

**Minutes of 956th Meeting of the
Town Planning Board held on 16.4.2010**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch W.W. Chan

Deputy Director of Environmental Protection

Mr. Benny Y.K. Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Y.T. Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mrs. Ava S.Y. Ng

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Felix W. Fong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Ms. Anita W.T. Ma

Dr. W.K. Yau

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu (a.m.)
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board
Miss Vivian M.F. Lai (a.m.)
Mr. Jerry Austin (p.m.)

Agenda Item 1

[Open Meeting]

Opening

1. The Chairman welcomed the appointment of 14 new Members, namely, Professor P.P. Ho and Professor Eddie C.M. Chui, Dr. C.P. Lau, Ms. Julia M.K. Lau, Professor Joseph H.W. Lee, Mr. Clarence W.C. Leung, Mr. Laurence L.J. Li, Dr. W.K. Lo, Mr. Roger K.H. Luk, Ms. Anita W.T. Ma, Professor S.C. Wong, Ms. Pansy L.P. Yau, Dr. W.K. Yau and Mr. Stephen M.W. Yip. He also congratulated Mr. Stanley Y.F. Wong being appointed as the Vice-chairman of the Town Planning Board, Mr. K.Y. Leung as the Vice-chairman of the Metro Planning Committee and Mr. Walter K.L. Chan as the Vice-chairman of the Rural and New Town Planning Committee.

[Ms. Maggie M.K. Chan and Professor S.C. Wong arrived to join the meeting at this point.]

Confirmation of Minutes of the 955th Meeting held on 26.3.2010

[The meeting was conducted in Cantonese.]

2. The minutes of the 955th meeting held on 26.3.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

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

Agenda Item 3

[Open Meeting]

Hong Kong Island East Harbour-front Study – Stage 2 Public Engagement Programme
(TPB Paper No. 8516)

[The meeting was conducted in Cantonese.]

4. The following Members had declared interests in this item :

Professor Edwin H.W. Chan]	Owning properties in the Eastern District
Professor S.C. Wong]	
Ms. Pansy L.P. Yau]	
Ms. Julia M.K. Lau	-	being a Board Member of the Hong Kong Arts Centre which own a campus in Shau Kei Wan

5. As the item was a briefing to Members as part of the public engagement programme (PEP) of the Hong Kong Island East Harbour-front Study (the Study), Members agreed that Professor Chan, Professor Wong, Ms. Yau and Ms. Lau could stay in the meeting and participate in the discussion. Members noted that Professor Chan had not arrived to join the meeting.

Presentation and Question Session

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

Ms. Jacinta Woo	-	Chief Town Planner/Studies & Research, PlanD
Ms. Lily Yam	-	Senior Town Planner/Studies & Research, PlanD
Mr. Alan MacDonald]	Urbis Limited
Mr. Jason Chan]	

Mr. Andy Wong - Centre of Architectural Research for Education,
Elderly, Environment and Excellence Ltd.

7. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

8. Ms. Jacinta Woo stated that the Stage 1 PEP of the Study was undertaken in March/April 2009 to solicit initial views from key stakeholders on the major issues and key areas of concern on the enhancement of the Hong Kong Island East harbour-front areas. A series of public engagement events including a brainstorming workshop, a questionnaire survey and a drawing campaign were organised. The Board was consulted on 3 April 2009 at the Stage 1 PEP. Taking into account the public comments received during the Stage 1 PEP and the findings of the baseline review of the Study, the consultants had formulated initial enhancement options. She introduced Mr. Alan MacDonald of the consultant team to brief Members on the enhancement proposals.

[Messrs. B.W. Chan and Fletch W.W. Chan arrived to join the meeting at this point.]

