

**Minutes of 944th Meeting of the
Town Planning Board held on 25.9.2009**

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. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Director of Lands
Miss Annie Tam

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

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. Ivan Chung

Senior Town Planner/Town Planning Board
Ms. Maggie Chin

1. The Chairman extended a welcome to Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 943rd Meeting held on 11.9.2009

[The meeting was conducted in Cantonese.]

2. Mr. Lau Sing, Assistant Director of Planning/Board, on behalf of the Secretary, reported that a copy of the proposed amendment to the last sentence of paragraph 84 of the minutes of 943rd Meeting had been tabled for Members' consideration as follows:-

“.....Mrs. Apollonia Liu also declared an interest, being an alternate member for the Deputy Secretary for Transport and Housing (Transport)1 who was a Member of the Board of the MTR Corporation Limited. As the item was procedural in nature and no deliberation was required, Members agreed that Hon. Starry Lee and Mrs. Apollonia Liu should be allowed to stay in the meeting.”

3. Members had no comment on the proposed amendment and the minutes were confirmed subject to the said amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

4. There were no matters arising.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K14/593

Proposed Hotel in “Commercial (1)” zone, 4th and 5th Floors, 90 Hung To Road, Kwun Tong
(TPB Paper No. 8405)

[The meeting was conducted in Cantonese.]

5. The application was submitted by Healthy Group Limited and Kind Rich International Limited with Ho Tin and Associates Consulting Engineers Limited as one of the consultants. Mr. Lau Sing reported that Dr. James C.W. Lau, having current business dealings with Ho Tin and Associates Limited, had declared an interest in the item. Members noted that Dr. Lau had tendered an apology for not being able to attend the meeting.

[Miss Ophelia Y.S. Wong arrived to join the meeting at this point.]

Presentation and Question Session

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

Mr. Eric Yue	District Planning Officer/Kowloon (DPO/K), PlanD
Mr. Brian Law Kam Pui]
Mr. Michael Lee] Applicants’ representatives
Ms. Lam Ka Lai]
Mr. Jack Tsang]

7. The Chairman extended a welcome and explained the procedures of the review hearing. The Chairman then invited Mr. Eric Yue to brief Members on the background to the application.

8. With the aid of a Powerpoint presentation, Mr. Eric Yue did so as detailed in the Paper and made the following main points:

- (a) the applicants sought planning permission for hotel use on the 4th and 5th floors of an existing 9-storey commercial building at 90 Hung To Road, Kwun Tong, Kowloon, which fell within an area zoned “Commercial (1)” (“C(1)”) on the Kwun Tong (South) Outline Zoning Plan (OZP);
- (b) the reasons for the Metro Planning Committee (MPC) to reject the application on 5.6.2009 were set out in paragraph 1.2 of the Paper. The key points were:
- the proposed development was not in line with the planning intention of “C(1)” zone;
 - the layout was not satisfactory as some of the guestrooms were not provided with windows for natural lighting and ventilation and the supporting servicing facilities were inadequate;
 - the approval of the application would set an undesirable precedent;

[Dr. C.N. Ng, Mr. Raymond Y.M. Chan and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- (c) further written representation submitted by the applicants in support of the review application was summarized at paragraph 3 of the Paper. The key points were as follows:
- the proposed use was in fact a guesthouse and that it should be distinguished from hotel which had more catering and other services serving mostly overseas tourists;
 - ‘Guesthouse’ usually had smaller operational scale than ‘Hotel’ and its impact on the neighbourhood and environment was much lower;
 - the planning intention of “C(1)” zone was not just for provision of shop, services and eating place, but also to cater for the needs of the local workers including sleeping accommodation in case of overnight and irregular working hours;
 - the layout of the proposed guesthouse could be improved to enhance the natural lighting and ventilation and servicing facilities. The

- number of guestrooms would be reduced and the revised layout would be submitted for approval if necessary;
- each application should be assessed based on its individual merits and the Board was not bounded by precedent cases;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Assistant Commissioner for Transport/Urban, Transport Department, had no in-principle objection to the application given the small size of the site, no provision of transport facilities in the subject building, and only two floors of the existing building would be converted to hotel use. However, there was no guarantee that the parking and loading/unloading facilities on the public road in the vicinity of the lot would not be altered. The applicants should make the necessary arrangement to meet the parking and loading/unloading needs. The Chief Officer/Licensing Authority, Home Affairs Department (HAD), commented that there was no difference between hotel and guesthouse under the Hotel and Guesthouse Accommodation Ordinance. The requirements for hotel and guesthouse were basically the same except for some fire service installations. The District Lands Officer/Kowloon East, Lands Department, advised that the proposed hotel use was not permitted under the existing lease conditions. Should the application be approved, lease modification/temporary waiver to effect the change of use would be required. The Commissioner for Tourism supported the application whereas the Director of Fire Services and the Director of Buildings had no objection/no comment on the review application;
- (e) public comments – during the statutory publication period, two public comments on the review application were received, one expressed support to the application and the other one had no comment; and
- (f) planning considerations and assessments – planning considerations and assessments were detailed in paragraph 7 of Paper. The key points were:
- the applicants pointed out that the proposed development was to meet the needs of the local workers for sleeping accommodation. In general,

