

**Minutes of 943<sup>rd</sup> Meeting of the  
Town Planning Board held on 11.9.2009**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Thomas Chow

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Dr. Daniel B.M. To

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

Hon. Starry W.K. Lee

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

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

Director of Lands  
Miss Annie K.L. Tam

Deputy Director of Environmental Protection  
Mr Benny Y.K. Wong

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mrs. Apollonia Liu

Director of Planning  
Miss Ophelia Y.S. Wong

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

**In Attendance**

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

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 942<sup>nd</sup> Meeting held on 28.8.2009**

[The meeting was conducted in Cantonese.]

1. The minutes of the 942<sup>nd</sup> meeting held on 28.8.2009 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

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

[Miss Annie K.L. Tam, Mr. Nelson W.Y Chan and Mr. Tony C.N. Kan arrived to join the meeting at this point.]

**Agenda Item 3**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TKL/317

Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 1086, 1088 s.A, 1088 s.A ss.1, 1089, 1111 and 1112 in D.D. 82, (near Shui Hau), Ta Kwu Ling

**(TPB Paper No. 8395)**

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

3. Mr. Hui Wai Keung, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) and the following representative of the applicant were invited to the meeting at this point:

Mr. Tang Yiu Chi, James

4. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung to brief Members on the background of the application.

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

5. With the aid of some plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction machinery and construction materials for a period of 3 years at the application site which fell within an area zoned “Agriculture” (“AGR”) (99.6%) and “Green Belt” (“GB”) (0.4%) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 22.5.2009 for the reasons that the proposed development was not in line with the planning intention of the “AGR” zone and no strong justifications were provided for a departure from the planning intention even on a temporary basis, the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB Guidelines 13E) in that no previous planning approval had been granted and there were adverse departmental comments, and the proposed use would generate adverse environmental and landscape impacts on the surrounding areas;
- (c) the applicant subsequently amended the proposal by excluding Lots 1085 and 1087 from the application site so as to avoid encroaching on the “GB”

zone, restricting the operating hours and the stacking height of materials, and restricting the southern part of the site for vehicular access only. The further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper;

- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the agricultural lives in the vicinity were active and the application site and its surrounding abandoned land were graded as “good” agricultural land with “high” potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The proposed development was incompatible with the surrounding and would adversely affect the adjacent village houses. The Chief Town Planner/Urban Design and Landscape, PlanD also raised objection as the proposal was not compatible with the existing landscape character and the surrounding natural environment which was generally natural and green with many trees;

[Dr. C.N. Ng , Mr. Y.K. Cheng and Dr. Daniel B.M. To arrived to join the meeting at this point.]

- (e) public comments – one public comment was received stating that the commenter had no comment on the application; and
- (f) PlanD’s views – PlanD did not support the application based on the assessment and reasons as stated in paragraph 7 of the Paper in that the proposed development was not in line with the planning intention of the “AGR” zone, no strong justifications were provided for a departure from the planning intention even on a temporary basis, the application did not comply with TPB Guidelines 13E, and the proposed use would generate adverse environmental and landscape impacts on the surrounding areas.

[Mr. Felix W. Fong and Hon Starry W.K. Lee arrived to join the meeting at this point.]

6. The Chairman then invited the applicant's representative to elaborate on the application and Mr. Tang Yiu Chi made the following main points:

- (a) there was a shortage of sites in Hong Kong for the storage of construction machinery and the applicant was unable to find a more appropriate site;
- (b) the site was originally in a dilapidated state and the applicant had carried out various measures to improve the overall environment. If planning approval was granted, the applicant would properly manage the site and would not allow the environment to deteriorate;
- (c) the proposed use would not cause any adverse impact on the surrounding environment and the residents nearby; and
- (d) the proposal was only for a short term use of the application site.

7. In response to a Member's enquiry about the measures to minimize impact on the residents in the vicinity, Mr. Tang replied that drainage improvement measures would be carried out and the applicant would properly manage the site to ensure no noise impact would be created. He said that he had consulted the local people who did not object to the proposed temporary use. The application site was selected as there were very few people living nearby. He added that the domestic structures adjacent to the application site were only used for storage rather than residential purposes.

[Mr. Benny Y.K. Wong arrived to join the meeting at this point.]

8. The same Member asked Planning Department whether the structures adjacent to the application site were only used for storage purpose as alleged by the applicant. Mr. Hui Wai Keung replied that the structures were built for domestic use. Since they were inhabitable, even if there was no resident at the moment, there might be residents in future. Mr. Hui supplemented that the applicant had proposed measures which included the restriction of operating hours of the proposed use and reduction of the stacking

height of materials to no higher than the boundary fence within the 5 metre zone from the boundary of the application site. DEP commented that they had not received any noise complaints from residents in the area.

