

**Minutes of 951st Meeting of the
Town Planning Board held on 22.1.2010**

Present

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

Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Deputy Director of Environmental Protection
Mr. Benny Wong

Deputy Director of Lands (Gen)
Mr. Herbert Leung

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

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Johanna W.Y. Cheng

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 950th Meeting held on 8.1.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 950th Meeting held on 8.1.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed Meeting]

2. This item was recorded under confidential cover.

Agenda Items 3 and 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TP/435

Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Government Land in D.D. 20, Ta Tit Yan Village, Tai Po

Review of Application No. A/TP/436

Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Government Land in D.D. 20, Ta Tit Yan Village, Tai Po
(TPB Papers 8473 and 8474)

[The meeting was conducted in Cantonese]

3. The Chairman informed Members that the two applications would be considered together as they were similar in nature and close to each other, and the applicants would make their presentations together.

[Prof. N. K. Leung returned to the meeting and Mr Y. K. Cheng arrived at the meeting at this point.]

4. The following representative of PlanD and the applicants were invited to the meeting at this point:

- Mr. W. K Hui - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
- Mr. Lin Wing Sang - Applicant (A/TP/435)
- Mr. Lin Huan Chih - Applicant (A/TP/436)

5. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the application.

6. With the aid of plans, Mr. W.K. Hui presented the applications and covered the following main points as detailed in the Paper:

- (a) background - the two applicants sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) on each of the application sites zoned “Green Belt” (“GB”) on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/21. The application sites fell outside the “Village Type Development” (“V”) zone but were within the village ‘environs’ (‘VE’) of the Ta Tit Yan village in Tai Po;
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the subject applications on 18.9.2009 for the reasons set out in paragraph 1.2 of the Paper. The main reasons were that the proposed developments were not in line with the planning intention of the “GB” zone. The sites also fell within the upper indirect Water Gathering Grounds (WWGs) and the proposed small houses, if built, might cause adverse impact on the water quality as they would not be able to be connected to existing or planned sewerage system in the area;

- (c) the main justification put forth by the applicants in support of their review applications were that they were indigenous villagers with rights to build small houses;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the review papers. Government departments generally maintained their previous views on the applications. Assistant Commissioner for Transport/New Territories (AC for T/NT), Transport Department (TD), had reservation on the applications. He considered that NTEH developments should be confined within the “V” zones as far as possible where the necessary traffic and transport facilities had been planned and provided. Both Director of Water Supplies (DWS) and Director of Environmental Protection (DEP) strongly objected to the applications for reasons of potential impact on water quality in the area as the application sites were located within the upper indirect WGGs and not covered by any sewerage programme. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), Planning Department (PlanD), had reservation from landscaping perspective as the small house developments would adversely affect the landscape setting;
- (e) public comment - Designing Hong Kong Limited submitted comments objecting to both applications on the grounds that the sites were zoned “GB” and the area lacked a plan for sustainable village layout and quality urban design; and
- (f) PlanD’s view – PlanD did not support the review applications for reasons detailed in paragraph 8 of the Papers. The proposed NTEH (Small House) developments were not in line with the planning intention of the “GB” zone. The sites fell within the upper indirect WWGs and the proposed houses, if built, would not be able to be connected to the existing and planned sewerage system in the area and would cause water quality impacts. There might be potential disturbance to the natural landscape setting in the area. AC for T/NT,

TD had reservation on traffic grounds. The application site of A/TP/435 fell partly within the permitted burial grounds of the Ta Tit Yan village.

7. The Chairman then invited the applicants to elaborate on their applications.

[Mr Maurice W.M. Lee arrived to join the meeting at this point.]