9. With the aid of a Powerpoint presentation and flythrough presentation, Mr. Alan MacDonald made the following main points:

- (a) the major public views and proposals collected under Stage 1 PEP as set out in paragraph 3 of the Paper;
- (b) the Study Area comprised four character areas, namely North Point, Quarry Bay, Shau Kei Wan and Chai Wan. A comprehensive waterfront promenade linking the character areas was proposed as follows :

North Point

- (i) the proposal included linking up the existing waterfront promenade in Provident Centre with the adjoining Tong Shui Road Garden by creating an opening at the boundary wall of Provident Centre, and a proposed 20m wide waterfront promenade along the northern

boundary of the ex-North Point Estate site;

- (ii) a boardwalk of about 2km long underneath the Island Eastern Corridor (IEC), extending from the proposed waterfront park in Wan Chai Development Phase II eastward to Hoi Yu Street in Quarry Bay, was proposed;
- (iii) the feasibility of the boardwalk passing through the North Point Dangerous Goods Vehicular Ferry Pier was subject to the risk assessment to be conducted at the next stage of the Study. Since the proposed boardwalk might affect marine access to the North Point Fire Station and Fireboat Pier, the boardwalk in the form of a bascule/swing bridge at the relevant location would be further considered.
- (iv) a short section of the boardwalk near Tong Shui Road would need to be extended above the sea surface due to insufficient headroom under the slip road of the IEC. The proposed boardwalk, particularly the section near Tong Shui Road, might have implications on the Protection of Harbour Ordinance (PHO) and would need to be further examined in the Study;
- (v) two options were considered in terms of flooring, sculptures, chromatic treatment, roofscape and greening for the boardwalk under the IEC;

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

Quarry Bay

- (vi) a waterfront promenade would be provided along Hoi Yu Street, the existing Quarry Bay Park and Sai Wan Ho Harbour Park. As the Marine Police Regional Headquarters and Harbour Division

currently occupied the waterfront to the east of Sai Wan Ho Harbour Park, a shortcut route through the public transport terminus of Grand Promenade and an alternative elevated walkway across the Marine Police premises were proposed;

Shau Kei Wan

- (vii) the Aldrich Bay Promenade would be extended eastwards to the existing promenade at Heng Fa Chuen. The existing shipyards along the Shau Kei Wan Typhoon Shelter would need to be relocated and public access to the sea frontage of the Shau Kei Wan Preliminary Treatment Works and the Shau Kei Wan Wholesale Fish market would need to be allowed;
- (viii) connectivity between the Hong Kong Museum of Coastal Defence and Heng Fa Chuen could be achieved by constructing an elevated walkway, the 'Sky Trail' (at about 15 to 20mPD), or a cantilevered boardwalk at a lower coastal level (at about 5 to 6 mPD);

[Dr. C.P. Lau left the meeting temporarily at this point.]

Chai Wan

- (ix) the promenade would be extended to Siu Sai Wan. The feasibility of providing a footpath alongside the Chai Wan Public Cargo Working Area (PCWA) would be explored.
- (c) six existing streets, namely Shu Kuk Street in North Point, Hoi Yu Street, Hoi Wan Street and Tai On Street in Quarry Bay, Oi Tak Street in Shau Kei Wan and Sun Yip Street in Chai Wan were identified as quick-wins for streetscape enhancement to improve the north-south waterfront connectivity. The enhancement measures included pavement widening, paving improvement, intensified tree and shrub planting, additional street furniture, strong identifiable signage and iconic elements, and improved

crossing treatment;

- (d) the study identified the North Point Ferry Piers and the Quarry Bay Hoi Yu Street site as having potential for enhancement to create a quality waterfront. Two design options were proposed for each of the key sites:

North Point Ferry Piers

- (i) Option 1 – Leisure and Recreation-themed Waterfront. The proposed 20m wide waterfront promenade with children’s playground, elderly exercise area, small retail kiosks and recreational cycle route could be used for weekend flea market or arts and crafts fair. The existing ferry services at the two piers would be maintained with the western berth of the eastern pier for leisure boat use complemented with restaurants and commercial uses;
- (ii) Option 2 – Vibrant Entertainment-themed Waterfront. The proposed 20m wide waterfront promenade with soft landscaped open space could be used for weekend flea market or arts and crafts fair. The proposed boardwalk under the IEC with retail kiosks would provide an extended activity deck from the promenade. Restaurants, commercial and entertainment uses would be integrated into the renovated piers, which would become a new iconic landmark of Hong Kong Island East. The existing ferry services at the two piers would be maintained with the western berth of the eastern pier for leisure boat use. Cafes/restaurants would be provided on the rooftop of both piers which would be landscaped for public access;