9. A Member noted the temporary nature of the application and asked if the applicant had any long term plans for the proposed use. Mr. Tang replied that he would like to be permanently located within the industrial estate but he was not able to do so due to the nature of the operation. If temporary approval was granted, he would look for another site where open storage use was permitted after the term of approval had expired. The same Member further asked if the applicant had been looking for a permanent site in the last two years. Mr. Tang explained that he did not require such a large site for storage purposes in the past. It was only due to the downturn of the economy that a larger site was required to store the machinery that had been left idle. He had been looking for a suitable site but to no avail. He had wanted to move into the industrial estate, but open storage use could not be accommodated in an industrial estate as no industrial operation process was involved. He supplemented that he had been misled by an agent who told him that the proposed open storage use was approved on the application site.

10. A Member enquired whether there was any previous report of flooding in the area. Mr. Hui Wai Keung responded that there was no such report. Nevertheless, the Director of Drainage Services had requested the submission of a Drainage Impact Assessment including flooding relief measures to be submitted for his approval if the application was approved.

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

#### Deliberation Session

12. A Member said that the proposed development should not be supported as the



site fell within a Category 3 area under TPB Guidelines 13E where sites without previous planning approvals would not normally be given favourable consideration. Besides, there were departmental and local objections to the application. That view was supported by two other Members. One Member added that the subject application would set an undesirable precedent as no previous planning approvals had been granted for sites located to the east of Ping Che Road.

13. Another Member commented that the consideration of the subject case should be handled with care because, once planning approval was granted, the application site would in effect become a Category 2 area.

14. A Member asked if a grace period would be allowed for the applicant to move out if the application was rejected. Miss Ophelia Wong explained that under normal circumstances, if the application was rejected, the Planning Authority would carry out enforcement action and, if necessary, prosecution action which would take a few months. For the subject case, enforcement action was already in progress. She further said that the applicant applied for planning permission after an Enforcement Notice was issued by the Planning Authority. The applicant should have ceased operation by July 2009 according to the Enforcement Notice. The applicant had already been given adequate time to move out.

15. A Member suggested providing the applicant with a plan showing the location of open storage zones so as to facilitate him to identify a more appropriate site for his operation.

16. 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 "Agriculture" zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications were provided in the submission for a departure from the planning intention, even on a

temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application; and
- (c) the proposed use would generate adverse environmental and landscape impacts on the surrounding areas.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TP/417

Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone, Lot 101 S.A RP in D.D. 14, Tung Tsz, Tai Po

**(TPB Paper No. 8396)**

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[The meeting was conducted in Cantonese.]

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

17. Mr. Hui Wai Keung, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) and the applicant and his representative were invited to the meeting at this point.

Mr. Pang Wong Sing	- Applicant
Mr. Lau Chee Sing	- Applicant’s representative

18. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung to brief Members on the background of the

application.

19. With the aid of some plans and photos, Mr. Hui Wai Keung did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) at the application site which fell within an area zoned “Green Belt” (“GB”) on the approved Tai Po OZP;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 22.5.2009 for the reasons that the proposed house was not in line with the planning intention of the “GB” zone where there was a general presumption against development and there was no justification for a departure from the planning intention, and that approval of the application would set an undesirable precedent for similar developments within the “GB” zone to the west of Tung Tsz Road, the cumulative effect of which would result in a general degradation of the natural environment;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant had claimed that the “GB” zone had already been degraded by an existing car park approved by the Board. This was, however, factually incorrect as planning permission had never been granted for car park use on the adjacent site;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The District Lands Officer/Tai Po (DLO/TP) commented that although the application site was covered by a modification of tenancy (MOT) for a temporary structure for dwelling, kitchen and shade purposes, the existing 2-storey house was constructed without obtaining approval from his department. The built area and footprint of the existing structure did not comply with the conditions of

the MOT. The Chief Town Planner/Urban Design and Landscape, PlanD objected to the application from the landscape planning point of view as granting approval to the application would set an undesirable precedent and the cumulative effect would lead to disintegration of the “GB” zone and degradation of the existing landscape quality;

- (e) public comments – during the statutory publication period of the review application, no public comment was received; and
- (f) PlanD’s view – PlanD did not support the application based on the assessment and reasons as stated in paragraph 7 of the Paper. Although there was inadequate land in the “V” zone to meet the small house demand, the development was not in line with the planning intention of “GB” zone where there was a general presumption against development. The site was physically separated from the village proper of Tung Tsz village by Tung Tsz Road and its immediate surroundings were generally undeveloped and covered with grassy vegetation. It had all along been the intention of the Board to confine village expansion to the east of Tung Tsz Road, which served as a good physical boundary between the “V” and the “GB” zone.