8. Mr. Lin Wing Sang made the following main points:

- (a) the applicants of the Lin family were both indigenous villagers of Ta Tit Yan village and, in accordance with the law, they had rights to build small houses. The Lin family was never allowed to build small houses in Hong Kong. His deceased father had applied to build small houses but the application was not approved;
- (b) it was not reasonable that land was provided for burial ground for his ancestors but living people were denied the right to live in the village;
- (c) there were many existing village houses in the surrounding area as shown by Mr. Lin Wing Sang in some photos;
- (d) small house applications should be allowed in accordance with the laws of Hong Kong. The application sites were considered suitable for their development of small houses as they were close to their ancestor's burial ground;
- (e) the reasons for objecting their applications were not valid and Mr Lin Wing Sang made the following responses:
 - (i) adverse traffic impact - the San Uk Ka village with a few hundred houses was only served by an old road; whilst the area in which the application sites were located had only around ten houses but was served by a new road. There was no reason why the two

small house developments could not be supported by the new road;

- (ii) no water supplies - it was Government's responsibility to provide water supplies services and the lack of infrastructure provision should not be a reason to reject their applications; and
- (iii) prevent urban sprawl - there should be suitable balance between conservation and development, and conservation should not be used as an excuse to restrict development rights. Mr. Lin Wing Sang showed some photos of the application sites and said that the application sites did not have a beautiful setting as claimed in the review papers.

9. In response to a Member's question about the relative location of the village houses shown in the photos and the application sites, Mr. Lin Huan Chih showed Members photos of some existing village houses and said that those houses were provided with water supplies and had septic tanks for sewage treatment. He said that there was a bridge leading from the existing village houses to the application sites. The bridge and the existing village houses were about 100m and 200m from their application sites respectively. Mr. Lin Huan Chih also showed photos of some new developments, namely, J C Castle and The Paramount, and said that such developments which were located up the hill would create more visual impact on the natural valley setting than their two small houses. Mr. Lin Huan Chih told Members that those two developments were located next to a hiking trail whereas their two small houses would have minimal impact on hikers.

10. With reference to Plan R-1 in the review papers, Mr. W.K. Hui showed that the J C Castle and The Paramount were located within the "Residential (Group B)" ("R(B)") zone at a distance from the application sites. Mr. W. K. Hui said that the existing village houses as shown by the Applicants were within the "V" zone of Ta Tit Yan village, which was about 40m away from the application sites. The bridge mentioned by the Applicant provided connection between the existing village houses and the application sites. Mr Lin Huan Chih said that their application sites were very close to a smaller "V" zone within which their old ancestor's house was located, and which they had obtained

approval to rebuild. In response to a Member's question, Mr. W.K. Hui indicated that during a site visit, some structures, which might be the remains of an old house, were found at the small "V" zone.

11. A Member asked what the reasons were for choosing to build at the application sites and whether the applicants had submitted previous applications for small house development within "V" zones. Mr. Lin Wing Sang said they had applied three to four times before but they were all rejected. Mr. Lin Huan Chih showed the location of a previous planning application (No. A/TP/410) for small house development on a piece of private land they owned and said that it was rejected by the Board three years ago. Mr. Lin Huan Chih also said that they were told by the village representative that the development rights for small houses within the "V" zone had been used up, so they had chosen two sites close to their ancestor's house for their small house developments. Mr. Lin Wing Sang mentioned that it was unfair as the two sons of the village representative had recently got approvals for their small house applications while the Lin family was not able to obtain approval for small houses development. The Chairman clarified that the Member's question was whether they had previously applied for small house developments within the "V" zone. Mr. Lin Wing Sang said that their land was within the 'VE' but not the "V" zone, and it was unreasonable for the "V" zone to be so much smaller than the 'VE' of Ta Tit Yan Village.