- such type of accommodation was classified as staff quarters. If the proposed development was to serve the local workers, it would be different from the target group mentioned in the s.16 application;
- the Chief Officer/Licensing Authority, HAD, advised that the requirements for hotel and guesthouse under the Hotel and Guesthouse Accommodation Ordinance were basically the same except for some fire service installations;
 - the applicants had not submitted any revised layout in the written submission to demonstrate the improvement of building design and servicing facilities;
 - there were currently 7 sites zoned “C(1)” within the Kwun Tong Business Area and no similar application for hotel use under the “C(1)” zone had been received. Approval of the application might set an undesirable precedent for other similar applications, in particular for partial conversion of existing commercial building to hotel use;
- (g) PlanD’s view – PlanD had reservation to support the review application in that the proposed development was not in line with the planning intention of the “C(1)” zone which was primarily for commercial developments with provision of shop, services and eating place serving the needs of the local workers in the Kwun Tong Business Area; the layout of the proposed hotel was not satisfactory as some of the guestrooms were not provided with windows for natural lighting and ventilation, and the supporting servicing facilities were inadequate; and approval of the application would set an undesirable precedent.

9. The Chairman then invited the applicants’ representatives to elaborate on the application.

10. With the aid of a Powerpoint presentation and a revised layout of the proposed development tabled at the meeting, Mr. Brian K.P. Law made the following main points:

- (a) the layout of the proposed development had been revised to address the MPC’s concerns about natural lighting and ventilation. According to the

revised layout, the number of guestrooms on each floor would be reduced from 26 to 18. All the guestrooms would be provided with windows for natural lighting and ventilation. The inner area of the application premises without natural lighting and ventilation would be used for the supporting services such as function room, sitting/café area and beverage store;

- (b) the subject premises occupied a small corner site at the fringe of the Kwun Tong Business Area. At the back of the site was a wide service lane separating the subject premises from the adjacent industrial building;
- (c) the original intention of designating the “C(1)” zone in the area was to provide commercial developments serving the needs of the local workers. However, with the transformation of the area into a business area over the years, commercial uses were no longer confined to the “C(1)” sites, and a lot of ground floor space of the industrial buildings within the “OU(Business)” zone had also been converted to shop and services uses through the planning application system. The planning intention of the “C(1)” zone as originally conceived had become obsolete as the “OU(Business)” zone could also serve similar function of providing commercial uses catering the local needs. As exemplified by the existing uses and occupancy rates of the commercial buildings on the 7 “C(1)” sites, those buildings (such as the subject building and the Kwun Tong Harbour Plaza) at the less accessible locations now had a relatively high vacancy rate; and

[Dr. Daniel B.M. To, Mr. Felix W. Fong and Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (d) given the above, it was time to review the planning intention of the “C(1)” zone in the Kwun Tong Business Area with a view to enabling appropriate sites to be revitalized for serving the local areas. Instead of considering the subject application as setting an undesirable precedent, the approval of the application would set a new trend meeting the changing needs of the area.

11. Ms. Lam Ka Lai, owner of the application premises, made the following points:

- (a) the subject premises had been left vacant for more than 10 years. Approval of the application would help optimize the use of the vacant premises whilst revitalizing the area and improving the townscape;

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

- (b) as compared with guesthouses without valid licences, the proposed development would be subject to the control of relevant departments and Licensing Authority. The proposed development would provide more quality, safe and affordable accommodations for visitors, in particular those from the Mainland;
- (c) the proposed guesthouse could also provide sleeping accommodation for the local workers in case of overnight working; and
- (d) the applicants were willing to accept a temporary approval if the proposed development was approved.

12. Members asked the following questions:

- (a) whether ‘Hotel/Guesthouse’ was a Column 2 use under the “C(1)” zone;
- (b) whether there was adequate provision of retail, shop and services in the area;
- (c) the number of 2 or 3 stars hotel/guesthouse in the area; and
- (d) whether the revised layout tabled by the applicants’ representatives at the meeting was acceptable.

13. Mr. Eric Yue made the following responses:

- (a) “Hotel” was a Column 2 use under the “C(1)” zone;
- (b) the ground floors of the adjoining industrial buildings were now being used for retail, shop and services uses. Apart from the 7 “C(1)” sites, other areas in the Kwun Tong Business Area had largely been rezoned to “OU(Business)”. Through the planning application system, the Board had approved a number of planning applications for commercial uses on the ground floor of the existing buildings within the “OU(Business)” zone;
- (c) there was one existing hotel (i.e. Newton Hotel) at How Ming Street. Besides, there were 20 planning applications for hotel development within the “OU(Business)” zone in Kwun Tong South. 16 of them had been approved by the Board. Amongst these 16 approved applications, building plans in relation to two approved schemes had been submitted; and
- (d) according to the revised layout, all the guestrooms would be provided with windows for natural lighting and ventilation whereas the inner area of the two floors would only be used for supporting servicing facilities. This should have addressed the previous concerns raised by the MPC at the s.16 stage.

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

14. Members had the following questions for the applicants’ representatives:

- (a) whether the application was for guesthouse or staff quarters use as mentioned in the further written representation submitted by the applicants;
- (b) should a temporary approval be agreeable to the applicants, what the acceptable approval period would be; and
- (c) what the current use of the 6/F and 7/F floors of the subject building was.

15. Mr. Brian Law and Ms. Lam Ka Lai made the following responses:

- (a) the subject application was for guesthouse use, instead of staff quarters;
- (b) an approval period of five years subject to renewal was acceptable; and
- (c) the 6/F and 7/F floors of the subject building were now being used as staff quarters.

