

**Minutes of 931st Meeting of the
Town Planning Board held on 6.3.2009**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Alfred Donald Yap

Mr. Stanley Y.F. Wong

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

The Hon. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Deputy Director of Environmental Protection
Mr. Benny Wong

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. K.S. Ng

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava Ng

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

Secretary

Absent with Apologies

Professor David Dudgeon

Dr. James C.W. Lau

Professor Paul K.S. Lam

Professor Edwin H.K. Chan

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 930th Meeting held on 20.2.2009

[The meeting was conducted in Cantonese.]

1. The minutes of the 930th meeting held on 20.2.2009 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

The Judgment of the Court of Appeal on the Town Planning Board's Appeal in respect of the Judicial Review relating to the Proposed Residential Development at 2A-2E Seymour Road, 23-29 Castle Road and 4-6A Castle Steps, Mid-levels West

[The meeting was conducted in Cantonese.]

2. The Chairman said that the Secretariat had despatched the judgment of the Court of Appeal on the subject appeal case to Members for information. The Government was seeking legal advice on the merits of appealing to the Court of Final Appeal and would report back to the Board at the meeting scheduled for 20.3.2009.

[Mr. Nelson W.Y. Chan and Mr. Rock C.N. Chen arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H4/83

Proposed Eating Place (Restaurant) in "Other Specified Uses" annotated "Pier" Zone, Portion of Level 2, Central Pier No. 2, Central (TPB Paper No. 8303)

[The meeting was conducted in Cantonese and English.]

3. Members noted that Dr. Greg C.Y. Wong and Messrs Raymond Y.M. Chan, Felix W. Fong, Alfred Donald Yap and Y.K. Cheng had declared interests on this item for having current business dealings with Sun Hung Kai Properties Limited which was the parent company of the applicant. Messrs Raymond Y.M. Chan, Felix W. Fong and Y.K. Cheng had not yet arrived, and Dr. Greg C.Y. Wong and Mr. Alfred Donald Yap left the meeting temporarily at this point.

4. The Chairman said that the application was rejected by the Metro Planning Committee (MPC) on 7.11.2008 for reasons that there was insufficient information in the submission to demonstrate satisfactory provision of means of escape and fire separation for the proposed restaurant use and that the proposed use would have no adverse traffic impact. To address these concerns, the applicant had submitted a revised floor plan showing the improved means of escape and fire separation at the application premises, and additional information which demonstrated that the proposed restaurant use would have no significant traffic impact. Having considered the applicant's submissions, concerned Government departments had no objection to the application.

5. As the reasons for rejection by the MPC had been resolved, Members generally agreed that the application could be approved subject to the conditions set out in paragraph 8.2 of the Paper.

[Dr. Daniel B.M. To arrived to join the meeting at this point.]

Presentation and Question Session

6. The following representative of the Government and the representatives of the applicant were invited to the meeting at this point:

Ms. Brenda Au	-	District Planning Officer/Hong Kong, Planning Department
Mr. Ian Brownlee)	Representatives of the applicant
Miss Kira Brownlee)	

7. The Chairman extended a welcome and informed the applicant's representatives that having considered the applicant's further submission and the comments of relevant Government departments, the Board agreed to approve the application subject to the conditions proposed in paragraph 8.2 of the Paper. He asked if the applicant's representatives had any comments to make. Mr. Ian Brownlee confirmed that the proposed approval conditions were acceptable.

8. As the applicant's representatives had no comment to make and Members had no question, the Chairman informed them that the hearing procedures for the review had been completed. He thanked Ms. Brenda Au and the representatives of the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

9. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the provision of means of escape and fire separation before the operation of the proposed restaurant to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the sewerage upgrading/connection works as identified in the SIA under approval condition (c) to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the loading/unloading activities of the proposed restaurant should be

carried out at Man Fai Street during non-peak hours to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

10. The Board also agreed to advise the applicant:
- (a) to apply for commercial concession areas from the Government Property Agency for the proposed restaurant use;
 - (b) to note the Chief Building Surveyor/Hong Kong West, Buildings Department's comments on the provisions of means of escape and fire separation in the building plans submission in paragraph 5.2.3 of the Paper;
 - (c) to obtain a food licence from the Director of Food and Environmental Hygiene on the operation of food business at the application premises; and
 - (d) to ensure that the air-conditioning system(s) and the fresh air intake(s) would be properly designed, located, installed and operated to ensure no unacceptable air pollutant impact on the public at the proposed use due to the nearby air emissions from ferries.

[Dr. Greg C.Y. Wong and Mr. Alfred Donald Yap returned to the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/182

Proposed Petrol Filling Station in "Undetermined" Zone and Area Shown as 'Road', Lots 999sE, 1001sARP, 1002sARP and 1327RP in DD 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long
(TPB Paper No. 8304)

[The meeting was conducted in Cantonese.]

11. Members noted that Dr. James C.W. Lau had declared an interest on this item for having current business dealings with the applicant's consultant, Ho Tin and Associates Consulting Engineers Limited. Dr. Lau had tendered apologies for not attending the meeting.

[Mr. Andrew Tsang arrived to join the meeting at this point.]