20. The Chairman then invited the applicant’s representative to elaborate on the application and Mr. Lau Chee Sing made the following main points:

- (a) the applicant was the land owner and an indigenous villager. He had applied to the District Lands Office a few years ago for permission to build a small house on the application site which was within the “village environs”;
- (b) although the site fell within the “GB” zone, there was a large car park capable of accommodating 100 cars located immediately next to it with a 5 metre high retaining wall. The applicant was only aware at that point that the car park was operating without planning approval;

- (c) the applicant only wanted to use his own land to redevelop a small house for his family. If the current application was rejected, he would consider submitting a section 12A application to rezone the site, noting that the area was already occupied by a large car park and his existing house; and
- (d) compared with other similar applications for small house development within the “GB” zone, the application was different as the applicant only intended to redevelop an existing house. He requested the Board to consider the application favourably based on its special circumstances.

21. Mr. Pang Wong Sing said that the existing house was built by his father in the 1960's and the whole family had lived there since then. He was aware that the size of the house had exceeded the dimensions approved by LandsD. He said that air flow to the existing house was blocked by the retaining wall at the back. He would like to rebuild the house to improve the living environment.

22. In response to Miss Annie Tam's question, Mr. Pang replied that his father was a farmer who lived on his farmland. However, upon completion of the Plover Cove Reservoir which had resulted in the diversion of water flow, the land had dried up and his father had to move to other places to work. His family would like to return to live in their own house. Miss Annie Tam asked if the applicant was aware that he was only permitted to build a dwelling of 304 ft<sup>2</sup> under the MOT. Mr. Pang claimed that they had obtained DLO's prior approval to build a larger house as he had a large family. The size of the existing house was about 700ft<sup>2</sup>.

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

23. A Member asked what measures the Planning Authority would take against the big car park adjacent to the site which existed without planning approval. Mr. Hui Wai Keung confirmed that there was no record of planning permission being granted for the car park on the site nearby. Nevertheless, the site was within the Tai Po OZP where no enforcement action could be carried out by the Planning Authority. Mr. Lau said that building plan approval for the 5 metre retaining wall at the car park had been obtained. He wondered why such development could be allowed.

24. As the applicant and his representative 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 and his representative and DPO/STN for attending the meeting. They left the meeting at this point.

#### Deliberation Session

25. On the point of the legality of the existing house on the application site, Miss Annie Tam explained that an MOT had been granted to the applicant's father to allow him to build a temporary structure for the purpose of dwelling, kitchen and shade up to an area of 480 ft<sup>2</sup> on his farmland. She noted that the applicant had submitted an application to LandsD for developing an NTEH on the site.

26. A Member was of the view that sympathetic consideration should be given to the applicant as the existing house was already built in the 1960's and, through the years, the applicant had been paying an annual fee to LandsD, even though the size of the house had exceeded the MOT requirements, and the site was within the "village environs".

27. A Member noted that the application was a very special case since there was already an existing car park with a 5 metre tall retaining wall within the "GB" zone. It might be worthwhile to consider rezoning the area from "GB" to a more appropriate zoning. Another Member, however, commented that the subject application and the adjacent car park were two different matters which should be considered separately. More information on the existing car park would need to be obtained before the Board could consider how such use should be handled. For the subject application, the Member was sympathetic to the applicant.

28. Miss Ophelia Wong explained that Tung Tsz Village had a special planning history as the Board had decided about 10 years ago to use Tung Tsz Road as a boundary to confine the village expansion to the eastern side of the road. As a result, all planning applications for small house development on the western side of Tung Tsz Road had been

rejected throughout the years. However, these applications did not involve the rebuilding of an existing house. She asked Members to consider if the application should be regarded as rebuilding of an existing house when it had already exceeded the MOT dimensions. As regards whether the “GB” zoning on the western side of Tung Tsz Road was still appropriate, she considered that the matter should be handled separately and suggested asking Planning Department to examine the matter and report the result to the Board in due course.