16. As the applicants' 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 applicants of the Board's decision in due course. The Chairman thanked the representatives of the applicants and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

17. In response to a Member's enquiry on whether the approval of the subject application would set a precedent, Mrs. Ava Ng stated that currently there were seven sites zoned "C(1)" within the Kwun Tong Business Area and no similar application for converting part of a building for hotel use under the subject zone had been approved. As such, if the subject application was approved by the Board, other applications for similar use on the other six sites might make reference to the approval. That was a form of piecemeal conversion. Nevertheless, each planning application should be assessed on its individual merits.

18. A Member expressed support for the review application as "Hotel" was a Column 2 use under the "C(1)" zone and might be permitted subject to the Board's consideration of the individual merits of each application. As the Kwun Tong old industrial area had been undergoing a transformation into a business area, many ground floors of the existing buildings within the "OU(Business)" zone had been converted to shop and services uses upon obtaining approval from the Board. Given that, commercial uses were not necessarily confined to the "C(1)" sites only. The historical function of the "C(1)" zone might become obsolete and that

also explained the low occupancy rate of some less accessible “C(1)” sites. The subject commercial building was at the fringe of the Kwun Tong Business Area and the two floors under application had been left vacant for a long time. The proposed conversion for hotel/guesthouse use would allow a better utilization of land resources. There were no adverse comments/objections from the concerned Government departments and PlanD had reservation only from the planning point of view. Given these special considerations, the Member considered that the approval of the subject application would not set an undesirable precedent for other similar applications. Two other Members shared the views and stated that the proposed hotel/guesthouse use would create more employment opportunities and meet the needs of visitors.

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

19. The Chairman stated that even the planning application was approved by the Board, the applicants were still obliged to comply with HAD’s licensing requirements for the proposed “hotel/guesthouse” development.

20. Another Member did not support the application in that the general environment and the transport facilities of the area were not suitable for hotel/guesthouse use. Besides, there were other users on other floors of the subject building, which were occupied by restaurants and a church. The piecemeal conversion of the building should not be supported as it would result in conflicts among the users on different floors. Another Member also had reservation on the application and stated that whilst the 6th and 7th were currently used as staff quarters, there was a possibility that these two floors would eventually be converted to guesthouse use.

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

21. Two other Members also expressed concerns on the mixed uses of the building. As the lowest three floors of the commercial buildings were occupied by restaurants and a church, visitors and staff of the guesthouse had to share the same entrance and two elevators with users of the others floors. The proposed mixed uses of the commercial building was not satisfactory. One of these Members cast doubt on the financial viability of the proposed guesthouse and worried that the guesthouse might be changed to other undesirable use. Another Member expressed reservation on the piecemeal conversion and precedent effect on

other similar applications. However, the Member also opined that the application if approved would have the positive impact of revitalizing the Kwun Tong old area and hence could be supported.

22. In response to Members' enquiries on any previous approval of similar applications and whether the approval of the application would open the floodgate for other applications, the Secretary informed the Board that "C(1)" sites in the area were originally intended to provide the commercial uses serving the needs of local workers. No previous approval had been granted for partial conversion of a commercial building for the applied use in "C(1)" sites, though wholesale conversion of the entire building for hotel use had been approved within "OU(Business)" zone. For the subject application, PlanD only had reservation, instead of objection, to the application due to the concern about piecemeal conversion and undesirable internal layout in terms of natural lighting and ventilation, rather than landuse compatibility problem. Given the changing circumstances including the approval of shop and services uses on the ground floors of the existing buildings within the adjoining "OU(Business)" areas, Members would need to consider whether flexibility would be given to the partial conversion of the subject commercial building.

23. Another Member stated that with the changing circumstances, the original intention of the "C(1)" zone might no longer be valid. Also, within the Kwun Tong Business Area which had largely been rezoned to "OU(Business)", there were precedents where hotel developments had been approved. As such, there was no strong reason why the application premises could not be used for hotel/guesthouse use, in particular, there were no objection/adverse comments from the concerned Government departments including the Buildings Department. The Member added that according to the revised layout tabled at the meeting, the previous concern about natural lighting and ventilation should have been addressed. Another Member pointed out that when the application was considered by the MPC at the s.16 stage, the Committee rejected the application mainly due to the concern that some guestrooms were not provided with natural lighting and ventilation. As the applicants had now revised the layout to address MPC's concern, the same Member supported the review application. Another Member shared the same views and supported the review application.

24. Some other Members also supported the application. They stated that the previous concerns on natural lighting and ventilation had been addressed in the revised layout. The

technical requirements in respect of fire safety and servicing facilities should be under the purview of the relevant departments and the Licensing Authority. As a major part of Kwun Tong Industrial Area had been rezoned to “OU(Business)” zone, the historical function of the “C(1)” sites had to be changed. A Member added that the “C(1)” sites was originally planned for a mix of different commercial uses servicing the local workers. Whilst the proposed partial conversion might not be satisfactory, it was not a strong reason for rejecting the application given the special circumstances of the application. Whilst the approval of the subject application might be a reference for the Board’s consideration of other similar applications, each case still had to be justified with sufficient planning grounds.

25. A Member maintained his view of not supporting the application as the surrounding area in general was still industrial and had little to offer to patrons of the proposed guesthouse. That would affect the image of Hong Kong as a tourist destination.

26. The Chairman summed up that apart from one Member not supporting the application and a few Members expressing reservation on partial conversion and interface problem among different users of the commercial building, the majority of Members generally supported the application in that the proposed hotel/guesthouse was a Column 2 use under the “C(1)” zone and the special considerations of the application as discussed, such as the revised layout had addressed the concerns on natural lighting and ventilation and no adverse comments/objections from the concerned Government departments.