Presentation and Question Session

12. The following representatives of the Government and the applicant were invited to the meeting at this point:

Ms. Amy Cheung	- District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), Planning Department (PlanD)
Mr. Allan Li)
Mr. Brian Law) Representatives of the applicant
Mr. Michael Lee)

13. The Chairman extended a welcome and explained briefly the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

14. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application and covered the following aspects as detailed in the Paper:

- (a) the Rural and New Town Planning Committee (RNTPC) approved the application with conditions on 7.11.2008 on a temporary basis for a period of five years up to 7.11.2013. The approval conditions should be fulfilled within six or nine months from the date of approval. The applicant applied for a review of the RNTPC's decision, seeking to extend the period of approval from five years to 50 years and change the time limits for compliance with the approval conditions to six or nine months from the date of land exchange or approval of the District Lands Officer/Yuen Long (DLO/YL) to use the adjoining Government land for

access to the proposed petrol filling station (PFS);

- (b) the details of the applicant's proposal as set out in paragraph 1 of Annex A of the Paper and the applicant's written representation in support of the review application as summarized in paragraph 3 of the Paper;

[Mr. Felix W. Fong, Mr. B.W. Chan, Mr. Tony C.N. Kan and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

- (c) departmental comments – DLO/YL advised that the processing of a short term waiver (STW) normally required 6 months. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) advised that the statutory periods for processing building plans and consent to commencement of building works under the Buildings Ordinance were 60 days and 28 days respectively. The Secretary for Food and Hygiene (SFH) advised that prolonged operation of the PFS would have serious adverse traffic or environmental impacts on the operation of Pok Oi Hospital and the health of patients, and the applicant should conduct a proper assessment to address the impacts. Other departments maintained their previous views which concerned mainly technical issues;
- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) did not receive any comment from the local residents on the application; and
- (e) PlanD's view – PlanD did not support the application for reasons as detailed in paragraph 8.1 of the Paper in that extending the approval period to 50 years would pre-empt the on-going land use review being undertaken by PlanD for the subject "Undetermined" ("U") zone; and there was insufficient information in the submission to demonstrate that the operation of the proposed PFS for a period of 50 years would not have adverse health, traffic or environmental impacts. Regarding the time limits for compliance of approval conditions, PlanD considered that the time limits could be extended by six months from six/nine months to

12/15 months, taking into account the lead time required for the land administration procedures.

[Mr. Y.K. Cheng and Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

15. The Chairman then invited the representatives of the applicant to elaborate on the application.

16. Mr. Allan Li made the following points:

- (a) the application site was the subject of two previous planning applications for PFS use. The first application (No. A/YL-NSW/1) was rejected by the RNTPC in 1994 mainly for the reason that approving the application would jeopardize the future planning of the “U” zone. The second application (No. A/YL-NSW/17) was approved with conditions by the RNTPC on 14.2.1997 on a temporary basis for four years and approved by the Board upon review on 27.6.1997 on a permanent basis. The approval was granted on the basis of the applicant’s undertakings that it would not object to the Yuen Long By-pass Floodway (YLBF) project, and would demolish the PFS to make way for the YLBF project, bear the full cost of design and construction of the deck over the floodway and surrender an easement to the Government to facilitate free access by the staff of the Drainage Services Department to the deck for the maintenance and inspection purposes. The approved PFS was subsequently built. However, it had not been put into operation and was demolished in 2002 to make way for the YLBF project. Since the YLBF project had been completed, the applicant would like to revive the PFS use at the site;

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

- (b) it was unfair to the applicant for the RNTPC to reject the current application for reason that it would jeopardize the long term planning for the “U” zone. The same reason had been used by the RNTPC in 1994 for the rejection of the previous application No. A/YL-NSW/1. After a lapse

of 15 years, the Government should have made a decision on the long-term use of the “U” zone;

- (c) the time required for processing STW as suggested by DLO/YL had been grossly under-estimated. According to the applicant’s experience, the process would involve lengthy consultation with relevant Government departments and at least two years would be required. The construction of the PFS would take another year. If an approval period of only five years was granted, the applicant would be unable to recover the investment cost, which would be over \$10 million, in the remaining two years’ time;
- (d) the previously approved PFS involved a site area of about 3,285m² and would provide 10 fuelling points to serve 16 cars. For the current application, the site area was reduced to 1,079m² by not decking over the floodway and the proposed PFS would provide only four fuelling points to serve four cars. With a much reduced operation scale, the proposed PFS would not cause significant environmental and traffic impacts in the area; and
- (e) the PFS use had been approved as a permanent facility in 1997. The current proposal was only to revive the PFS use.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

17. The Chairman informed Members that Mr. B.W. Chan had declared an interest on this application for being an Advisor to Pok Hoi Hospital which had raised an objection to the application. Mr. Chan had left the meeting temporarily already.

18. Members had the following questions:

- (a) noting that a permanent approval for PFS had been given by the Board in 1997, why would the applicant need to submit a fresh application;
- (b) why the applicant did not put the PFS approved by the Board in 1997 into

operation;

- (c) whether Pok Oi Hospital had raised any objection to the previous application approved by the Board in 1997;
- (d) whether there were any other PFS in the vicinity of the application site;
- (e) why the “U” zoning covering the application site had been maintained for 15 years and whether the findings in the land use review had shed any light on the compatibility of the PFS use with the future land uses in the area;
- (f) how would an extension of the approval period affect the long-term planning for the “U” zone; and
- (g) how many years would it take the applicant be able to recoup his investment from the proposed PFS, and whether the applicant would be prepared to accept an approval period shorter than 50 years.