29. A Member considered that the current application should be considered as a special case as the applicant had lived there for a long time and the approval of the application should not set an undesirable precedent for other similar applications in future. The Member was of the view that although the existing building had exceeded the dimensions specified in the MOT, it would not affect the validity of the MOT and the current proposal should be considered as rebuilding of an existing house.

30. A Member was concerned whether there were other existing structures in the area which were also granted MOTs. Miss Annie Tam clarified that, legally speaking, buildings with MOTs granted were regarded as temporary structures. In the current application, though the size of the house was larger than that granted under the MOT, LandsD would tolerate the existing house as the applicant’s family had been living there for many years and revoking the MOT would cause the applicant to become homeless.

31. Another Member, however, held the view that the existing house permitted under MOT was related to the previous farming activities and, legally, it was only a temporary structure. If the Board decided to approve the current application to develop an NTEH, it would become a permanent structure with a permanent building right. This could be taken as a precedent for future cases.

32. A Member commented that the application should not be approved as the applicant did not have building rights on the land. The approval of the application would set a precedent for similar cases with temporary structures granted under MOT.

33. Miss Ophelia Wong asked Members to consider whether the approval of the application would set a precedent and whether the subject application should warrant special

consideration given the fact that there was an existing house already on site. In addition, she noted that there was insufficient land within the “V” zone covering Tung Tsz Village to meet the small house demand.

34. Another Member considered that the case was special in that the application site was located within the “village environs” and was not on agricultural land. It was covered by a valid MOT and the applicant had lived there before the area was zoned “GB” on the OZP. Two other Members also noted that there were no other existing houses in the vicinity within the “GB” zone and, hence, it would unlikely open the floodgate for similar applications. The two Members were sympathetic to the application and considered that the case had its own special circumstances.

35. In response to the Chairman’s enquiry, Miss Annie Tam said that a lot of MOTs had been granted in the past in various areas, but the number had been declining.

36. A Member noted that the current application had met all the requirements set out in the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories and that the only reason for not supporting the application was that it was not in line with the Board’s decision adopted 10 years ago to contain the expansion of Tung Tsz Village to the east of Tung Tsz Road. The Member was of the view that the special circumstances of the subject application would warrant a departure of the Board’s previous decision and the application could be approved. This view was echoed by another Member.

37. The Chairman concluded that Members generally agreed to approve the application based on the special circumstances that the applicant had lived there for a long time, more than 50% of the application site was within the “village environs”, and there was insufficient land in the “V” zone to meet the small house demand.

38. Members also decided to ask Planning Department to review whether the “GB” zoning covering the large car park adjacent to the application site was still appropriate.

39. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Town Planning Board. The



permission should be valid until 11.9.2013, and after the said date, the permission should cease to have effect unless before the said date, the development was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

40. Members also agreed to advise the applicant that:

- (a) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (d) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the proposed septic tank;
- (e) detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department; and
- (f) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
  - (i) for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[Mr. Raymond Y.M. Chan, Dr Greg C.Y. Wong and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

### **Agenda Item 5**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/280

Proposed Four Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Government land in D.D. 27, Sha Lan Village, Tai Po

**(TPB Paper No. 8394)**

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

41. The Secretary reported that Professor David Dudgeon had declared interest in the item as he was a Member of the Management and Development Committee of the World Wide Fund for Nature (WWF) and the WWF had submitted comments on the application. Members noted that Professor David Dudgeon had tendered apologies for not attending the meeting.

42. Mr. Hui Wai Keung, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) was invited to the meeting at this point.

43. The Chairman extended a welcome and explained the procedures of the review hearing. He noted that sufficient notice was given to the applicant but he had declined to attend the meeting. The Board would proceed with the review hearing in the absence of the applicant. He then invited Mr. Hui Wai Keung to brief Members on the background of the application.

44. With the aid of some plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build 4 houses (New Territories Exempted Houses – Small Houses) at the application site which fell within an area zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 22.5.2009 for the reasons that the proposed development was not in line with the planning intention of the “GB” zone where there was a general presumption against development, the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that it would involve the cutting of slopes and clearance of trees and natural vegetation, and that approval of the application would set an undesirable precedent, the cumulative impact of which would result in a general degradation of the natural environment;
- (c) no further written justifications in support of the review were submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from the nature conservation point of view as the site was covered with native trees and surrounded by densely wooded areas. The Chief Town Planner/Urban Design and Landscape, PlanD objected to the application as trees would inevitably be removed and the size of the existing vegetated buffer would decrease resulting in degradation of the overall landscape quality of the area;
- (e) public comments – during the statutory publication period of the review application, no public comment was received; and
- (f) PlanD’s views – PlanD did not support the application based on the assessment and reasons as stated in paragraph 6 of the Paper. Although the application site fell entirely within the village ‘environs’ and there was a general shortage of land to meet the small house demand, the proposed development was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well

as to provide passive recreational outlets. There was a general presumption against development within this zone. The proposed NTEH/Small House development did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ as the site was situated on a steep slope, covered with native trees and was surrounded by densely wooded area providing a green backdrop for the village areas. Site formation and slope stabilization works would involve cutting of slopes and clearance of trees that could cause adverse landscape impacts on the surrounding environment.