Quarry Bay Hoi Yu Street Site

- (iii) Option 1 – Recreation-themed Waterfront. The Eastern Harbour Crossing (EHC) Tunnel Portal site would be developed into a park. The waterfront area at Hoi Yu Street would be used for recreational and leisure uses including a children’s playground, a fitness/exercise

equipment zone, an elderly exercise area and a recreational cycle route with associated facilities. Low-rise development of about 3-storey tall accommodating retail shops, eating place, place of entertainment and place of recreation, sports and culture could be incorporated within the two “Other Specified Uses” (“OU”) sites in the waterfront area at Hoi Yu Street which were planned for the development of cultural, commercial, leisure and tourism uses. A 10m wide waterfront promenade would link with the existing promenade in Quarry Bay Park. Two footbridges connecting Quarry Bay Park Phase I, the EHC Tunnel Portal site and the Hoi Yu Street portion would enhance the accessibility to the area;

- (iv) Option 2 – Tourism and Entertainment-themed Waterfront. The EHC Tunnel Portal site would be developed into a major indoor entertainment facility to draw visitors to the waterfront. Together with the waterfront area at Hoi Yu Street, this would form an entertainment hub in Hong Kong Island East. More intensive uses including cultural, tourism and entertainment facilities were proposed in the 5-to-6-storey developments at the two “OU” sites. Open areas could be used for fun fair and festive events. To connect the waterfront and the EHC Portal site, an elevated walkway with an innovative and artistic style in design to tie in with the theme was proposed; and
- (e) taking account of the public views gathered in the Stage 2 PEP, further technical assessments would be conducted to further examine the feasibility of the enhancement proposals and formulate the preferred option at the next stage, the Plan Consolidation Stage.

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

10. As regards the Stage 2 PEP programme, Ms. Jacinta Woo added that roving exhibitions would take place in Cityplaza and Shau Kei Wan MTR Station Concourse, and an engagement workshop would also be organised in May 2010.

11. The Chairman then invited questions from Members.
12. Referring to the long promenade in Zhuhai, a Member welcomed the concept of the enhancement proposals particularly the proposed boardwalk for North Point Ferry Piers.
13. Another Member said that as the proposed boardwalk near Tong Shui Road would extend beyond the footprint of IEC, this might have implications on the PHO. This Member asked if the Study had considered any alternative proposal in case the proposed boardwalk was not allowed under PHO. This Member also enquired whether the Study had taken into account the hot and humid weather in designing the boardwalk under the IEC.
14. A Member considered that cycling should be encouraged as an environmentally-friendly means of transport as well as a sports activity. Noting that only recreational cycle track was proposed at the Hoi Yu Street site, this Member enquired whether consideration had been given to providing a purpose-design cycle track along the waterfront promenade of the Study area.
15. In response, Ms. Jacinta Woo said that:
 - (a) during the Stage 1 PEP, PlanD had also received comments from the public, including the Eastern District Council, requesting for the provision of a continuous cycle track along the proposed waterfront promenade. The Study had examined the feasibility of the proposal. However, it was found that there was not sufficient space in the proposed waterfront promenade to provide for a designated two-way cycle track which had to be separated from the road and pedestrian traffic. That was why only cycling facilities for recreational purpose were proposed at the North Point Ferry Piers and Hoi Yu Street site; and
 - (b) subject to whether there was strong public support, the boardwalk proposal would be further examined under the PHO and whether it would

satisfy the principle criteria of ‘Overriding Public Need’ stated by the Court of Final Appeal, namely, compelling, overriding and present need, no viable alternative, and minimum impairment to the harbour.

