

**Minutes of 940th Meeting of the
Town Planning Board held on 31.7.2009**

Present

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

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

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

Professor Paul K.S. Lam

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Deputy Director of Environmental Protection
Mr. Benny Wong

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

Director of Lands
Mr. Herbert Leung

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Maggie M.K. Chan

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Professor Edwin H.W. Chan

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Senior Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 939th Meeting held on 17.7.2009

[The meeting was conducted in Cantonese.]

1. The minutes of the 939th meeting held on 17.7.2009 were confirmed without amendment.

[Professor Paul K.S. Lam, Dr. C.N. Ng and Mr. K.Y. Leung arrived to join the meeting at this point.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

Agenda Item 3

[Closed Meeting]

Draft Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/1 –
Reconsideration of Objection No. 1
(TPB Paper No. 8369)

[The meeting was conducted in Cantonese/English.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LT/394

Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 387 RP (Part) in D.D. 10, Chai Kek Village,
Lam Tsuen, Tai Po
(TPB Paper No. 8366)

[The hearing was conducted in Cantonese.]

38. Ms. Lisa Cheng, Senior Town Planner/Tai Po (STP/TP), PlanD and Mr. Chung Mei Kong, the applicant, were invited to the meeting at this point.

39. The Chairman extended a welcome and explained briefly the procedures of the review hearing. He then invited Ms. Lisa Cheng, STP/TP to brief Members on the background to the application.

40. Ms. Lisa Cheng said that the applicant, Mr. Chung Mei Kong, had submitted some supplementary information which had been tabled at the meeting for Members' consideration. With the aid of a Powerpoint presentation, Ms. Lisa Cheng presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House Rural (NTEH) - Small House) on the application site, which fell within an area zoned "Agriculture" ("AGR") on the approved Lam Tsuen Outline Zoning Plan. The application site fell outside both the 'VE' and the "Village Type Development" ("V") zone. No similar application for NTEH - Small House had been approved by the Board in the vicinity of the site and the subject "AGR" zone since 2000;
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the subject application on 17.4.2009 for the reasons that the proposed NTEH (Small House) at the application site was not in line with the planning intention of the "AGR" zone, and the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development ('interim criteria') in

that over 50% of the proposed house was outside both the 'VE' and the "V" zone of the recognised villages;

- (c) the applicant submitted a planning application No. A/NE-LT/93 for the development of two NTEHs (Small Houses) to replace the existing domestic structures on the site and was approved with conditions by the RNTPC on 11.7.1997. However, the approved development was not commenced and the planning approval had already lapsed;
- (d) in August 2000, the applicant submitted another application No. A/NE-LT/235 for a NTEH - Small House at the same site. In the course of departmental consultation, the District Lands Officer/Tai Po (DLO/TP), Lands Department objected to the application as the site fell outside the 'VE' of any villages and Chief Highway Engineer/New Territories East (CHE/NTE), Highways Department did not support the application as the site would encroach on the resumption limit for the construction of an access road at Chai Kek. After learning the adverse comments of the CHE/NTE and DLO/TP, the applicant wrote to the Board on 7.9.2000 to withdraw his application;
- (e) in support of the review, the Applicant submitted a letter stating that he had withdrawn his previous application in September 2000 based on the advice of the PlanD. Had it not been withdrawn, it would have been approved, as the new planning guidelines were not yet available at that time;
- (f) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. DLO/TP, Lands Department did not support the application as the application site fell outside the 'VE' and the "V" zone. He would not process the Small House application even if planning approval was given. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within "AGR" zone and agricultural

activities in the area were still active. Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the application from the landscape planning point of view. The application site fell entirely within the “AGR” zone and was far away from the Chai Kek and Ng Tung Chai villages. Approval of the application might set an undesirable precedent of spreading small house applications beyond the designated “V” zone, encouraging urban sprawl in areas where agricultural practice was still active and would disturb the existing landscape pattern. Assistant Commissioner for Transport/New Territories, Transport Department also had reservation on the application. He considered that NTEH development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Approval of the application would set an undesirable precedent. The resulting cumulative adverse traffic impact could be substantial; and

- (g) PlanD’s view – PlanD did not support the review application for the planning assessments and reasons as detailed in paragraphs 7 and 8 of the Paper in that the proposed NTEH - Small House development was not in line with the planning intention of the “AGR” zone and interim criteria for assessing planning application for NTEH/Small House development. There was no change in the planning circumstances and no strong justification provided by the applicant for a departure from the planning intention.