45. As Members had no questions to raise, the Chairman announced that the hearing procedures for the review application had been completed and the Board would deliberate on the application and inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation Session

46. A Member noted that the “GB” zone was well vegetated and that the proposed development would adversely affect the existing greenery.

47. 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 “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the zone. There was insufficient information in the submission to justify a departure from the planning intention;
- (b) the application did not comply with the Town Planning Board

Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that it involved cutting of slopes and clearance of trees and natural vegetation that could cause adverse landscape impacts on the surrounding area; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

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

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

#### **Agenda Item 6**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PS/290

Proposed Temporary Vehicle Park for Container Vehicles and Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone,

Lots 894 RP(Part), 895(Part), 967, 968, 969, 970, 971 RP(Part), 973 RP(Part), 1299 RP(Part) and 1302 RP and Adjoining Government Land in D.D. 122, Ping Shan, Yuen Long

**(TPB Paper No. 8397)**

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[The hearing was conducted in Cantonese.]

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

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

Mr. Tang Ping Fai	- Applicant
Mr. Lam Shing Heng	- Applicant’s representative

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

50. With the aid of a powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary vehicle park for container vehicles and open storage of construction materials for a period of 3 years at the application site which fell within an area zoned “Undetermined” (“U”) on the approved Ping Shan Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 19.12.2008 for the reasons that the proposed development was not compatible with the surrounding residential structures, it was not in line with the Town Planning Board Guidelines No. 13E, and it would set an undesirable precedent;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant had also submitted an information paper on environmental assessment in support of the review;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the nearest sensitive user was located only about 10 metres away from the application site and environmental nuisance was expected. The noise assessment had failed to identify the additional traffic noise nuisance from Long Ping Road generated by the proposed development. The noise nuisance along the access road and Long Ping Road would unlikely be mitigated by the imposition of site specific mitigation measures. The comments of the

other Government departments were mainly technical;

- (e) public comments – one public comment from villagers of Wing Ning Tsuen objecting to the proposal was received during the section 16 application stage. No public comments were received at the review stage; and

[Hon Starry W.K. Lee left the meeting temporarily at this point.]

- (f) PlanD's views – PlanD did not support the application based on the assessment and reasons as stated in paragraph 7 of the Paper. The proposed development was not compatible with the surrounding residential dwellings, the nearest one being 10 metres away. It would have adverse environmental impacts on the surrounding areas and the noise mitigation measures proposed by the applicant was not acceptable to DEP. The application was not in line with Town Planning Board Guidelines 13E in that there were adverse departmental comments and local objections. No previous application involving the parking of container vehicles was approved in the eastern part of the "U" zone. As regards the two similar applications mentioned by the applicant which were allowed by the Town Planning Appeal Board, the reason for approving the applications upon appeal was mainly because the residents affected were very few.

[Ms. Anna S.Y. Kwong and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

51. The Chairman then invited the applicant's representative to elaborate on the application and Mr. Lam Shing Heng made the following main points:

- (a) the applicant would comply with all the requirements of Government departments, including the requirements of the Drainage Services Department;



- (b) the applicant would build a 2 metre high perimeter wall and a 2.5 metre high noise barrier near the loading/unloading area as proposed to screen off potential noise emanating from the site;
- (c) the applicant would pave the whole site to reduce the amount of dust generated from the proposed use;
- (d) a similar application had been approved even though the local people objected to that application. Compared with that application, the subject site was located far away from residential developments; and
- (e) traffic along Long Ping Road was very light and traffic from the proposed development would not cause any adverse traffic or noise impact.

52. Mr. Benny Wong enquired about the daily trip rate generated by the proposed use. In response, Mr. Lam said that there were about 20 vehicle trips per hour using the access road at the moment. Upon approval of the application, about 50 to 60 vehicle trips per hour was expected to be generated.

