representation was received.

102. Members noted that no further representation was received and in accordance with section 6G of the Ordinance, the Plan should be amended by the proposed amendments as shown at Annex I of the Paper. In accordance with section 6H of the Ordinance, the Plan should thereafter be read as including the amendments. The amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft plan in question under section 9. The Building Authority and relevant Government departments would be informed of the decision of the Board and would be provided with a copy/copies of the amendments.

103. Agenda items 22 to 24 were reported under confidential cover.

Agenda Item 25

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

104. There being no other business, the meeting was closed at 4:20 p.m..