16. A Member suggested enhancing the breakwater of the Chai Wan Basin for public enjoyment. This Member also mentioned that if the provision of the proposed boardwalk under the IEC was not allowed under the PHO, the alternative of providing suspension bridges along the waterfront could also be considered. There were successful examples of suspension bridges provided for the use of pedestrians in the United States.

17. Another Member noted that for improving the north-south waterfront connectivity and walking environment, six existing streets had been identified by the Study as quick-wins for streetscape enhancement. In this regard, this Member questioned whether more existing streets could be identified for the purpose, and opined that there should be provision of activities in these streets rather than just enhancing the streetscape. This Member continued by pointing out that the proposal of providing a Sky Trail as part of the Shau Kei Wan enhancement proposal was supported. There was a successful example in Singapore where a Sky Trail routing through forests was provided and well received by its visitors. This Member also asked whether more sites could be identified for ‘key sites’ improvement in addition to the North Point Ferry Piers and Hoi Yu Street site.

18. In response, Ms. Jacinta Woo said that:

- (a) the breakwater of the Chai Wan Basin was currently occupied by industrial premises with marine access rights. Hence, the potential to provide for a public promenade there was low;
- (b) the option of providing a cantilevered boardwalk projected from the seawall had been explored in the Study. As it would cover the sea surface, the PHO implications would still have to be addressed; and
- (c) feasible options for streetscape enhancement had been comprehensively reviewed and the six streets were identified for quick-win enhancement projects. Nevertheless, more enhancement opportunities could be

explored in the Study.

19. A Member said that the concept of providing enhancement proposals along the waterfront was well-supported. However, it was essential to ensure that it would be safe for the pedestrians to use the facilities. In particular, as it would be dangerous to walk along the waterfront boardwalk underneath the IEC during typhoon and in inclement weather conditions, alternative pedestrian routes had to be provided.

[Dr. W.K. Lo left the meeting temporarily at this point.]

20. Another Member, who had participated in Stage 1 PEP, opined that there were strong public requests for providing a continuous cycle track along the waterfront of Hong Kong Island East. Hence, the Study should further look into the feasibility of providing such a facility, rather than giving it up at this stage. If it was found not feasible to provide the facility, the constraints should be set out clearly in the consultation document. This Member also suggested that in designing the enhancement proposals for the waterfront, local characters of individual district/ area should be reflected in the enhancement scheme. In this regard, local art and cultural groups should be invited to participate in formulating the proposals.

21. In response, Ms. Jacinta Woo elaborated that:

- (a) the provision of a boardwalk was an option to provide a continuous waterfront promenade in the Study Area. The proposed boardwalk would be connected to the inland area with footpaths, which could function as alternative pedestrian routes during typhoon or in inclement weather conditions;
- (b) according to the Hong Kong Planning Standard and Guidelines, a two-way segregated cycle track should have a minimum width of 3.5m with an additional 1m clearance from adjacent carriageways. It was not possible to provide a continuous cycle path along the waterfront given the exiting developments which did not allow set-back from the waterfront and the constraint imposed by the width of the proposed boardwalk.

Various sections of the cycle track would have to be detoured to inland and the feasibility of providing a designated cycle path along existing roads would require to be further studied; and

- (c) different development theme options were proposed for the North Point Ferry Piers and the Hoi Yu Street site.

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

22. A Member supported the Sky Trail proposal and enquired if there was any proposal to integrate it with the Hong Kong Museum of Coastal Defence so as to promote the use of the museum.

23. Given that the Study covered the Hong Kong Island East area which had a big population, another Member noted from the Stage 1 Public Engagement Report (Appendix 1 of the Paper) that only about 70 members of the public had participated in the brainstorming workshop. About 735 questionnaires were received among which 630 were collected from street interview. This Member opined that the Stage 2 PEP should involve more public, in particular the local communities, to seek their views on how the enhancement proposals should be undertaken.