53. As the applicant and his representative had no further comment to make and Members had no further questions, 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 PlanD and the applicant for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

54. A Member commented that the applicant did not demonstrate any merits to justify the granting of approval to the proposed use which did not comply with the relevant Town Planning Board Guidelines.

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

- (a) the development was not compatible with the surrounding areas, in particular the nearby residential structures;
- (b) the application was not in line with the Town Planning Board Guidelines No. 13E as there was insufficient information to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas, and there were adverse departmental comments and local objections on the application; and
- (c) the approval of this application would set an undesirable precedent for similar applications in the eastern part of the “Undetermined” zone. The cumulative effects of approving these similar applications would result in degradation of the environment in the area.

[Dr. Daniel B.M. To left the meeting at this point.]

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/241

Temporary Used Clothes Collection Centre for a Period of 3 Years in "Village Type Development" zone, Lot 1614 RP(Part) in D.D. 119, Tai Tong, Yuen Long

**(TPB Paper No. 8398)**

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

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

Mr. Cheung Kit Nam	- Applicant
Mr. Cheung Kam Fook	]
Mr. Cheung Sau Wun	] Applicant's representatives
Mr. Cheung Lau Keung	]

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

58. Ms. Amy Cheung informed Members that a letter was received from Heung Yee Kuk dated 10.9.2009 regarding the proposed use of the site. The letter had been tabled for Members' reference. With the aid of a powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a temporary used clothes collection center for a period of 3 years at the application site which fell within an area zoned "Village Type Development" ("V") on the approved Tai Tong Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 5.6.2009 for the reasons that the proposed development was not in line with the planning intention of the "V" zone, it was not compatible with the surrounding rural land uses with residential dwellings, it would cause adverse traffic impacts on the surrounding areas and no assessment had been conducted to address the issue, and it would set an undesirable precedent;
- (c) no further written justifications in support of the review were submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Assistant Commissioner for Transport did not support the application as heavy vehicles would need to use Kiu Hing Road, which was a single lane road for 2-way traffic, to access the

proposed development. The Director of Drainage Services required the applicant to submit a proper drainage proposal with the dimensions and types of the proposed and existing drainage facilities for his further consideration. Other departments maintained their previous views on the proposal which were mainly technical in nature;

- (e) public comments – one public comment was received from the village representative of Lam Hau Tsuen supporting the application as the income generated from the proposed use was needed to support various village functions; and
- (f) PlanD's views – PlanD did not support the application based on the assessment and reasons as stated in paragraph 6 of the Paper. The proposed development was not in line with the planning intention of the "V" zone. It was incompatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity of the site. The proposed use would cause adverse traffic impacts on the surrounding areas and no assessment had been conducted to address this issue. Approval of this application would also set an undesirable precedent for similar developments in the "V" zone.

59. After the presentation, Mr. Tony C.N. Kan indicated that he had to declare interest as he was an Advisor to Heung Yee Kuk. He left the meeting at this point. The Secretary reported that Mr. Alfred Donald Yap also had to declare interest as he was a Member of Heung Yee Kuk. Members noted that Mr. Donald Yap had tendered apologies for not attending the meeting.

60. The Chairman then invited the applicant's representatives to elaborate on the application and Mr. Cheung Kit Nam made the following main points:

- (a) the application site was owned by the Cheung's clan who were indigenous villagers of Ping Shan Heung. As the site was not located within their village area but was in another village (i.e. Shap Pat Heung), the applicant could not develop the site for small house purposes;

- (b) the traffic impact caused by the proposed use was insignificant as only 2 vehicle trips per day were expected to be generated. The goods vehicles used would be less than 10 tons;
- (c) the proposed development would operate in an environmentally-friendly manner and would not generate any adverse environmental and drainage impacts to its surroundings; and
- (d) rejecting the proposed development would cause the existing staff to become unemployed.

61. Mr. Cheung Lau Keung supplemented that the traffic issue raised by TD was an over-concern as Kiu Hing Road was wide enough to cater for the proposed development. He said that Kung Um Road on the other side of the nullah was of a similar width but had to serve a large number of open storage sites which were located on the western side of the nullah.

62. In response to Miss Annie Tam's enquiry, Mr. Cheung Kit Nam said that the application site and the access leading from Kiu Hing Road were owned by Tso Tong and Tso Tong had agreed to submit an application to LandsD if planning approval was granted for the proposed use. He further confirmed that the muddy road serving as the access to the proposed use would be properly paved.