27. After further deliberation, the Board decided to approve the application on review. The permission should be valid until 25.9.2013, 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 condition:

the submission and implementation of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use.

28. The Board also decided to advise the applicants on the following :

(a) the need to apply to the District Lands Officer/Kowloon East for lease

modification/temporary waiver for the proposed hotel at the subject premises;

- (b) note the Chief Building Surveyor/Kowloon's comments on appointing an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular natural lighting and ventilation for the proposed guest room use under Building (Planning) Regulations 30 and provision of access and facilities for the persons with a disability under Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008;
- (c) note the Assistant Commissioner for Transport/Urban's comments that there was no guarantee that the parking and loading/unloading facilities on the public road in the vicinity of the lot would not be altered. The applicants should make the necessary arrangement to meet the parking and loading/unloading needs; and
- (d) consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel at the subject premises.

[Dr. Daniel B.M. To, Professor N.K. Leung, Mr. Felix W. Fong left the meeting temporarily at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-LTYT/174

Temporary Vehicle Parking (Oil Tank Trailer) and Workshop for a Period of 1 Year in "Village Type Development" zone, Lot 1981 RP (Part) in D.D.130 and adjoining Government Land, Lam Tei, Tuen Mun

(TPB Paper No. 8406)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

29. The following representatives from PlanD and the applicant were invited to the meeting at this point:

Ms. Amy Cheung	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD
Mr. Poon Chau Lai	Applicant
Dr. K.F. Tang]
Mr. W.H. Wong] Applicant's representatives
Ms. P.C. Chan]

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

31. With the aid of a Powerpoint presentation, Ms. Amy Cheung did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary vehicle parking for oil tank trailer and workshop for a period of 1 year on a site (about 1,573m²) zoned "Village Type Development" ("V") on the Lam Tei and Yick Yuen OZP;
- (b) according to the applicant's submission, the proposed use would accommodate nine parking spaces for oil tank trailers, a temporary container-converted office, a temporary toilet and three containers for storage and a steel shelter for workshop purpose;

[Dr. Daniel B.M. To and Mr. Felix W. Fong returned to join the meeting this point.]

- (c) the site was part of the Tsing Chuen Wai Village area and was close to the major transport infrastructure, namely the Kong Sham Western Highway, the West Rail viaduct and the Castle Peak Road. There were many residential dwellings to the immediate north of the site whereas to its immediate south were some vacant sites and storage developments;

(d) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 19.12.2008 were set out in paragraph 1.2 of the Paper. The key reasons were:

- the development was not in line with the planning intention of “V” zone;
- the development was not compatible with the surrounding residential uses;
- there was no information to demonstrate that the development would not generate adverse environmental and drainage impacts; and
- the approval of the development would set an undesirable precedent.

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

(e) justifications in support of the review application were summarized in paragraph 3 of the Paper. The key points were as follows:

- there was no record of Small House application at the site which was far from the core of Tsing Chuen Wai Village;
- there was no Government plan for the implementation of the “V” zone. Most of the areas adjacent to the site were used for vehicle parking, vehicle repairing workshop, construction plants and container storage. The applied use was not incompatible with residential dwellings;
- the surrounding areas were subject to environmental nuisances from Kong Sham Western Highway, the Light Rail Line and Castle Peak Road and were not suitable for residential use;
- no complaints or adverse allegations on the development had been received in the past. The applicant undertook to move out from the site within 6 months upon receipt of any Small House applications or

the Government's notification for any projects;

- efforts had been made to improve the environment and drainage facilities of the site and the surrounding areas;
- similar applications No. A/TM-LTYT/125 and A/TM-LTYT/30 should not be used for the Board's reference as their background and environmental situation were different from the subject application;
- the oil tank vehicles would carry dangerous goods on the road only under the provision of traffic ordinances and storage of hazard goods licensing requirements. All tanks in the vehicles had to be emptied and cleaned before parking at the site;

- (f) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (DSD), commented that some information in the applicant's submission on the existing drainage facilities were not proper and the applicant should submit and provide drainage facilities. The Assistant Commissioner for Transport/New Territories, Transport Department (TD), commented that the applicant should check and ensure that there was sufficient turning space for the manoeuvring of goods vehicles within the site. The Director of Fire Services (D of FS) had no in-principle objection to the application. The applicant was required to submit layout plans with fire service installations for D of FS's approval and the applicant should observe Regulation 120 of Dangerous Goods (General) Regulations in handling the oil tank vehicles. Other departments maintained their previous views which were mainly technical in nature;
- (g) public comments – during the statutory publication period for the review application, one public comment stating no comment on the application was received. During the statutory publication period for the further information, one public comment was received from the Vice-chairman of

Tuen Mun Rural Committee stating that the site situated too close to the existing residential dwellings and would affect the safety of the villagers;

- (h) planning considerations and assessments – planning considerations and assessments were summarized in paragraph 7 of the Paper. The proposed development was not in line with the planning intention of the “V” zone and not compatible with the surrounding residential dwellings. The environmental impact assessments for major Government projects had been undertaken and their impacts had been properly addressed. The applicant failed to demonstrate that the applied use would not generate environmental nuisances and adverse drainage impacts on the surrounding areas. The applicant also failed to demonstrate that precautionary measures had been provided to handle dangerous goods. Approval of the subject application would set an undesirable precedent for similar applications in the “V” zone; and
- (i) PlanD’s view – PlanD did not support the application for reasons as detailed in paragraph 8 of the Paper.