19. In response to Members’ questions in paragraphs 18(a) and (c) to (f) above, Ms. Amy Cheung made the following points:

- (a) a fresh application for the proposed PFS was necessary since the current proposal was materially different from the previously approved one in terms of the site area, the scale of development and the layout of structures and facilities within the site. Besides, the planning approval had already lapsed;
- (b) Pok Oi Hospital had also objected to the previous application approved by the Board in 1997. The scale of Pok Oi Hospital was smaller in 1997. In the past few years, the hospital had expanded its operation and hence it had greater concern on the possible adverse impacts from the proposed PFS;
- (c) there was an existing PFS at the opposite side of the application site across Castle Peak Road. This PFS had been operating for many years and the

scale of it was much greater than the proposed PFS under the current application;

- (d) the area covering the application site was zoned “U” because it was traversed by several major infrastructural projects, including the Yuen Long Highway, West Rail and YLBF, which were under planning when the OZP was formulated. The long-term use of the area could not be determined before these major projects were finalized. A comprehensive land use review taking into account the impacts of the major infrastructural projects, the close proximity to Yuen Long New Town and its location as a transitional zone between the new town and rural areas was being undertaken. She anticipated that the findings would be submitted to the Board for consideration later this year; and
- (e) the “U” zone was considered suitable for semi-rural land uses in general. However, as PFS use might have implications on the nearby sensitive uses, especially with the presence of Pok Oi Hospital, extending the approval period for the PFS use would prolong the land-use interface problem.

[Miss Annie Tam arrived to join the meeting at this point.]

20. In response to Members’ questions in paragraphs 18(b) and (g) above, Mr. Allan Li made the following points:

- (a) when the building works for the PFS approved by the Board in 1997 was completed, there was only about one year left before the Government would take back the land for the YLBF project. Given the short time available and the need to pay premium and to make connection to the sewerage system before the PFS could be put into operation, the applicant decided not to proceed with the operation of the PFS;

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

- (b) under the current economic situation, the applicant would be unable to

operate the PFS itself and had to invite other investors. To make the scheme attractive to investors, an approval period of at least 21 years would be necessary. Such a period was also in line with the Government's past practice of granting leases for PFS on a term of 21 years, which had been extended to 50 years nowadays;

- (c) the application site was of a small size of about 1,079m² and was bounded by the floodway to the west, a hotel to the east, vacant land to the north and Castle Peak Road to the south. Furthermore, the site was subject to noise and traffic impacts arising from Castle Peak Road and would not be suitable for residential or commercial uses. The development options available for the site, other than the proposed PFS use, would be very limited.

21. Mr. Allan Li and Mr. Brian Law also made the following points in response to Ms. Amy Cheung's answers in paragraphs 19(a), (d) and (e) above:

- (a) the 1997 approval was granted on a permanent basis and should still be valid. The current application should be considered as a modification to the previous approval in terms of the reduced scale, which was the result of land being resumed by the Government for the YLBF project. As the current application site fell wholly within the site under the 1997 approval, the applicant had the right to re-build the PFS; and
- (b) it was unreasonable to reject the current application on the ground that the extension of the PFS use would pre-empt the long-term planning for the "U" zone. The same ground had been used to reject the application for PFS use in 1994, which should have been superseded by the Board's decision in 1997 to grant a permanent approval for the PFS use.

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

22. In response to the comments made by the applicant's representatives in paragraph 21(a) above, the Chairman pointed out that when a use or development approved

by the Board was effected or undertaken, all planning approvals in respect of the site should lapse. He asked whether the applicant had been informed of this statutory provision. Ms. Amy Cheung displayed the covering Notes of the approved Nam Sang Wai Outline Zoning Plan (OZP) displayed on the visualizer and said that the provision was clearly stipulated in paragraph 6 of the Notes. Mr. Allan Li did not agree that the 1997 approval had lapsed since the approval was granted on a permanent basis. He said that the PFS approved in 1997 was demolished at the request of the Government to facilitate the construction of the floodway. The applicant did not object to the YLBF project on the understanding that he would be allowed to re-build the PFS on the same site.

23. A Member asked whether the PFS use approved in 1997 constituted a 'material change of use' as referred to in paragraph 6 of the covering Notes of the OZP. Ms. Amy Cheung replied that the PFS constituted a material change of use which was effected since it had been built. The Chairman also said that the OZP had been in existence when the 1997 approval for the PFS was granted.

24. Referring to Mr. Allan Li's comment in paragraph 20(b), the Chairman asked whether Government leases for PFS use nowadays were granted for a period of 50 years. Ms. Amy Cheung replied that she had no information at hand on this point. She said that while many PFS in the past were granted for a period of 21 years, there were also PFS granted on STW for a period of five or seven years.

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

Deliberation Session

26. In response to a Member's query on the validity of the 1997 approval, the Secretary explained that the PFS approved by the Board in 1997 had already been built and according to the provision under paragraph 6 of the covering Notes of the OZP, the

approval had lapsed and the PFS could exist as a permanent development. However, as the PFS was demolished subsequently, the re-building of the PFS would require the submission of a fresh application. A Member said that the applicant should be aware of the statutory requirement as it was clearly stipulated under the covering Notes of the OZP.