63. A Member asked whether TD's concerns were on the width of the road or whether the road was suitable for use by heavy vehicles. In response, Ms. Amy Cheung explained that TD was concerned about pedestrian safety as the concerned section of Kiu Hing Road was narrow without any passing bay but had to cater for 2-way traffic. As observed in a site visit, Ms. Amy Cheung said that there were pedestrians walking and cycling along the road.

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

64. In response to a Member's enquiry, Ms. Amy Cheung replied that the traffic

concern was mainly about the heavy vehicles attracted to use the narrow access road. Mr. Cheung Kit Nam explained that they would consider using light goods vehicles to avoid affecting the local people.

65. As the applicant and his representatives had no further comment to make and Members had no further questions, 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 PlanD and the applicant for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

66. A Member commented that the proposed development should not be supported in view of the traffic concern and the potential pedestrian safety problem along Kiu Hing Road. The Chairman also noted from a site photo that heavy goods vehicles were used in the application site.

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

- (a) the development was not in line with the planning intention of the "Village Type Development" zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would frustrate the planning intention and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was considered not compatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity of the site;

- (c) the development would cause adverse traffic impacts on the surrounding areas and no assessment had been conducted to address the issue; and
- (d) the approval of this application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

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

### **Agenda Item 8**

[Open Meeting]

Submission of the Draft Tsing Yi Outline Zoning Plan No. S/TY/23A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

#### **(TPB Paper No. 8399)**

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[The meeting was conducted in Cantonese.]

68. The Secretary reported that Dr. Winnie S.M. Tang had declared interest on the item as she was a Member of the Kwai Tsing District Council. As the item was procedural in nature and no deliberation was required, Members agreed that Dr. Tang should be allowed to stay in the meeting.

69. The Secretary briefly introduced the Paper. The draft Tsing Yi OZP No. S/TY/23 was gazetted on 20.2.2009 under section 5 of the Ordinance. During the statutory publication period, 5 representations and no public comments were received. On 14.8.2009, the Board gave consideration to the representations and decided not to uphold any of the representations.

70. After deliberation, the Board agreed:

- (a) that the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/23A together with its Notes at Annex A and Annex B of the Paper were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tsing Yi OZP No. S/TY/23A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Tsing Yi OZP No. S/TY/23A was suitable for submission to CE in C together with the draft OZP.

### **Agenda Item 9**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Mong Kok Outline Zoning Plan No. S/K3/26

#### **(TPB Paper No. 8400)**

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[The meeting was conducted in Cantonese.]

71. The Secretary reported that Mr. Walter K.L. Chan had declared interest on the item as he owned a flat in Argyle Street. As the item was procedural in nature and no deliberation was required, Members agreed that Mr. Chan should be allowed to stay in the meeting.

72. The Secretary reported that on 8.5.2009, the draft Mong Kok Outline Zoning Plan No. S/K3/26 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the publication period, 1 representation and no public comments were received. The representation, however, was not related to the subject of amendment and was considered invalid and should be treated as not having been made.



73. After deliberation, the Board agreed that the representation was invalid and should be treated as not having been made. Hearing by the Town Planning Board would not be necessary.

**Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft URA Prince Edward Road West/Yuen Ngai Street DSP No. S/K3/URA2/1

**(TPB Paper No. 8401)**

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[The meeting was conducted in Cantonese.]

74. As the item was related to the URA Prince Edward Road West/Yuen Ngai Street Development Scheme, the following Members had declared interests:

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

URA

Hon Starry W.K. Lee

- being a Member of the Legislative Council handling public complaints related to the subject development

75. Members noted that Mr. Maurice W.M. Lee, Dr. James C.W. Lau and Professor Bernard V.W.F. Lim had tendered apologies for not attending the meeting, and Mr. B.W. Chan had left the meeting. As the item was procedural in nature and no deliberation was required, Members agreed that the remaining Members who had declared interests should be allowed to stay in the meeting.

76. The Secretary briefly introduced the Paper. On 8.5.2009, the draft URA Prince Edward Road West/Yuen Ngai Street Development Scheme Plan No. S/K3/URA2/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 7 representations and 7 public comments were received. As the 7 recommendations were similar in nature and related to the same site, it was considered more appropriate for the Board to hear the representations and comments itself without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board's meeting scheduled for 30.10.2009 and conducted in one collective hearing.

77. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

**Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft URA Shanghai Street/Argyle Street DSP No. S/K3/URA3/1

**(TPB Paper No. 8402)**

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[The meeting was conducted in Cantonese.]