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

42. Mr. Chung Mei Kong stated that his detailed comments on the departmental comments and PlanD’s assessment on the subject application had been tabled for Members’ consideration. He made the following key points:

- (a) approval of the current application would not set an undesirable precedent nor open the floodgate for other applications because the subject application with a previous planning approval was different

from other NTEH applications;

- (b) if ‘replacement of the existing on-farm domestic structures’ was a material consideration (as in the case of the previous planning application No. A/NE-LT/93), the applicant was willing to demolish the domestic structures so as to get the planning approval;
- (c) relevant departments had no objection on the review application and their comments were minor in nature;
- (d) the site had been left vacant for many years and was not under active agricultural use. The fruit trees and vegetation on site were planted by the applicant and his family as hobbies. If DAFC considered that the site was important agricultural land and should be preserved, the irrigation duct should be connected to the site;
- (e) the comments of Chief Town Planner/Urban Design and Landscape was not reasonable. There were numerous corroded temporary structures in the area. The standard village house under application would not disturb the landscape pattern;
- (f) planning application and small house application were two separate issues. The refusal of DLO/TP to process the small house application should not be the reason for rejecting this application;
- (g) the comments of Transport Department on the lack of transport facilities was not correct as there was vehicular access to the subject site; and
- (h) as compared with the “V” zone in Wo Liu, the subject site was more suitable for building a NTEH in many aspects, such as far away from water course, no local objection and no environmental nuisance.

43. The Chairman and Members had the following questions on the application:

- (a) whether the previous planning approval had already lapsed;
- (b) when the 'interim criteria' first came into effect; and
- (c) the status of the domestic structures mentioned by the applicant and whether the structures still existed.

44. For questions (a) and (c), Mr. Chung Mei Kwong replied that the previous planning application No. A/NE-LT/93 was approved by the RNTPC on 11.7.1997. However, the approved development was not commenced and the planning approval had already expired. The domestic structures mentioned in the previous planning application were 'on-farm domestic structures' and his family was still living in there.

45. Ms. Liza Cheng said that the interim criteria were first in force in 2000, i.e. after the expiry of the planning permission of No. A/NE-LT/93. In response to this, Mr. Chung Mei Kong said that according to the information he gathered, the interim criteria were in force in late 2003. Ms. Lisa Cheng explained that the interim criteria were already in place in 2000 with revision in 2003. She further said that DLO/TP, LandsD advised that even if the previous application had not been withdrawn in 2000, they would have objection to the application as it was outside the "VE" and "V" zone.

46. 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 Ms. Lisa Cheng and Mr. Chung Mei Kong for attending the meeting. They all left the meeting at this point.

[Mr. Maurice W.M. Lee arrived while Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Deliberation Session

47. Members generally considered that there were no strong planning grounds to support the application. A Member pointed out that the subject application did not meet the assessment criteria for NTEH/Small House development. The Chairman summed up Members' views and concluded that the applicant had not provided sufficient planning justification to support his application. Members agreed.

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

- (a) the proposed development was not in line with the planning intention of the "AGR" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no justification in the current submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed house with more than 50% of the footprint was outside both the 'VE' and the "V" zone of the recognized villages.

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/363

Temporary Container Vehicle Park, Container Storage Area, Vehicle Repair and Canteen for a Period of 3 Years in "Other Specified Uses" annotated "Service Stations" zone, Lots 372 S.D RP (Part), 743 RP(Part) and 744 RP (Part) in D.D. 99 and Adjoining Government

Land, San Tin, Yuen Long

(TPB Paper No.8367)

[The meeting was conducted in Cantonese.]

49. Ms. Amy Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD and the following representatives of the applicant were invited to the meeting at this point:

Mr. Lee Chun Kit

Mr. Wong Kong Wah

Mr. Man Ying Sau

Ms. Tang Soo Gen

50. 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.