[Professor N.K. Leung and Mr. B.W. Chan returned to join the meeting at this point.]

32. The Chairman then invited the applicant’s representatives to elaborate on the application.

33. With the aid a Powerpoint presentation and a video, Dr. K.F. Tang made the following main points:

- (a) the site was geographically separated from the core of the Tsing Chuen Wai Village by an open nullah and West Rail. The adjacent areas were being used for vehicle parking, vehicle repairing workshop, construction plant and container storage. Most of the residential dwellings in the vicinity had been left vacant;

- (b) the subject site had been fenced-off and would not create any adverse noise impacts on the surrounding areas. Surface channel had been provided around the site to collect all surface rain water into a large open stream course leading to the open nullah;
- (c) the applicant had operated his business at the site since 1998 and had not received any complaint from the local residents. A local resident living next to the application site had indicated no adverse comments on the subject development;
- (d) the transport infrastructure in the area including the Kong Sham Western Highway, the Light Rail Line and the Castle Peak Road had caused serious environmental nuisance and made the areas not suitable for residential use;

[Mrs. Ava Ng left the meeting temporarily at this point.]

- (e) according to the Civil Engineering and Development Department and PlanD, there was no implementation programme for the supporting infrastructure of the subject “V” zone. The planned use could hardly be materialized in the near future;
- (f) the subject “V” zone was not suitable for residential development at this stage due to the lack of local infrastructure. A nearby site once approved for Small House development in 2007 had been rented out for open storage use;
- (g) to address DEP’s comment, the applicant would implement appropriate measures to minimize the possible environmental impacts;
- (h) regarding FSD’s comment, it should be noted that the oil tank trailers were mainly used to deliver petrochemical products to manufacturers in Hong Kong and China. All oil tank trailers had to be emptied and cleaned before they could be parked at the site;

- (i) if the Board agreed to approve the application, the applicant would control the operation hours and number of vehicles parking at the site. Mitigation measures would also be undertaken to minimize possible noise impacts on the surrounding areas. Other enhancement measures (including more landscaped areas, higher fencing, improved drainage facilities and fire service installations) would be undertaken to improve the site condition; and
- (j) Members were requested to give special considerations to the application and grant planning permission on a temporary basis of one year. Annual renewal of the permission would be subject to review. The applicant undertook to move out from the site within six months upon receipt of any Small House applications or the Government's notification for any projects.

34. Members had the following questions:

- (a) when the area was first designated as "V" zone;
- (b) whether the oil tank trailer would be used to deliver petroleum for petrol filling stations; and
- (c) whether the previous application in respect of the same site was submitted by the applicant. Since the rejection of that application in 2007, it was clear that the site was not suitable for the proposed use. What actions the applicant had undertaken in these two years, including any effort to find other alternative sites for relocation.

35. In response to Members' question in paragraph 34(a) above, Ms. Amy Cheung replied that the subject area had been zoned "V" since the first publication of the draft Lam Tei and Yick Yuen Development Permission Area Plan gazetted in 1993.

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

36. For Members' questions in paragraphs 34(b) and (c) above, Dr. K.F. Tang made the following points:

- (a) the oil tank trailers were used to deliver petrochemical products from Hong Kong to China, but not for petrol filling stations. All oil tank trailers had to be emptied and cleaned before parking. In fact, the proposed use was not different from the parking of long lorries or container trailers; and

- (b) the previous application was also submitted by the applicant. The applicant had operated his business at the southern part of the same lot since 1992. In 1998, the applicant moved his business to the northern portion as the southern portion was resumed by the Government for the implementation of infrastructure projects. In 2006, PlanD undertook enforcement action against the subject development. It was against such background that the applicant submitted an application in 2007. Due to insufficient information, the previous application was rejected by the RNTPC. After the applicant was prosecuted and convicted in 2008 in relation to PlanD's enforcement action, the applicant decided to submit another planning application for the proposed use. The applicant had looked for other alternative sites in the area such as Tuen Tze Wai. However, many people had mistaken the proposed use as storage of dangerous goods. As the applicant had operated his business in the subject site since 1992, it would be preferable for the Board to allow continual operation there as the neighbour and local residents were well aware of the nature of the use which would not cause any safety problem.

37. As the applicant and his 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 and his representatives, and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

38. A Member did not support the application as it was not in line with the planning

intention of the “V” zone. As the applicant had already moved out from the site, approval of the subject planning application might give a wrong message that the subject “V” zone was suitable for the proposed development. The Chairman pointed out that according to the site inspection undertaken by PlanD in September 2009, the site was still being used for the subject business. This was contrary to the information in the applicant’s submission.

39. In view of the adverse environmental impacts of the transport infrastructure and the interface problem of the undesirable uses in the area, a Member doubted whether the planning intention of the site for “V” development could be materialized. The Member considered that the existing poor living environment might explain why no Small House application had been submitted. Another Member concurred that the existing condition of site was not conducive for residential development as planned.

40. A Member commented that although the areas along the transport infrastructure, i.e. the Castle Peak Road and Kong Sham Western Highway, were subject to adverse noise impact, the inner area away from the transport infrastructure including the subject site was relatively quiet as illustrated in the video presentation by the applicant’s representatives. Without detailed information and assessments, it was appropriate for the Board to adhere to the planning intention of the current “V” zone. The Chairman pointed out that the environmental impact assessments (EIAs) of the Kong Sham Western Highway and West Rail were approved in 2002 and 1998 respectively under the EIA Ordinance. It could therefore be taken that all environmental issues had been properly addressed. Regarding the allegation that the noise impacts of the transport infrastructure had rendered the area not suitable for residential development, a Member suggested to pass the information to the relevant departments for consideration/follow-up action. Members agreed.