12. In response to a Member's question, Mr. W. K. Hui said that the rejection reasons for those similar applications shown in Plan R-1 were mainly that they were not in line with the planning intention of the "GB" zone and that as they were within the WWGs there would be adverse impact on water quality. Mr. Lin Huan Chih said that the village houses in Kau Lung Hang were also within WWGs and a house within the "V" as shown on the plan was also just next to a river but was still allowed to be built. M. Lin Wing Sang further said that the Government should be responsible for providing the necessary infrastructures and the lack of sewerage connection should not be a valid rejection reason. Another Member asked what Government's programme was for the provision of sewerage connection in the area and whether the applicants were willing to pay for the sewerage connection works. Mr. W. K. Hui advised Members that currently there was no programme for sewerage connection to the application sites whereas at Kau Lung Hang there was development programme for sewerage connection works. Mr. Lin Wing Sang

said they were willing to pay for such works if necessary. Mr. Lin Huan Chih further said that there was mini-bus service to the area near the application sites, which meant the sites were accessible and suitable for small house developments.

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

Deliberation Session

[Ms. Walter K. L. Chan left the meeting at this point.]

14. Before the deliberation, Mr. Alfred Donald Yap declared interest as he knew the village representative and his two sons whom the applicants referred to in the presentation. Mr Yap left the meeting temporarily.

15. A Member expressed sympathy for the applicants as they had made repeated applications but were rejected. This Member said that Government should try to offer help if possible. Another Member raised concern on the mismatch between the "V" zone and the 'VE' boundary and the land ownership problem. However, another Member said that the two applications did not warrant special consideration, as they were no different from other applications for small house developments of similar nature which were rejected by the Board. The Member said that the Board should not be concerned with land ownership.

16. In response to a Member's question about whether there was land within the Ta Tit Yan village for small houses, Mr. Herbert Leung, DD of Lands (Gen), said that the application sites were located within the 'VE' but outside the "V" zones on the OZP. District Lands Office (DLO) could consider applications for small house development within 'VE', but planning applications had to be obtained first for those sites located outside the "V" zones on the OZP.

17. In response to the Chairman's questions about whether small house applicants who did not own land within the 'VE' could buy land from owners of land within the 'VE', Mr. Herbert Leung, DD of Lands (Gen), said that for small house developments, villagers could either use their own private land, buy from others or apply for use of government land. The Government had no restriction on the sale of land between private owners within the 'VE'. He also advised that PlanD had an on-going review of "V" zone boundary taking into account the supply and demand for small house development, based on the ten-year small house demand forecast carried out by LandsD.

18. Mrs. Ava Ng, D of Plan, explained that there were planning reasons for the difference between the boundaries of "V" zone and 'VE'. "V" zones were normally defined taking into account various planning considerations such as compatibility with the surroundings, traffic impacts, impacts on WWGs and the impact on the existing environment. Mrs. Ava Ng also said that the "V" zones on the approved Tai Po OZP had been established after a due process of representations consideration in the plan-making stage to ensure that there was suitable planning control to protect the natural environment in that area.

19. A Member opined that there was a need to review the policy on NTEH/small house to tackle the long-term problem of insufficient land for building NTEH/small houses. The Chairman said that the Government had been conducting the review of the Small House policy but it would take time as the issues involved were complicated.

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

20. The Chairman concluded that Members agreed that there were specific concerns on sewage and water quality impacts and hence, the applications should be rejected. HAD and DLO should provide assistance to the applicants, if possible. Mr. Andrew Tsang, AD, HAD stated that HAD would help the applicants liaise with the relevant government departments.

Application A/TP/435

21. After further deliberation and consideration of the reasons for rejection as suggested in paragraph 8.1 of the Paper, the Board decided to reject the application on review and the reasons were :

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no planning justification in the submission for a departure from the planning intention;
- (b) the application site fell partly within the permitted burial grounds for the Ta Tit Yan village;
- (c) the proposed development did not comply with Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and the small house, if built, would not be able to be connected to existing or planned sewerage system in the area. The applicant could not demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in adverse traffic impact and a general degradation of the natural environment in the area.

Application A/TP/436

22. After further deliberation and consideration of the reasons for rejection as suggested in paragraph 8.1 of the Paper, the Board decided to reject the application on review and the reasons were :

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no planning justification in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with Interim Criteria for Assessing Planning Applications for NTEH / Small Houses Development in the New Territories as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and the small house, if built, would not be able to be connected to existing or planned sewerage system in the area. The applicant could not demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in adverse traffic impact and a general degradation of the natural environment in the area.