51. 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) of the Town Planning Board (the Board) approved the application with conditions on a temporary basis for a period of 3 years up to 27.3.2012. The planning permission granted was subject to the conditions, amongst others, that (a) no night-time operation between 7:00 p.m. and 7:00 a.m. and (b) no operation on Sundays and public holidays. The applicant applied for a review of the RNTPC's decision to impose conditions (a) and (b) restricting night-time operation and operation on Sundays and public holidays;
- (b) the applicant suggested to delete or change condition (a) to 'no night-time operation between 11:00 p.m and 8:00 a.m.'; and delete or change (b) to allow operation from 10:00 a.m. to 5:00 p.m. on

Sundays and public holidays;

- (c) in accordance with the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” (COP) issued by Environmental Protection Department (EPD), operation on the site for container storage/repair and container trailer/tractor park, which might generate environmental nuisance in particular noise nuisance to the surrounding areas, would normally be prohibited from 11p.m. to 7:00a.m. More stringent restriction operation hours, e.g. prohibiting operation from 7p.m. to 7a.m. might be considered taking into account the specific nature and operation of the applied use, its proximity to sensitive receivers as well as the concerns raised by the DEP and local residents;

- (b) in view of DEP’s concern as there were sensitive receivers in the vicinity of the site and two air pollution complaints pertaining to the site were received in 2006, approval conditions (a) and (b) restricting the operation hours and prohibition of operation on Sundays and public holidays had been imposed at the s.16 planning application stage;

- (c) the two approval conditions had been reviewed based on the latest information. It was noted that no public comments were received during the publication period of the s16 application. There had been no environmental complaint since 2007, particularly during the approval period of the last approval as well as after the approval of the current application. There was also no public comment received during the publication period of the subject s.17 review application. Besides, the nearest sensitive receivers (residents of Tung Chan Wai) were located over 100m from the application site boundary. The site was accessible from the north-east of the site off Tun Yu Road leading to Castle Peak Road - Chau Tau. Since the vehicular access to the site was directly from Castle Peak Road – Chau Tau instead of San Tin Tsuen Road, which was along Tung Chan Wai, the traffic noise

nuisance generated from the site was not expected to have significant impact on Tung Chan Wai. DEP had no objection to the applicant's proposals to relax the operation hours;

- (d) PlanD's view – the Planning Department recommended to partially approve the review application for amending condition (a) to relax the operation hour restriction from 'no operation between 7:00p.m. and 7:00a.m.' to 'no operation from 11:00p.m. and 8:00a.m.' and amending condition (b) to allow 'operation from 10:00a.m. and 5:00p.m.' on Sundays and public holidays. The applicant's alternative suggestion of deleting conditions (a) and (b) was not supported as the nearest sensitive receiver was located just over 100m away and some environmental nuisances could still be expected.

52. The Chairman then invited the applicant's representatives to elaborate on the application.

53. Mr. Lee Chun Kit made the following main points:

- (a) owing to the unexpected delay in shipping, traffic jam at the boundary crossing points, or re-schedule of transportation arrangement, there was a need to allow longer operation hours during weekdays and there was a need for site operation during Sundays and public holidays as there were occasions that the goods transportation was re-scheduled to Sundays and public holidays so as to catch up with the factory production. Longer operation hours on weekdays and operation on Sundays and public holidays would be necessary to allow flexibility to suit their operational requirements;
- (b) only two air pollution complaints against the site were received in 2006, but no noise complaint was received during the planning approval period of the previous planning application No. A/YL-ST/312;

- (c) the approval condition of 'No Sundays and Public Holidays' was too restrictive. There were no such restriction in their previous approval. For applications Nos. A/YL-NTM/232 and 233, only restriction in operation time on Sundays and public holidays had been imposed; and
- (d) in view of environmental concerns, the applicant considered that the recommendation of PlanD to relax the operation hours was acceptable.

54. In response to the Chairman's enquiry, Mr. Lee confirmed that the applicant agreed with the recommendation of PlanD as detailed in paragraph 7.5 of the Paper.

55. As the applicant's representatives had no further comment to make and Members had no further question to raise, the 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 Chairman thanked the applicant's representatives and Ms. Amy Cheung for attending the meeting. They all left the meeting at this point.

Deliberation Session

56. Members generally agreed with the assessment and recommendations of PlanD on the review application. The Chairman summed up Members' views and concluded that the restrictions on the operation hours could be relaxed to meet the operational need of the applicant. Members agreed.