27. Members generally considered that given that the site was in close proximity to some sensitive uses including the expanded Pok Oi Hospital and a hotel, and the future use of the “U” zone was still subject to review, it would not be appropriate to approve the application for a period of 50 years as requested by the applicant. Some Members were sympathetic with the applicant’s difficulty to recover the investment cost for the proposed PFS within a period of five years. A few Members said that the land use review of the area should be finalized as soon as possible to give a clear direction of the future use at the application site.

28. The Chairman asked whether an approval period of over 10 years could be considered. The Secretary said that there were precedents of approving temporary uses for a period of more than five years and the golf course at Chek Lap Kok was an example that approval was granted for a period of 10 years. There were also cases that approval was granted for the life-time of the application premises. However, there was no precedent of approval for temporary use for a period of more than 10 years.

29. A Member considered that since the land use zoning for the area was yet to be determined, the approval period to be granted for the proposed PFS should not be too long in order not to prejudice the long-term land use planning. Another Member said that the Board should focus on the planning considerations rather than the financial viability of the proposed PFS. Some Members considered that an approval period of 10 years would strike a reasonable balance between the applicant’s interest and proper planning control for the site.

30. A Member asked whether the applicant should be required to undertake an environmental assessment to address the concern of Pok Oi Hospital before the Board approved the application. Another Member said that the RNTPC had agreed to grant a temporary approval for a period of five years for the PFS without requiring the applicant to undertake an environmental assessment. If the Board considered that the application was

not acceptable on environmental grounds, it should reject the application rather than granting a temporary approval subject to environmental assessment. Another Member also said that if it was not a mandatory requirement to undertake environmental assessment for PFS, the Board should not require the applicant to do so.

31. The Chairman asked whether Members would agree to extend the time limits for compliance of the approval conditions as requested by the applicant to take account of the time required for the land administration procedures. Miss Annie Tam said that an application for PFS use for more than seven years might be processed in the form of a land exchange and the use for a period of seven years or less could be processed as a STW. Subject to the Board's decision, Lands Department (LandsD) would negotiate with the applicant to work out the appropriate approach in due course. In the meantime, she could not confirm the actual time required for the land administration procedures. Mrs. Ava Ng said that PlanD had recommended to extend the time limits for compliance of the approval conditions by six months to take account of the time required for the processing of STW. The Chairman said that the recommended extension was acceptable and if more time was required in the negotiation with LandsD, the applicant could apply for extension of the time limits through a s.16A application. After discussion, Members generally agreed with PlanD's recommendation to extend the time limits by six months.

32. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of 10 years until 6.3.2019, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the submission of a tree survey report within 12 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.3.2010;
- (b) the submission of landscape proposals including tree preservation scheme for the site within 12 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.3.2010;
- (c) in relation to (b) above, the implementation of landscape proposals

including tree preservation scheme within 15 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.6.2010;

- (d) the provision of a 3m-high solid boundary wall, as proposed by the applicant, within 12 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.3.2010;
- (e) the submission of drainage proposal within 12 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2010;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 15 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.6.2010;
- (g) the submission of a design of the affected footpath and cycle track outside the application site, as proposed by the applicant, within 12 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.3.2010;
- (h) in relation to (g) above, the re-provision of the affected footpath and cycle track outside the application site, as proposed by the applicant, within 15 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.6.2010;
- (i) the submission of run-in proposal within 12 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 6.3.2010;
- (j) in relation to (i) above, the implementation of the run-in proposal within 15 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 6.6.2010;

- (k) the reinstatement of the existing affected landscaped areas established under the Yuen Long Bypass Floodway project within 15 months from the date of planning approval to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board by 6.6.2010; and
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

33. Members also agreed to advise the applicant to:

- (a) note DLO/YL's comment that an application for land exchange or short term waiver should be made prior to implementation of the proposed development;
- (b) note Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that DLO/YL or relevant lot owners should be consulted for all proposed drainage works outside the lot boundary or the applicant's jurisdiction, and if drainage connection to public drainage system was involved, a duly completed form HBP1, which could be downloaded from DSD's website, together with relevant payment should be submitted to his Division to apply for technical audit of the drainage connection works;
- (c) note the Assistant Commissioner for Transport/New Territories' comments that the modification of the affected cycle track and footpath should be constructed by the applicant at its own cost and the proposed modification should be designed according to the Transport Planning and Design Manual and submitted to his Office and Highways Department (HyD) for comments;

- (d) note the Chief Highway Engineer/New Territories West, HyD's comment that his Office was not/should not be responsible for the maintenance of any vehicular access connecting the site and Castle Peak Road. The applicant should incorporate the boundary line of the subject lot, the layout of the existing and proposed footpath and cycle track into the proposed development layout plan for clarity and should re-submit the proposed run-in layout for further comment;
- (e) note SFH's comment that appropriate mitigation measures should be provided to ensure no adverse environmental and traffic impacts on the normal operation of Pok Oi Hospital and no adverse health effects on the patient of Pok Oi Hospital, both during the construction period and after completion of the proposed PFS;
- (f) note the Director of Environmental Protection's comment that an application to his Regional Office for a discharge licence should be made if there would be effluent discharge from the site;
- (g) note the Chief Town Planner/Urban Design & Landscape's comment that the applicant should critically examine the details of the proposed boundary wall and ensure that the existing trees, especially the root system, would not be affected during construction on site;
- (h) note the Director of Leisure and Cultural Services' comments that some landscaping works (including shrubs and trees) and a water meter along Castle Peak Road would be affected and the applicant should reinstate the affected landscape area to his satisfaction. Some existing trees within the site (not maintained by his Office) would also be affected. The applicant should submit a tree removal application to DLO/YL with a copy to his Office. A detailed tree survey report together with full justifications for tree transplanting/removal and compensatory planting proposal should be attached to the tree removal application;