24. A Member opined that provision of specially designed areas for fishing and parks for walking pets should be considered as there was a lack of such facilities in Hong Kong. This Member pointed out that there should be adequate provision of supporting facilities like toilets and drop off and pick up points for people using wheel chairs.

25. Ms. Jacinta Woo made the following responses:

- (a) the museum operator had indicated support for the Sky Trail proposal. As visitors had to pay to enter the museum, the issue on connectivity with the Sky Trail and the access control requirement would need to be further looked into during the detailed design stage;
- (b) under the Stage 2 PEP, briefing sessions would be arranged for statutory

and advisory bodies as well as other interest groups, academic and professional bodies. Exhibitions at Cityplaza and Shau Kei Wan MTR Station, and a workshop would also be organised during the engagement period. At all the events, the PEP consultant would be present and answer public enquiries. Relevant public engagement materials and latest community engagement events would also be uploaded onto the Planning Department website. Public comments through emails were also welcome; and

- (c) the specially designed areas for fishing and provision of pet parks could be further examined in the next stage of the Study. As the enhancement proposals of the Study were based on a 'barrier-free access' principle, the wheel chair users could have access to and enjoy the new facilities.

26. A Member pointed out that the potential air quality and noise impacts of the IEC on the boardwalk should be carefully examined. Another Member said that a more innovative and user-friendly consultation approach should be adopted by PlanD in the Stage 2 PEP to comprehensively seek the views of the local communities. It was essential to learn about the requirements of the local communities who would be the main users of the proposed facilities, and take their requirements into account when designing the facilities.

27. In response, Ms. Jacinta Woo said that according to the initial technical assessments, the noise and air quality impacts posed by the IEC on the proposed boardwalk were at an acceptable level. The environmental issues of the proposed boardwalk would be further examined at the next stage of the Study. The provision of more greening and landscape treatment along the boardwalk would also be considered. Ms. Jacinta Woo continued by pointing out that the consultant of the PEP would reach out to the locals in the forthcoming engagement exercise to gauge their views on the enhancement proposals.

28. As Members had no further questions to raise, the Chairman thanked the representatives of PlanD and the study consultants for attending the meeting. They left the meeting at this point.

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

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comment in Respect of the Cheung Chau Outline Zoning Plan No. S/I-CC/4
(TPB Paper No. 8517)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

29. The Secretary said that replacement pages Page 4 and Plan H-5 of the Paper were despatched to Members before the meeting.

30. Ms. Anna S.Y. Kwong declared an interest in this item as she was an acquaintance of Ms. Lee Kwai Chun, Representer No. 2. However, no pecuniary interest was involved. Members considered that Ms. Kwong's interest was indirect and she could stay at the meeting.

31. Members noted that sufficient notice had been given to invite the representers/commenter to attend the hearing, but Representer No. 1/Commenter No. 1 (R1/C1) (Cheung Chau Rural Committee) had indicated that it would not attend the hearing. The Board agreed to proceed with the hearing in its absence.

32. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- Mr. Ivan Chung - District Planning Officer/Sai Kung and Islands (DPO/SKIs)
- Miss Erica Wong - Senior Town Planner/Islands

33. The following representer was also invited to the meeting:

R2 - Ms. Lee Kwai Chun, Island District Council Member

Ms. Lee Kwai Chun

34. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Ivan Chung, DPO/SKIs, to brief Members on the background to the representations.