41. The Chairman stated that there were some residential dwellings in the further north and northeast of the site. As the operation of the vehicle park would start at 6:30 in the morning, the engine start-up of the vehicles would generate noise nuisance to the surrounding areas. Another Member also pointed out that according to Plan R-2 of the TPB Paper, there were many residential dwellings and some gardening uses in the adjoining areas. The same Member did not support the application as the proposed development would impose adverse environmental impacts on surrounding areas.

42. Another two Members stated that there were a number of vehicle parks, workshop and open storage uses in the area. Approval of the subject application would set an undesirable precedent for similar applications. Mrs. Ava Ng supplemented that PlanD would initiate appropriate enforcement actions against the unauthorized developments in the area. The Chairman summed up Members' view that the application should be rejected having regard to the planning intention of the "V" zone and the adverse environmental impacts of the development. He added that the direction should be set to remove the incompatible industrial uses so as to facilitate the implementation of the planning intention of the area. Meanwhile, PlanD and other relevant departments should be requested to take enforcement actions against the existing unauthorized developments as appropriate. Members agreed.

43. 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" ("V") zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) there was no information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) no similar application for parking of oil tank trailers was previously approved in the same and nearby "V" zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Professor Bernard V.W.F. Lim, Mr. B.W. Chan, Mr. Nelson Chan, Mr. Walter Chan and Mr.

Felix W. Fong, Mrs. Apollonia Liu and Mrs. Ava Ng left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/453

Proposed Filling of Pond for Permitted Agricultural Use in “Agriculture” zone,

Lots 502RP (Part) and 507 S.A. RP (Part) in D.D. 103, Ko Po, Kam Tin, Yuen Long

(TPB Paper No. 8407)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

44. The Chairman stated that the applicants had been invited to attend the review hearing, but they declined to attend the meeting. As such, the Board should proceed with the review hearing in the absence of the applicants. Ms. Amy Cheung, District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), Planning Department (PlanD) was invited to the meeting at this point to brief Members on the background to the application.

45. With the aid of a Powerpoint presentation, Ms. Amy Cheung did so as detailed in the Paper and made the following main points:

- (a) the applicants sought planning permission for the proposed filling of pond for permitted agricultural use in an area (about 1,580m²) zoned “Agriculture” (“AGR”) on the approved Kam Tin South Outline Zoning Plan (OZP);
- (b) the site was located between Tsing Long Highway and Kam Tin River. According to the radio-tracking records of the West Rail Environmental Impact Assessment, a rare breeding bird species, Greater Painted Snipe, was observed in the vicinity of the site;
- (c) the site was a dried pond overgrown with vegetation and accessible via an

informal track off Kam Tin Road. The applicants proposed to fill up the pond by about 1.8 m to 2.1m for growing organic vegetables and seasonal flowers;

- (d) the application was rejected by the Rural and New Town Planning Committee on 13.2.2009 as there was insufficient information in the submission to demonstrate that the proposed filling of pond would not cause adverse drainage and ecological impacts on the surrounding areas;

[Mrs. Apollonia Liu returned to join the meeting at this point.]

- (e) justifications in support of the review application were summed up in paragraph 3 of the Paper. The key points were as follows:
 - the site was small and there was drainage system in the vicinity of the site to divert the flooding water to Kam Tin River. The existing drainage facilities were strategically planned by the Government to accord with the future demand or developments and should be able to accommodate the proposed pond filling. Therefore, there was no need for provision of internal drainage facilities for the proposed agricultural use;
 - the proposed agricultural use would help absorb large amount of rainwater and thus the drainage impact would be minimal;

[Mrs. Ava Ng, Mr. Felix W. Fong and Mr. Walter K.L. Chan returned to join the meeting at this point.]

- the site was originally a piece of agricultural land and had dried up for more than 15 years. It was not suitable for fish culture activities from economic or operational points of view. As compared with the existing dried pond overgrown with grass and prone to breeding of mosquitoes/insects, the proposed agricultural use would be more compatible with the surrounding ecological environment;

- the site was not an important habitat of the Greater Painted Snipe;
- (f) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the fisheries point of view as the site should be preserved for fish culture use. From the ecological point of view, there was no adverse comment as the site would solely be used for agricultural purpose which would not cause any adverse impacts and that the site was not an important habitat of the Greater Painted Snipe. The Chief Engineer/Mainland North, Drainage Services Department (DSD), had no adverse comment on the application having regard to the applicants' drainage submission and taking into account the agricultural use of the site and the existing drainage facilities in the vicinity. There was no adverse comment from other relevant departments;

[Mr. Leslie H.C. Chen left the meeting temporarily at this point.]

- (g) public comments – no public comment was received during the statutory publication period;
- (h) planning considerations and assessments – the proposed agricultural use was in line with the planning intention and considered compatible with the surrounding land uses. The applicants had submitted further information in relation to the ecological and drainage impacts. From the ecological point of view, DAFC agreed that the site was not an important habitat of Greater Painted Snipe and had no adverse comment on the application. Though DAFC commented that the site should be preserved for fish culture activities from the fisheries point of view, it was considered that growing agricultural products would be a viable alternative given the current site condition. Regarding the potential drainage impact arising from the proposed pond filling, the applicants had made a drainage submission on which DSD had no further comment; and

- (i) PlanD's view – PlanD had no objection to the review application for the planning assessments and reasons as detailed in paragraph 8 of the Paper.