Agenda Item 5

[Open Meeting (Question Session Only)]

Request for Deferral for Review of Application No. A/KC/341

Proposed Hotel in "Residential (Group A)" zone, Shop No. 12 (Portion) on G/F & the Entire 1/F, Po Kai Mansion, 12 Wo Yi Hop Road, Kwai Chung
(TPB Papers 8472)

[The meeting was conducted in Cantonese]

23. The Chairman asked the Secretary to report about the request for deferral of the Review application. The Secretary informed Members that a letter as tabled was received from the applicant's authorised representative (Mr. K. S. Ng) on 21.1.2010 requesting for deferral of the review hearing for 2 weeks due to his sudden sickness. In the letter, Mr. K. S. Ng indicated that he was the only authorized agent for the case and was considered by the applicant as the right person to represent them and present the justifications in the review hearing.

24. For Members' information, the Secretary advised that in a similar case (No. Y/TP/9) considered by the RNTPC on 7.3.2008, a request for deferral was also made on the day before the meeting by the applicant due to his sickness. After clarification with the applicant's representative at the meeting, the RNTPC decided to defer consideration of that application by one month as requested by the applicant's representative at the meeting.

25. Members considered that it was necessary to invite Mr. Gary Chan, the colleague of Mr. K. S. Ng, to clarify the reasons for the request for deferral. Mr Gary Chan was invited to the meeting at this point.

26. Mr. Gary Chan explained that the Applicant's authorised representative Mr. K. S. Ng could not attend the hearing because of his sudden sickness and said that they requested for deferral for Review of the application for two weeks. He also said that Mr. K. S. Ng was most familiar with the application and he was not able to stand in for Mr. K.S. Ng to make a presentation.

27. As Members had no further questions, the Chairman thanked Mr. Gary Chan for attending the meeting. Mr. Chan left the meeting at this point.

Deliberation Session

28. A Member said that the Board should agree to the request for deferral as Mr. K. S. Ng was the only authorised person who was familiar with the application, Mr. Gary Chan could not represent him and the applicant was not present. Members agreed.

29. After deliberation, the Board agreed to defer a decision on the review application for two weeks as requested by the applicant. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

Agenda Item 6

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-NSW/189

Proposed Temporary Container Tractor/Trailer Park for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.B RP (Part) and 1212 S.C ss.3 RP (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long
(TPB Paper No. 8475)

[The meeting was conducted in Cantonese.]

30. The Secretary reported that further to the Board's decision on 30.10.2009 to defer the application for one month, the applicant submitted a request for further deferment of consideration of the review application for two months on 28.12.2009 so as to allow time for the applicant to prepare Ecological Impact Assessment and Environmental Impact Assessment reports for the review hearing. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

31. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and no further deferment would be granted unless under very special circumstances.

[Mr. Raymond Chan left the meeting and Dr. Daniel To arrived to join the meeting at this point.]

Agenda Item 7

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-NTM/223

Proposed Comprehensive Low Density Residential Development in “Comprehensive Development Area” zone, Lots 700, 701, 702 S.A, 702 S.B, 718(Part), 719(Part), 720(Part), 721 S.A, 721 S.B, 721 S.C, 721RP, 722 S.A, 722 S.B, 722 S.C, 722RP, 723 S.A, 723 S.B, 723RP, 724 S.A, 724RP, 725, 726, 727, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739RP(Part), 740(Part), 741(Part), 842RP, 845RP, 853RP, 854, 855, 952RP, 954, 956, 960RP, 961, 962, 963, 966, 967, 968RP, 972RP, 973RP, 975, 976, 977, 1019, 1020, 1021, 1022, 1023, 1024 and 4469RP in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(TPB Paper No. 8476)

[The meeting was conducted in Cantonese.]