35. With the aid of a Powerpoint presentation, Mr. Ivan Chung made the following points as detailed in the Paper:

- (a) On 16.10.2009, the draft Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/4 incorporating amendment to rezone a piece of land at Fa Peng from “R(C)5” to “Green Belt” (“GB”) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of two representations were received. The representations were published for public comments for three weeks until 19.1.2010 and one comment was received;
- (b) the background of the zoning amendment as set out in paragraph 3 of the Paper ;
- (c) the major grounds of representations put forth by R1 and R2 were summarised in paragraph 2 of the Paper and set out below:
 - i. most of the areas at the hill-top of Cheung Chau were green areas and Cheung Chau lacked low-density development area (R1);
 - ii. the areas zoned “GB” and “Coastal protection Area” (“CPA”) on the OZP represented 60% of the total area in Cheung Chau. There was no imminent need to increase the “GB” area (R2);
 - iii. there were restrictions on the development/redevelopment within the “R(C)5” zone to ensure compatibility with the rural character of Cheung Chau. Rezoning the site to “GB” would affect the

development of Cheung Chau and fail to realize the balance between development and conservation (R2);

R1 and R2 had not submitted any proposal. C1 had not provided any information in its submission;

- (d) PlanD's responses to the representations as detailed in paragraph 4 of the Paper were highlighted as follows:

Cheung Chau lacked low-density development area and the proposed rezoning would affect the development of Cheung Chau

- i. as shown on the Cheung Chau OZP No. S/I-CC/4, there were ten "R(C)5" sites readily available and suitable for low-density residential development. Six sites, including those with area from 4,000m² to 5,000m², were yet to be developed and would provide an important source of land supply to meet the housing demand of Cheung Chau. Rezoning the Representation Site, which was located at a remote location with an area of about 0.47ha, would not adversely affect the development of Cheung Chau;

There were large areas of "GB" and "CPA" in Cheung Chau and there was no imminent need to increase "GB" area

- ii. the Representation Site was located on a natural slope at Fa Peng with abundant natural landscape. The surrounding areas were generally untouched except for some low-rise developments scattering around. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advised that preserving this greenery area in its natural form could help maintain the rural character of the area and distinguish the Representation Site and its nearby areas from the built-up areas of Cheung Chau. As such, he had reservation on the representations;

- iii. both DAFC and DEP supported the rezoning. DAFC advised that the Representation Site was currently well vegetated and formed a larger woodland/shrubland habitat with the surroundings which provided a haven for various kinds of fauna such as birds and butterflies. The “GB” zone, or any option that could help to preserve the natural environment, was supported from nature conservation point of view. DEP also gave support to the “GB” zone so as to conserve the natural environment and preserve the dense vegetation/trees in Fa Peng area;

 - iv. the previous planning intention to develop the site for low-rise and low-density residential development was based on a departmental Layout Plan prepared in the 1980s. However, in view of the changing planning circumstances, the characteristics of the Representation Site and the departmental advice, the rezoning of the Representation Site from “R(C)5” to “GB” was considered justified from the environmental and ecological points of view. The “GB” zone of the Representation Site would also reflect and preserve the natural character of the area, and ensure a more compatible land use with the surrounding woodland/shrub at the hill-top of Cheung Chau East; and
- (e) PlanD did not support the representations for the reasons set out in paragraph 6 of the Paper.

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

36. The Chairman then invited the representer to elaborate on her representation.

R2 (Ms. Lee Kwai Chun, Islands District Council Member)

37. Ms. Lee Kwai Chun made the following main points:

- (a) Cheung Chau lacked low-density development area. Although there were

ten “R(C)5” sites in Cheung Chau, some had been developed and some were small in size;

- (b) the Representation Site was suitable for residential development as there were houses along the access road to the site;
- (c) rezoning of the Representation Site from “R(C)5” to “GB” would result in a loss of development opportunities in the area;
- (d) a large proportion of land in Cheung Chau was zoned “GB” and there was no imminent need to increase the “GB” area by including the Representation Site which had a small area of 0.47 ha;
- (e) as the Representation Site was only covered by weeds but not big trees, its “GB” zoning was not justifiable, and
- (f) the Representation Site should be reserved for long-term residential development.

38. In response to a Member’s query, Ms. Lee Kwai Chun said there was no plan for residential development on the Representation Site.