46. In response to a Member's enquiry, Ms. Amy Cheung stated that the subject fish pond did not fall within the Wetland Buffer Area or Wetland Conservation Area and there was no existing fish pond in the vicinity. The area north of Kam Tin River was zoned "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" and PlanD had recently requested a developer to restore a degraded wetland to tie-in with a development proposal.

47. As Members had no further question to raise, the Chairman stated that the hearing procedures for the review application had been completed and the Board would deliberate on the application and inform the applicants of the Board's decision in due course. The Chairman thanked Ms. Amy Cheung for attending the meeting. She left the meeting at this point.

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

Deliberation Session

48. A Member stated that previously there were some fishponds in Kam Tin area which explained the appearance of Greater Painted Snipe in the vicinity. However, these fish ponds had been lost partly due to the implementation of infrastructure projects in the areas. This Member continued to state that as part of the West Rail project, several pieces of compensatory wetlands had been created under the West Rail viaduct in Kam Tin area. Although these marshes/ponds were fragmented and small in scale, they had high ecological value. The approval of the applied use would result in an incremental loss of wetlands, though the management of the private fish ponds rested with the land-owners. The issue related to the wider conservation policy of wetland which was outside the purview of the Board. The Member said that it was important to ensure that the proposed pond filling was for agricultural use as submitted by the applicants. Another Member said that given the existing site condition, the applicants' proposal to fill up the abandoned pond for agricultural use was a viable alternative and in line with the planning intention of the "AGR" zone. Another Member noted that there was an open storage yard to the immediate north of the site and suggested to impose

an approval condition on the filling material to ensure that the site would only be used for agricultural purpose as proposed by the applicants. PlanD should also closely monitor the development of the site and ensure compliance of the approval conditions. Members agreed.

49. After further deliberation, the Board decided to approve the application. The permission should be valid until 25.9.2013, 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) soil suitable for crop farming should be used to fill the site; and
- (b) if the above planning condition (a) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

[Professor Bernard V.W.F. Lim, Mr. B.W. Chan and Mr. Leslie H.C. Chen returned to join the meeting at this point.]

50. Members also agreed to advise the applicants of the following:

- (a) note Chief Engineer/Mainland North, Drainage Services Department's comments that the applicants should maintain the condition of the site in order to avoid any adverse drainage impact to the existing drainage facilities. Moreover, the applicants should provide their own stormwater drainage facilities, where necessary, to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should neither obstruct overland flow nor adversely affect any existing watercourse, village drain or ditch;
- (b) note District Lands Officer/Yuen Long's comments that the site was accessible by an informal track which ran through open government land and private land. The track was without maintenance works to be carried out thereon by his office;

- (c) note Director of Environmental Protection's comments that the proposed filled land was for permitted agricultural use only and no construction and demolition waste should be used as the filling material; and
- (d) note Chief Building Surveyor/New Territories West, Buildings Department's comments that if non-exempted site formation works were involved, plans should be submitted by an authorized person to the Building Authority for approval prior to commencement of works.

[Mr. Stanley Y.F. Wong, Ms. Anna S.Y. Kwong, Mr. K.Y. Leung and Mr. Raymond Y.M. Chan left the meeting temporarily while Miss Annie Tam left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTS/459

Temporary Vehicle Park for Concrete Mixer Trucks with Ancillary Maintenance Workshop for a Period of 3 Years in "Agriculture" zone, Lot 1008 RP (Part) in D.D. 113, Pat Heung, Yuen Long

(TPB Paper No. 8408)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

51. The Chairman stated that the applicant had been invited to attend the review hearing, but he declined to attend the meeting. As such, the Board should proceed with the review hearing in the absence of the applicant. The following representatives from Government departments were invited to the meeting at this point:

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

Mr. Wong Him Yau Senior Engineer, Transport Department (TD)

52. With the aid of a Powerpoint presentation, Ms. Amy Cheung briefed Members on

the background to the application as detailed in the Paper. The main points were as follows:

- (a) the applicant sought planning permission for temporary vehicle park for concrete mixer trucks with ancillary maintenance workshop for a period of three years on a site (about 1,735m²) zoned “Agriculture” (“AGR”) on the Kam Tin South OZP;
- (b) on 13.3.2009, the Rural and New Town Planning Committee (RNTPC) rejected the application and the applicant on 3.4.2009 sought a review of RNTPC’s decision;
- (c) on 26.6.2009, the Board considered the review application. At the meeting, the applicant’s representatives raised that no signage prohibiting vehicles exceeding 7m long could be found along Kam Ho Road, which was contrary to TD’s comment. The Board deferred a decision on the review application pending clarification with TD on the current traffic restrictions of Kam Ho Road;

[Mr. Stanley Y.F. Wong, Mr. K.Y. Leung and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

- (d) the Assistant Commissioner for Transport/New Territories, TD, had been further consulted and did not support the application on road safety concerns. Kam Ho Road (3.5m wide) was a one-lane two-way road with passing bays at certain intervals. The road and the passing bays were not designed for vehicles exceeding 7m long. During the construction of the West Rail, the works site of West Rail was not open to the public and the construction vehicles of different lengths were allowed to use Kam Ho Road to enter the works site to facilitate the construction work. A traffic sign of “Single Track Road with Passing Places” was put up at Kam Ho Road. For normal single track road of this nature, long vehicles should not be allowed;
- (e) planning considerations and assessments – Kam Ho Road was not designed

for use of vehicles exceeding 7m long. The development which involved concrete mixer trucks of about 8.95m to 9m in length would generate adverse traffic impact and road safety concerns on the surrounding areas. A warning signage of “Single Track Road with Passing Places” had been put up at Kam Ho Road. Appropriate prohibition signs would be put up at Kam Ho Road subject to TD’s traffic sign review and public consultation; and