- (i) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerlines of the water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority, his officers, contractors and workmen should have free access at all times to the site with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise;
- (j) note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal application for dangerous goods licence;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the covered area for the proposed pump island and the shroff were accountable for gross floor area and site coverage calculations under the Buildings Ordinance and the proposed development should comply with Building (Planning) Regulation 41D for the provision of emergency vehicular access. Detailed comments on plot ratio and site coverage would be offered at building plan submission stage; and
- (l) note the Director of Electrical and Mechanical Services' comments that BS 7430 – Code of Practice for Earthing, BSEN 62305 – Protection against Lightning, and BSEN 60079 – Electrical Apparatus for Explosive Gas Atmosphere should be complied with and the applicant and/or its contractors should consult CLP Power Hong Kong Limited (CLPP) during the design stage of the proposed development and, where necessary, ask CLPP to divert the underground electricity supply cables away from the vicinity of the proposed development. The applicant and its contractors

should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

[Mr. B.W Chan returned to the meeting and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/230

Proposed Temporary Animal Boarding Establishment (Kennel) with Ancillary Dog Recreational Facilities for a Period of 3 Years in “Village Type Development” zone, Lots 24RP (Part), 26RP (Part) and 28RP (Part) in DD 118 and Adjoining Government Land, Tai Tong Road, Hung Tso Tin Tsuen, Yuen Long
(TPB Paper No. 8305)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

34. The following representatives of the Government, the applicant and her representatives were invited to the meeting at this point:

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| Ms. Amy Cheung | - District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), Planning Department (PlanD) |
| Ms. Paulina Kwan | - Senior Town Planner/Tuen Mun & Yuen Long, PlanD |
| Ms. Manyi Tsang | - Applicant |
| Mr. Glenn Tsang |) |
| Mr. Paul Leung |) Representatives of the applicant |
| Mr. Keith Tang |) |

35. The Chairman extended a welcome and explained briefly the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

36. With the aid of a Powerpoint presentation, Ms. Amy Cheung 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 10.10.2008 for reasons that the proposed development was not compatible with the planning intention of the “Village Type Development” (“V”) zone and would have adverse drainage impact on the surrounding areas, and the approval of the application would set an undesirable precedent for similar applications;
- (b) the details of the applicant’s proposal as set out in paragraph 1 of Annex A of the Paper. The applicant had not submitted further written representation in support of the review application;

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

- (c) departmental comments – the Director of Environmental Protection (DEP) advised that two complaints on dog barking from the site were recently received and the environmental nuisance arising from the proposed use could not be mitigated by imposing approval conditions. Other departments maintained their previous views which concerned mainly technical issues;
- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) did not receive any comment from the local residents on the application; and
- (e) PlanD’s view – PlanD did not support the application for reasons as detailed in paragraph 7.1 of the Paper in that the proposed development was not compatible with the planning intention of the “V” zone; there was

insufficient assessment in the submission to demonstrate that it would not generate adverse environmental impact on the surrounding areas; and approving the application would set an undesirable precedent for similar applications in the “V” zone.

[Mr. Walter K.L. Chan returned to the meeting at this point.]

37. The Chairman then invited the applicant to elaborate on the application.

38. Ms. Manyi Tsang tabled a set of documents summarizing the details of the proposed development and justifications in support of the application. She then elaborated on the following points:

- (a) the proposed development would provide a high quality and professional dogs caring facility comprising a kennel, an indoor recreation room, a shop for pet supplies, a groom room, an outdoor garden and a paddling pool. The facility was targeted for the dog-lovers who were willing to pay for better services;
- (b) there would be three large compartments (1.2m x 2.4m) and 14 small compartments (1.2m x 1.2m) in the kennel allowing temporary boarding of not more than 20 dogs at one time. The capacity of the kennel was in compliance with the relevant standards set out by the Agriculture, Fisheries and Conservation Department (AFCD). With not more than 20 dogs at any one time, the facility would be kept under good management and housekeeping;
- (c) the hygienic conditions in the kennel would be maintained at a high standard. Only vaccinated and healthy dogs would be accepted into the kennel and all faeces and sewage would be flushed into a toilet connected to a septic tank within the site, which would be cleared every eight to ten weeks;
- (d) the boundary wall of the site, the kennel and the indoor recreation area

were built of concrete and the corridor between the two kennel and recreation buildings were covered by a roof. The kennel was also fitted with a fibre ceiling. The barking of dogs at the facility would be largely contained within the site. At the same time, outside stimulation, which was one of the main causes for dogs' barking, would be minimized. The irritable dogs which barked too often would be given more exercise to tire them out;