57. After further deliberation, the Board decided to relax the restrictions imposed under approval conditions (a) and (b) on the terms of the application as submitted to the Board. The planning permission should be valid on a temporary basis for a period of 3 years until 27.3.2012, on the terms of application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 11:00p.m. and 8:00a.m. was allowed on the site during the planning approval period;
- (b) no operation between 5:00p.m. and 10:00a.m. on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a landscape and 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 27.6.2009;
- (h) in relation to (g) above, the implementation of the landscape and 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 27.9.2009;
- (i) the submission of fire service installations proposals 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 27.6.2009;

- (j) in relation to (i) above, the provision of fire service installations proposed 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 27.9.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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.

58. The Board decided not to agree to the applicant's alternative proposal for deleting approval conditions (a) and (b) for the following reason:

favourable consideration had been given to the application in the last approval subject to the concerns of the Government department which could be addressed through the implementation of suitable approval conditions and approval conditions (a) and (b) as amended were considered necessary to minimize the potential adverse environmental impacts imposed by the applied use on the nearby sensitive receivers during night time, Sundays and public holidays.

59. Members also agreed to advise the applicant of the following:

- (a) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (b) shorter compliance periods had been imposed in order to monitor the fulfilment of approval conditions;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site included Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. The submission indicated that there were a 2-storey covered area of about 4,790m² with canteen, site offices, storerooms, chemical toilet etc. on-site. The site also included some unlawful occupation of Government land. His Office reserved the right to take lease enforcement/land control action against these irregularities, if indeed found in due course. Modification of tenancy Permit No. MNT14497(MOT) was issued on 27.9.1971 for erection of structures over Lot 744 (now known as 744RP) in D.D. 99 for domestic purposes. If these structures were converted for non-domestic purposes, his Office would arrange to terminate this MOT as appropriate. It was noted that the applicant was not the registered owner of the lots concerned. As it was his policy to issue a Short Term Waiver (STW) to the registered owner, the registered owners of the relevant lots/occupier was advised to apply to his Office for STW and Short Term Tenancy (STT) to regularise the irregularities on-site. Should no STW/STT application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action against the registered owners/occupier according to the prevailing programme of his Office. The site was accessible by two short tracks from Tun Yu Road, which

ran through open Government land without maintenance works to be carried out thereon by his Office. His Office would not guarantee right-of-way. The northeast of the site might affect a project limit of “PWP Item No. 777TH, Improvements to San Tin Interchange”. The applicant should make sure the site would not encroach onto the limit of the project;

- (e) follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by Environmental Protection Department to minimize the potential environmental impacts on the surrounding areas;
- (f) note the comments of the Chief Engineer/Mainland North (CE/MN), Drainage Services Department (DSD) that the applicant should be fully responsible for the proper maintenance of the drainage facilities on-site. The applicant was required to ascertain that any of the existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Peripheral channels should be provided around and within site boundary. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some existing local village drains which were probably maintained by District Officer (Yuen Long). If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection should be obtained. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All

proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost;

- (g) note the comments of Director of Fire Services that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of Annex A in the Paper. The applicant should also note FSD's other advice in Appendix V of Annex A in the Paper;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices was considered as temporary buildings and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (i) note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his Department was necessary if any food business was open to the public; and
- (j) note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the site was

in close proximity to project No. “PWP Item No. 7259RS – Cycle Tracks connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui”. The applicant should make sure the site would not encroach onto the limit of the project.

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

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H5/380

Proposed Institutional Use (Community Service Centre) in an area shown as “Road”,
Government Land Beneath Canal Road Flyover Between Jaffe Road and Lockhart Road
(TPB Paper No.8364)

[The meeting was conducted in Cantonese.]

60. The Secretary reported that the application was submitted by the Hong Kong Federation of Women Ltd. (HKFWL). The following Members had declared an interest in the item:

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|----------------------|---|
| Ms. Anna S.Y. Kwong | Being a Member of the HKFWL and a representative of the Applicant in the review hearing |
| Ms. Starry W.K. Lee | Being a member of a subsidiary organisation of HKFWL |
| Mr. Andrew Tsang | Being an Assistant Director of HAD which had organised joint activities with HKFWL |
| Professor N.K. Leung |] Being acquainted with the applicant’s |
| Mr. Maurice W.M. Lee |] representatives |

61. Members noted that Ms. Starry W.K. Lee had sent an apology for not attending the meeting. Members considered that the interest of Mr. Andrew Tsang, Professor N.K. Leung and Mr. Maurice W.M. Lee were indirect and could stay in the meeting.

62. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

Ms. Lily Yam	District Planning Officer/Hong Kong (DPO/HK), PlanD
Ms. Donna Tam	Senior Town Planner/Hong Kong, PlanD
Mrs. Peggy Lam]
Ms. Anna Kwong]
Ms. Mabel Mak] Applicant's Representatives
Mrs. Connia Chu Lo]
Mr. Barrie Ho]
Ms. Angie Pi]

[Mr. Rock C.N. Chen and Mr. Andrew Tsang left the meeting at this point.]

63. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman said that the applicant applied for a review of the MPC's decision and requested to delete the approval condition (b) on the Non-Building Area requirement. As the relevant TPB Paper had already set out the background and recommendations, the Chairman considered that there was no need for PlanD to make a presentation on the review application. Members agreed. Members also had no disagreement to the PlanD's recommendation in the Paper. The Chairman then invited the applicant's representatives to briefly present the case.

64. Mrs. Peggy Lam said that the HKFWL was not only a territorial wide Non-Government Organisation, but also an international organisation recognized by the

United Nation. The service centre at the application site provided a variety of activities for the community, in particular women. The existing centre did not have sufficient space to meet the increasing usage and further extension was very much needed.

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

Deliberation Session

66. Taking into account the justifications put forward by the applicant and the assessment of the review application as detailed in paragraphs 3 and 7 of the Paper, Members agreed to PlanD's recommendations set out in the Paper.

67. After further deliberation, the Board decided to delete the approval condition (b) as proposed to the Board. The planning permission should be valid until 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission of proposal on the external building design of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) setting back of the proposed structures (including any projections after their opening, such as doors, windows, etc.) for at least 500mm from the carriageway to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (c) maintenance of a clearance of at least 1.5m between the proposed structure and the highway structure to the satisfaction of the Director of Highways or of the Town Planning Board;
- (d) the provision of appropriate air-conditioning/ventilation and window insulation to alleviate the potential air quality and noise nuisances to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

68. Members also agreed to advise the applicant of the following :

- (a) to note the comment of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding application for exemption under section 31(1) of the Buildings Ordinance for the proposed building to be erected under the existing Canal Road flyover;
- (b) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department (HyD) regarding the structures to be erected and demarcation of lot boundary as follows :
 - a clearance of at least 1.5m should be maintained between the proposed structures and the highway structure to facilitate maintenance and inspection of the existing highway structures by HyD;
 - the structures erected or to be erected should not affect the integrity and stability of the flyover and the nullah deck underneath the flyover along Canal Road East. The Authorized

Person (AP) should submit engineering design, drawings, and supporting data including necessary investigation results to satisfy HyD that the flyover and the nullah deck would not be adversely affected by the proposed structures and associated installations, prior to commencement of works;

- the AP should confirm the exact setting out of the lot boundary with Lands Department (LandsD);
 - the AP should provide clear demarcation line on ground along and within the lot boundary to differentiate the maintenance responsibilities between the lot owner and the Government;
 - the AP should observe other conditions as specified in the Engineering Conditions as given in the tenancy agreement with LandsD; and
- (c) to note the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD)'s comments on waterworks reserve that the existing fresh and salt water mains would be affected. A waterworks reserve within 1.5m from the centreline of the concerned 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 and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion of the water mains was required, the applicant should bear the cost of any necessary pipeworks diversion affected by the proposed development.

Agenda Item 7

[Open Meeting]

Draft Wo Keng Shan Outline Zoning Plan No. S/NE-WKS/9A –
Submission of Draft Plan to the Chief Executive in Council for Approval
(TPB Paper No. 8371)

[The meeting was conducted in Cantonese.]

69. The Secretary said that Mr. Alfred Donald Yap, being a Honorary Chairman of Lin Ma Hang Village Office, had declared an interest in this item. Members noted that Mr. Alfred Donald Yap had sent an apology for unable to attend the meeting.

70. The Secretary briefly introduced the Paper.

71. After deliberation, Members agreed:

- (a) that the draft Wo Keng Shan Outline Zoning Plan (OZP) No. S/NE-WKS/9A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Wo Keng Shan OZP No. S/NE-WKS/9A at Annex III of the Paper 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) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 8

[Open Meeting.]

Any Other Business

[The meeting was conducted in Cantonese.]

72. There being no other business, the meeting was closed at 11:45 a.m.