78. As the item was related to the URA Shanghai Street/Argyle Street Development Scheme, the following Members had declared interests:

Miss Ophelia Y.S. Wong as the Acting Director of Planning	]	
Miss Annie K.L. Tam as the Director of Lands	]	
Mr. Andrew Tsang as the Assistant Director (2) of Home Affairs Department	]	being non-executive directors of URA
Mr. Walter K.L. Chan	]	
Dr. Greg C.Y. Wong	-	having current business dealings with URA and being a co-opt member of the Planning, Development and Conservation Committee of the URA
Professor Bernard V.W.F. Lim	-	having current business dealings with URA
Dr. James C.W. Lau	-	being a member of the Appeal Board Panel under the URA Ordinance
Mr. B.W. Chan	-	being the Chairman of the Appeal Board Panel under the URA Ordinance
Mr. Maurice Lee	-	being a former non-executive director of URA
Hon Starry W.K. Lee	-	being a Member of the Legislative Council handling public complaints related to the subject development

79. Members noted that Mr. Maurice W.M. Lee, Dr. James C.W. Lau and Professor Bernard V.W.F. Lim had tendered apologies for not attending the meeting, and Mr. B.W. Chan had left the meeting. As the item was procedural in nature and no deliberation was required, Members agreed that the remaining Members who had declared interests should be allowed to stay in the meeting.

80. The Secretary briefly introduced the Paper. On 8.5.2009, the draft URA Shanghai Street/Argyle Street Development Scheme Plan No. S/K3/URA3/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 23 representations and 4 public comments were received. As the 23 recommendations were similar in nature and related to the same site, it was considered more appropriate for the Board to hear the representations and comments itself without resorting to the appointment

of a Representation Hearing Committee. The hearing could be accommodated in the Board's meeting scheduled for 30.10.2009 and conducted in one collective hearing.

81. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ma On Shan Outline Zoning Plan No. S/MOS/15

#### **(TPB Paper No. 8403)**

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[The meeting was conducted in Cantonese.]

82. The Secretary briefly introduced the Paper. On 29.5.2009, the draft Ma On Shan OZP No. S/MOS/15 was exhibited for public inspection under section 7 of the Town Planning Ordinance. A total of 25 representations and 237 public comments were received. One representation (No. 14) was subsequently withdrawn. As the amendments to the OZP had attracted wide local interests, it was considered more appropriate for the Board to hear the representations and comments itself without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board's meeting scheduled for 16.10.2009 and conducted collectively under 5 groups, including:

- (a) Group 1 – 7 representations and 1 related comment mainly on the building height restrictions and development intensity of the CDA(1) site at Lok Wo Sha;
- (b) Group 2 – 2 representations and 1 related comment mainly on the building height restrictions stipulated on the Plan in general;
- (c) Group 3 – 1 representation in relation to the imposition of building height restrictions on 3 electricity sub-stations in Ma On Shan;

- (d) Group 4 – 3 representations and 2 related comments mainly on the building height restrictions for the “C” site in Area 77 and the plot ratio/building height restrictions on Chevalier Garden and Kam On Court; and
- (e) Group 5 – 11 representations and 234 related comments mainly on the “Open Space” site between Monte Vista and Lee On Estate.

83. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft South West Kowloon Outline Zoning Plan No. S/K20/23

### **(TPB Paper No. 8404)**

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[The meeting was conducted in Cantonese.]

84. Hon Starry W.K. Lee declared interest as she was a Member of the Legislative Council handling public complaints related to the development. Ms. Apollonia Liu also declared interest, being an alternate member for the Deputy Secretary for Transport and Housing (Transport)<sup>1</sup>, who was a Member of the Board of the Mass Transit Railway Corporation Limited. As the item was procedural in nature and no deliberation was required, Members agreed that Hon Starry W.K. Lee and Ms. Apollonia Liu should be allowed to stay in the meeting.

85. The Secretary briefly introduced the Paper. On 29.5.2009, the draft South West Kowloon OZP No. S/K20/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 10 representations and 1 public comment were received. As the majority of the representations were similar in nature, it was considered more appropriate for the Board to hear the representations and comment itself without resorting to the appointment of a Representation Hearing Committee. The hearing could

be accommodated in the Board's meeting scheduled for 16.10.2009 and conducted collectively under 2 groups, including:

- (a) Group 1 – 9 representations and 1 related comment mainly on the amended planning parameters of the “CDA(1)” site, including its use, development intensity and maximum building height; and
- (b) Group 2 – 1 representation mainly related to the extent of the boundary of the “O(1)” site.

86. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

**Agenda Item 14**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

87. There being no other business, the meeting was closed at 11:05 a.m.