- (e) most of the households and workshops in the vicinity of the site kept dogs and there were also many stray dogs in the area. The complaints about dogs' barking received by DEP were likely caused by stray dogs instead of the dogs kept at her kennel;
- (f) fierce dogs would not be accepted into the kennel and the large and potentially dangerous dogs would be kept on leash when being released in the garden. Furthermore, the compartments in the kennel, the kennel building itself and the site were installed with lockable doors and gates. There would be no chance for the dogs to run away from the site threatening the safety of people outside;
- (g) the kennel was manned by two staff who were well-trained on dogs caring. Should the application be approved, the applicant would employ at least three more staff. It would help create job opportunities for local residents;
- (h) the site was previously a pig and poultry farm which had been left derelict for many years. The proposed development would put the site under proper management and help improve the environment. Instead of setting an undesirable precedent, it would serve as good standards for similar facilities. As stated in paragraph 4.3.5 of the Paper, the Chief Town Planner/Urban Design and Landscape, PlanD had no objection in principle to the application from the landscape planning point of view. The comments from other relevant Government comments were technical and could be addressed without insurmountable difficulties; and

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

- (i) the facility would be welcomed by the local villagers as it helped meet the demand for quality dogs caring services. Although the site was within a “V” zone, there had been no application for Small House development at the site so far.

[The Hon. Starry W.K. Lee arrived to join the meeting at this point.]

39. Mr. Paul Leung said that the proposed development would be operated on a temporary basis and would not jeopardize the long-term planning intention of the “V” zone. Should the application be approved, the applicant would apply to the District Lands Officer/Yuen Long (DLO/YL) for a short term waiver (STW) and short term tenancy (STT), which could be terminated within a short time should the site be required for Small House development in future.

40. Members had the following questions:

- (a) whether the existing pet hotel to the north of the site as shown in Plan R-2 of the Paper was an unauthorized development;
- (b) how the applicant could ensure that the dogs kept within the facility would not be stimulated by dogs barking in the surrounding areas;
- (c) noting that the facility had already been built without planning approval, whether the applicant had any fall-back plan should the Board decide not to approve the application;
- (d) whether any tree within the site would be affected by the proposed development;
- (e) whether the dogs would be allowed to go outside the site when they were not kept in the kennel;

- (f) whether the proposed development had any relationship with the existing pet hotel to the north;
- (g) whether the applicant would install double glazing windows for the kennel building as suggested in her submission in the s.16 application;
- (h) whether the facility would be manned by staff during night time; and
- (i) noting that one of the concerns of RNTPC on the application was on the drainage impact of the proposed development, whether the drainage facilities proposed by the applicant were acceptable.

41. In response to Members' questions in paragraph 40(a) and (i) above, Ms. Amy Cheung made the following points:

- (a) the existing pet hotel to the north of the site was an unauthorized development subject to enforcement action by the Planning Authority; and
- (b) the Drainage Services Department had no in-principle objection to the application and advised that should the application be approved, a planning condition for the submission and implementation of drainage proposal should be imposed.

42. In response to Members' questions in paragraphs 40(b) to (h), Ms. Manyi Tsang made the following points:

- (a) as the kennel was surrounded by concrete wall and built in concrete, barking of dogs outside the site could hardly be heard within the kennel. In this regard, it was unlikely that the dogs kept in the kennel would be stimulated by dogs barking in the surrounding area;
- (b) she was not aware of the need to obtain planning approval for the facility before she rented the subject site from the landowner. She had no intention to operate the kennel illegally. If the Board decided not to approve the

application, she would have no choice but to abandon her plan for the kennel. Her investment would be wasted and the two existing staff would be dismissed;

- (c) there was only one mature tree within the site which would not be affected by the proposed development;
- (d) all dog activities would be confined within the site. As the dogs would be monitored by the staff and the site was fenced off with lockable gates, there was no chance for the dogs to run out into the surrounding area. Furthermore, only two or three dogs would be allowed in the outdoor area inside the site at any one time to ensure that there would be sufficient staff to control the dogs. The facility was open from 9am to 6:30pm. The dogs would not be allowed in the outdoor area outside the opening hours;
- (e) the proposed development had no relationship with the existing pet hotel to the north;

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

- (f) installation of double glazing windows would involve a cost of over \$100,000. She considered that the existing design of the facility was already adequate for noise abatement. However, she had no objection to installing double glazing windows as an additional measure if the Board considered it necessary;
- (g) during the night time, the facility was manned by a staff who was well-trained on the caring of dogs; and
- (h) the applicant was applying for the relevant licence from the DSD for the sewage treatment facilities.

43. As the applicant and her representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures

for the review application had been completed. The Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of the PlanD, the applicant and her representatives for attending the meeting. They all left the meeting at this point.

[Ms. Anna S.Y. Kwong returned to the meeting at this point.]

Deliberation Session

44. Members generally appreciated the effort made by the applicant in the design and management of the subject facility and considered that the quality of the facility was better than many other similar ones in Hong Kong. Compared with the previous pig and poultry farm uses at the site, the applicant's proposal would be more desirable in environmental terms. It would also help meet the great demand for temporary animal boarding facilities in the rural area. Given that the facility would be operated on a temporary basis, approving the application would not jeopardize the long-term planning intention of the "V" zone for Small House development.

45. Noting that the applicant had already built the facility without planning approval, a Member had reservation on approving the application. The Chairman said that although the facility had been built, it had not yet been put into operation. Furthermore, there were cases where the Board had approved applications for temporary uses which had already been put into operation, after considering the merits of individual cases. The Secretary said that consideration of planning application and enforcement action against unauthorized development should be handled separately. She also pointed out that the current case should be differentiated from those cases which had deliberately caused damage to the environment in the hope of obtaining permission for development.