32. The following Members had declared interest on this item:

Dr. Greg C.Y. Wong)	Having business dealings with the
Professor Bernard V.W. F. Lim)	Consultant of the Applicant (AGC Design Ltd.)
Mr. Alfred Donald Yap)	Having business dealings with the parent
Mr. Raymond Y.M. Chan)	company of the applicant (Henderson Land Development Co. Ltd.)

33. Members noted that Dr. Greg C.Y. Wong and Prof. Bernard V.W.F. Lim had tendered apologies for not attending the meeting while Mr. Raymond Y.M. Chan had already left the meeting. Members agreed that as it was just to consider the request for deferral, Mr. Alfred Donald Yap could be allowed to stay in the meeting.

34. The Secretary reported that further to the Board's decision on 16.10.2009 to defer the application for two months, the applicant submitted a request for further deferment of consideration of the review application for two months on 24.12.2009 to allow time to collect information and to consult relevant government departments such as Drainage Services Department and EPD to resolve the technical aspects of the development before they could submit written representations in support of the review. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

35. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LFS/191

Proposed Houses (New Territories Exempted Houses - Small Houses) in "Green Belt" and "Village Type Development" Zones, Lots 2660 S.D, 2661 S.W, 2662 S.F, 2662 S.H, 2662 S.I, 2663 S.G, 2663 S.H, 2663 S.I, 2663 S.J, 2663 S.L and 2663 S.M in D.D. 129, Sha Kong Wai, Lau Fau Shan, Yuen Long

(TPB Papers 8479)

[The meeting was conducted in Cantonese]

36. The Secretary reported that further to the Board's decision on 30.10.2009 to defer the application for two months, the applicant submitted a request for further deferment of consideration of the review application for two months on 13.1.2010 so as to allow time for the applicant to prepare further information regarding a plan to show the number of small houses, which could be accommodated within the "V" zone. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

37. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Mid-Levels East Outline Zoning Plan No. S/H12/11

(TPB Paper No. 8477)

[The meeting was conducted in Cantonese.]

38. The Secretary reported that the draft Mid-Levels East OZP No. S/H12/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 25.9.2009. During the two-month exhibition period, a total of 103 representations were received. On 4.12.2009, the representations were published for public comments for three weeks and no comment was received.

39. As all the representations were related to the same amendment item B for rezoning of the St. James' Primary School, St. James' Settlement and St. James' Church site at Kennedy Road, it was suggested that all the representations be heard collectively in one group by the Board and there was no need to resort to the appointment of a Representation Hearing Committee.

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

Agenda Item 10

[Open Meeting]

Confirmation of Proposal Amendment and Submission of Draft Ma On Shan Outline Zoning Plan No. S/MOS/15 to the Chief Executive in Council for Approval
(TPB Paper No. 8478)

[The meeting was conducted in Cantonese.]

41. The following Members had declared interest on the item:

Mr. Alfred Donald Yap)	Having business dealings with the parent
Mr. Raymond Y.M. Chan)	company of one of the representers (R7),
	Henderson Land Development Co. Ltd.

42. As the item was procedural in nature, Members agreed that Mr. Yap could be allowed to stay in the meeting.

43. The Secretary 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 Ordinance. On 13.11.2009, after giving consideration to the representations and comments under section 6B(1) of the Ordinance, the Board decided to partially meet Representations No. R11 and R12. On 4.12.2009, the proposed amendments were published for three weeks for further representations. No further representation was received. Since the representation consideration process had been completed, the draft OZP was now ready for submission to

the Chief Executive in Council (CE in C) for approval.

44. After deliberation, the Board:

- (a) noted that there was no further representation in respect of the proposed amendment to the Plan and in accordance with section 6G of the Ordinance, the Plan should be amended by the proposed amendment;
- (b) agreed that the draft Ma On Shan OZP No. S/MOS/15 and its Notes at Annexes II and III respectively of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (c) endorsed the updated Explanatory Statement (ES) for the draft Ma On Shan OZP No. S/MOS/15 at Annex IV of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (d) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese]

45. There being no other business, the meeting was closed at 10:40am.