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

- (f) PlanD’s view – there was no change in planning circumstances since the RNTPC meeting on 13.3.2009. PlanD did not support the application in that the proposed development was not in line with the planning intention of the “AGR” zone and it was not compatible with the surrounding land uses. The proposed development would generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Approval of the subject application would set an undesirable precedent for similar applications within the “AGR” zone.

53. As Members had no question to raise, the Chairman stated that the hearing procedure 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 the representatives of departments for attending the meeting. They left the meeting at this point.

Deliberation Session

54. Members agreed with PlanD’s recommendations in that the proposed development was not in line with the planning intention of the “AGR” zone and not compatible with the surrounding land uses. The proposed use would create adverse impacts on the surrounding uses, and the approval of the development would create an undesirable precedent. There was no strong planning justification to approve the application.

55. 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 “Agriculture” zone which was to safeguard good quality agricultural land for agricultural purpose. The zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land and scattered residential structures;
- (c) the development would generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “Agriculture” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

[Dr. Daniel B.M. To left the meeting temporarily while Dr. Greg C.Y. Wong, Professor Edwin H.W. Chan, Mr. Raymond Y.M. Chan, Mr. Walter K.L. Chan, Mr. Leslie H.C. Chen and Mr. B.W. Chan left the meeting at this point.]

Agenda Item 7

[Closed Meeting]

Draft Quarry Bay Outline Zoning Plan No. S/H21/26

Further Consideration of Objections No. 1 to 4

(TPB Paper No. 8410)

[The meeting was conducted in Cantonese and English.]

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/13

(TPB Paper No. 8411)

[The meeting was conducted in Cantonese.]

71. The Secretary reported that the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/13 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 15.5.2009. During the two-month exhibition period, a total of five representations were received. On 24.7.2009, the representations were published for public comments for three weeks and 36 comments were received. Since the subject of representations had attracted much public and local interests, it was considered more appropriate for the full Board to hear the representations and comments without resorting to the appointment of a Representation Hearing Committee. As all the representations were of similar nature which involved objection against the amendments relating to Wun Chuen Sin Kwoon, it was suggested that a collective hearing of all representations and the related comments in one group should be undertaken. Consideration of the representations and comments by the Board was tentatively scheduled for 30.10.2009.

72. After deliberation, the Board agreed that the representations and comments should be heard collectively by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/11
(TPB Paper No. 8412)

[The meeting was conducted in Cantonese.]

73. The Secretary reported that Mr. Edmund K.H. Leung, being a Member of the Hong Kong Airport Authority, and Mrs. Apollonia Liu, as the Principal Assistant Secretary for Transport and Housing Bureau, which was the responsible policy bureau for the proposed cross boundary facilities planned on the subject Outline Zoning Plan (OZP), had declared interests in the item. Members noted that Mr. Leung had tendered an apology for not attending the meeting. As the item was procedural in nature, Members agreed that Mrs. Liu should be allowed to stay at the meeting.

74. The Secretary reported that the draft Chek Lap Kok OZP No. S/I-CLK/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 12.6.2009. During the two-month exhibition period, a total of 789 representations were received. One representation was subsequently withdrawn. On 21.8.2009, the representations were published for public comments for three weeks and no comments were received. As the amendments to the OZP had attracted wide public interests, it was considered more appropriate for the full Board to hear the representations without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board's meeting tentatively scheduled for 13.11.2009 and conducted collectively under 2 groups, including:

- (a) Group 1 – 786 representations (No. R1 to R786) concerning the proposed Hong Kong Boundary Crossing Facilities and the Hong Kong Link Road, and related supporting facilities, and the proposed loss of natural coastline of Chek Lap Kok island; and
- (b) Group 2 – 1 representation (No. R788) on the provision of supporting facilities for logistics development at the airport.

75. The remaining representation (No. R789) submitted by the Hong Kong Association of Freight Forwarding Agents, was related to the Notes of the “Commercial” and “Other Specified Uses” (“OU”) annotated “Airport Services Area” zones which were not subjects of the amendments. The subject representation was considered invalid and should be considered as not having been made. For Representation No. R788, only part of the representation relating to the reservation of area within the “OU(Highways Maintenance Area)” zone was considered relevant to the subjects of the amendments. Besides, after the two-month statutory exhibition period which ended on 12.8.2009, another 93 representations were received. As these representations were made to the Board after the expiration of the statutory exhibition period, they should be treated as not having been made and the Board needed not consider these representations.

76. After deliberation, the Board agreed that the valid representations (Nos. R1-R786 and R788 (part)) should be heard collectively by the Board in the manner as proposed in paragraphs 2.2 and 2.3 of the Paper. The Board also decided that only part of the representation submitted by Representation No. 788 related to the “OU(Highways Maintenance Area)” zone was valid whereas Representation No. 789 and the other 93 out-of-time representations were invalid and should not be considered by the Board as detailed in paragraphs 3.1 to 3.4 of the Paper.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

77. There being no other business, the meeting was closed at 12:32pm.