46. Some Members were concerned that the approval of the application might set a precedent for similar applications in the "V" zone. The Chairman said he was of the view that this particular case, based on the applicant's submission at the hearing session, was acceptable in view of the small scale of operation and that the proposed design and management would unlikely create adverse impacts on the surrounding areas. Furthermore, there were no local objection or adverse comments from the relevant Government

departments. The Secretary said that the approval of this application would be taken to mean that animal boarding establishment was a use not incompatible with the planning intention of the “V” zone. However, even if a use was not against the planning intention, whether a particular application should be approved would still be considered on its own merits.

47. Noting that the approval of the application would become a precedent for similar applications in “V” zone, Members generally agreed that a more stringent threshold should be set for the approval of the proposed use. Members were also aware that the standards set in this case would guide similar cases in “V” zone in the future. In this regard, Members agreed that the applicant should be required to install double glazing windows as an additional noise abatement measure. Moreover, not more than 20 dogs should be allowed to be kept in the facility at any one time, as stated in the applicant’s proposal. On this point, a Member commented that planning control on the number of dogs might not be necessary as such control was already in place under the Public Health (Animals) (Boarding Establishment) Regulations. The Chairman said that the restriction on the number of dogs was necessary so as to indicate clearly that the planning approval was granted having regard to the small scale of the proposed facility. Members agreed.

[Ms. Anna S.Y. Kwong and Mr. Felix W. Fong left the meeting at this point.]

48. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 6.3.2012, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) not more than 20 dogs should be kept within the site at all times;
- (b) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.6.2009;
- (c) in relation to (b) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the

satisfaction of the Director of Planning or of the Town Planning Board by 6.9.2009;

- (d) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.6.2009;
- (e) in relation to (d) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.9.2009;
- (f) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.6.2009;
- (g) in relation to (f) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.9.2009;
- (h) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 6.6.2009;
- (i) in relation to (h) above, the implementation of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 6.9.2009;
- (j) the installation of double glazing windows at the kennel building within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.9.2009;
- (k) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to

have effect and should be revoked immediately without further notice;

- (l) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (m) 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.

49. Members also agreed to advise the applicant to:

- (a) note that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owners of the application site;
- (c) note DLO/YL's comments that no structure was allowed to be erected without prior approval from his office and his recent site inspection revealed that some unauthorized structures were erected on the site. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. The applicant should apply for STW and STT to regularize the irregularities on-site. Should no STW/STT application be received/approved, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement and land control programme;
- (d) note the Assistant Commissioner for Transport /New Territories' comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be

clarified with the relevant lands and maintenance authorities accordingly;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD shall not be responsible for the maintenance of any vehicular access between the site and Tai Tong Road and the construction of run-in/out at the access point should be in accordance with HyD's standard drawings H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition;
- (f) note DEP's comments that the requirements under the Water Pollution Control Ordinance should be observed and the applicant could approach his Regional Office (North) for more details. Besides, the applicant should follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by EPD to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (g) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required and the applicant should submit relevant layout plans incorporated with proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures with roofed area less than 230m², the applicant should make reference to the D of FS requirements as stated in Annex H of the Paper;
- (h) note the Director of Electrical and Mechanical Services' comment that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) underground cables and low voltage overhead lines within and in the vicinity of the site. In this respect, the applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines. Prior to establishing

any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage (11kV) underground cables and/or low voltage overhead lines away from the vicinity of the proposed structure; and

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the approval should not be construed as condoning to any unauthorized building works carried out on-site and they were subject to enforcement action under section 24 of the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation 19(3) at building plan submission stage.

[Ms. Maggie M.K. Chan, Dr. Winnie S.M. Tang and Dr. Daniel B.M. To left the meeting and Dr. C.N. Ng left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/234

Proposed Temporary Warehouse (Construction Machinery and Materials) and

Open Storage of Construction Machinery and Materials for a Period of 3 Years in "Agriculture" zone, Lot 1302RP (Part) in DD 118, Tai Shu Ha Road West, Tai Tong, Yuen Long

(TPB Paper No. 8306)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

50. The following representatives of the Government and the applicant were invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), Planning Department (PlanD)

Ms. Paulina Kwan - Senior Town Planner/Tuen Mun & Yuen Long, PlanD

Mr. Tsang Sung Ping - the applicant

51. The Chairman extended a welcome and explained briefly the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

52. With the aid of a Powerpoint presentation, Ms. Amy Cheung 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 7.11.2008 for reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone as well as the TPB Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) and would have adverse environment, landscape and drainage impacts on the surrounding areas; there was no information to demonstrate that suitable sites within the “Open Storage” (“OS”) zone in the same Outline Zoning Plan could not be made available for the proposed use; and the approval of the application would set an undesirable precedent for similar applications;
- (b) the details of the applicant’s proposal as set out in paragraph 1 of Annex A of the Paper. The applicant had not submitted further written representation in support of the review application;

[Dr. C.N. Ng returned to the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as the proposed use would generate traffic of heavy vehicles within 50m from residential settlements. The Chief Town Planner/Urban Design and Landscape, PlanD did not support the application as the site was within an extensive rural plain characterized by rural fringe landscape elements. Approving the application would in effect encourage proliferation of undesirable use and degradation of landscape quality in the surrounding rural setting. The Chief Engineer/Mainland North, Drainage Services Department advised that should the application be approved, planning conditions for the submission and implementation of drainage proposals should be imposed. Other departments' concerns were mainly technical issues; and

- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) did not receive any comment from the local residents on the application; and
- (e) PlanD's view – PlanD did not support the application for reasons as detailed in paragraph 7.1 of the Paper in that the proposed use was not in line with the planning intention of the “AGR” zone as well as the TPB Guidelines No. 13E and would have adverse environment, landscape and drainage impacts on the surrounding areas; there was no information to demonstrate that suitable sites within the “OS” zone could not be made available for the proposed use; and the approval of the application would set an undesirable precedent for similar applications.

[Professor N.K. Leung left the meeting temporarily at this point.]

53. The Chairman then invited the applicant to elaborate on the application.

54. Mr. Tsang Sung Ping said that he was the landowner of the application site and the items to be stored at the site belonged to him or his relatives. It was unreasonable not to allow him to use his own land for storage purpose. Furthermore, the site was in close proximity to some existing open storage yards and burial grounds. Open storage use at the site would not cause any nuisances to other people. He requested Members to give

favourable consideration to his application.

[Professor N.K. Leung returned to the meeting at this point.]

55. Members had the following questions:

- (a) whether the applicant was aware that the site was zoned “AGR” which was intended primarily for agricultural uses; and
- (b) how long the applicant would intend to use the site for open storage.

56. In response to Members’ questions, Mr. Tsang Sung Ping said that:

- (a) the site was no longer suitable for agricultural use although it was under the “AGR” zoning; and
- (b) he intended to use the site for open storage for at least three years. After the expiry of the three-year period, he might apply for a renewal of the approval, if necessary.

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

Deliberation Session

58. Members generally agreed with PlanD’s assessment in paragraph 6 of the Paper and considered that the applicant had not provided sufficient justifications to support his application.

59. After further deliberation, the Board decided to reject the application and the

reasons were:

- (a) the proposed development was not in line with the planning intention of the “AGR” zone, which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The site was located amid of a large “AGR” zone surrounded by fallow agricultural/vacant lands. The proposed development was incompatible with the surrounding area which was generally rural in character. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments on the impacts brought about by the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts on the surrounding areas;
- (d) two areas were zoned “OS” on the Tai Tong OZP to cater for the use under application. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the proposed development; and
- (e) approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Andrew Tsang left the meeting at this point.]

Agenda Item 7

[Open Meeting]

Submission of the Draft Urban Renewal Authority (URA) Anchor Street/Fuk Tsun Street Development Scheme Plan (DSP) No. S/K3/URA1/1A to the Chief Executive in Council (CE in C) for Approval under Section 8 of the Town Planning Ordinance (the Ordinance) (TPB Paper No. 8307)

[The meeting was conducted in Cantonese.]

60. As the item was related to the URA Anchor Street/Fuk Tsun Street Development Scheme, the following Members had declared interests:

Mrs. Ava Ng as the Director of Planning)	
Miss Annie Tam as the Director of Lands)	being non-executive directors of the URA
Mr. Walter K.L.Chan)	
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA
Mr. Andrew Tsang as the Assistant Director (2) of Home Affairs Department	-	being a co-opt member of the Planning, Development and Conservation Committee of URA
Mr. B.W. Chan	-	being the Chairman of the Appeal Board Panel under the URA Ordinance
Dr. James C.W. Lau	-	being a Member of the Appeal Board Panel under the URA Ordinance
Professor Bernard V.W.F. Lim)	
Dr. Greg C.Y. Wong)	having current business dealings with URA

61. Members noted that Mr. Maurice W.M. Lee and Dr. James C.W. Lau had tendered apologies for not attending the meeting, and Mr. Andrew Tsang and Professor Bernard V.W.F. Lim had left the meeting. As the item was a procedural matter, the

remaining Members who had declared interests should be allowed to stay at the meeting:

62. The Secretary briefly introduced the Paper.
63. After deliberation, the Board agreed that:
 - (a) the draft URA Anchor Street/Fuk Tsun Street DSP No. S/K3/URA1/1A and its Notes at Annexes I and II respectively of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
 - (b) the updated Explanatory Statement (ES) for the draft URA Anchor Street/Fuk Tsun Street DSP No. S/K3/URA1/1A at Annex III of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the land-use zoning 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 8

[Open Meeting]

Submission of the Draft Wang Tau Hom and Tung Tau Outline Zoning Plan (OZP) No. S/K8/18A to the Chief Executive in Council (CE in C) for Approval under Section 8 of the Town Planning Ordinance (the Ordinance)
(TPB Paper No. 8308)

[The meeting was conducted in Cantonese.]

64. The Secretary briefly introduced the Paper.
65. After deliberation, the Board agreed that:
 - (a) the draft Wang Tau Hom and Tung Tau OZP No. S/K8/18A and its Notes

at Annexes I and II respectively of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;

- (b) the updated Explanatory Statement (ES) for the draft Wang Tau Hom and Tung Tau OZP No. S/K8/18A at Annex III of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the land-use zoning 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 9

Any Other Business

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

66. There being no other business, the meeting was closed at 12:45 p.m.