39. As the presenter had finished her presentation and Members had no further question to raise, the Chairman informed her that the hearing procedures had been completed, and the Board would deliberate on the representations and comment in her absence and inform the concerned parties of the Board’s decision in due course. The Chairman thanked the presenter and Government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

40. A Member opined that the “GB” zoning for the Representation Site was appropriate as it was located at a remote sloping upland of Cheung Chau and it was a well vegetated steep slope covered by mature trees forming part of a larger woodland/sbrubland

at Fa Peng. Moreover, the representers had not provided strong reasons to support their representations.

41. After deliberation, the Chairman summed up that the “GB” zone of the Representation Site was considered appropriate to preserve the natural character of the area and ensure a more compatible land uses with the surrounding woodland/shrubland at Cheung Chau East, and the rezoning of the site from “R(C)5” to “GB” would not adversely affect the development of Cheung Chau as there were other undeveloped “R(C)5” sites reserved on the OZP for low-rise and low-density residential development. Members then went through the reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representations No. R1 and R2

42. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the Representation Site was a slope located in remote location and covered with well-vegetated mature trees forming part of the larger woodland/shrubland at Fa Peng. The “GB” zone of the Representation Site was considered appropriate to preserve the natural character of the area and ensure a more compatible land use with the surrounding woodland/shrubland at Cheung Chau East; and
- (b) there were a number of undeveloped “R(C)5” sites reserved on the OZP readily available and suitable for low-rise and low-density residential development. Rezoning of the Representation Site to “GB” would not adversely affect the development of Cheung Chau.

Remarks

43. The Chairman said that the discussion on Agenda Items 5 and 6 would not be open for public viewing since they were in respect of consideration of further objections and review of a section 16 planning application submitted before the commencement of the

Town Planning (Amendment) Ordinance 2004.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-HT/644

Proposed Pond Filling for Agricultural Use in "Agriculture" zone, Lots 399 RP (Part) and 401 (Part) in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long (TPB Paper No. 8521)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

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

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD)

Mr. Tang Kam Chai - Applicant's representative

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

84. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application on review and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for pond filling of the application site (the site), an existing pond with vegetation by about 1.1m for agricultural use (growing vegetables). The site fell within an area zoned "Agriculture" ("AGR") on the approved Ha Tsuen Outline Zoning

Plan (OZP);

- (b) on 23.10.2009, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reason was that the applicant failed to demonstrate that the proposed pond filling would not cause adverse drainage impact on the surrounding areas;
- (c) the justifications put forth by the applicant in support of the review application were detailed in her written submissions at Annexes E, F and G of the Paper and summarised in paragraph 3 of the Paper. The applicant stated in her written submission that she intended to exclude the government land (GL) portion from the application, and the proposed pond filling now included private land only. If the occupation of GL was required, application would be submitted to District Lands Officer/Yuen Long (DLO/YL) for consideration;
- (d) departmental comments were set out in paragraph 5 of the Paper and summarised as follows:
 - noting that the GL within the site had been excluded by the applicant, DLO/YL advised that he had no in-principle objection to the application. However, the applicant was required to demonstrate with further engineering details as to how the proposed filling works could be done without affecting the excluded GL portion;
 - DAFC commented that he did not support the application from ecological point of view. His site inspection revealed that the subject pond was still wet and extensively covered by emergent and floating plants. Based on its linkage with adjacent habitats and findings of previous studies, the pond could still provide potential habitat for some water birds and other wildlife. One Little Grebe was casually observed at the pond during his site inspection in February 2010. The pond would provide potential

habitat for some waterbirds and other wildlife. The ecological assessment conducted as part of the EIA for the Deep Bay Link found that the 4 hectares of fishponds around Ngau Hom Shek (including the subject pond) provided 'feeding ground for water birds, aerial feeding insectivorous birds and bats', and hence concluded that the ponds are of 'moderate' ecological value. He also commented that from the fisheries point of view, the subject pond should be preserved for fish culture. The approval of the application would set an undesirable precedent for similar applications leading to the degradation of habitats in the Deep Bay area;

- the Chief Town Planner/Urban Design & Landscape (CTP/UD&L) had no objection to the application from the landscape planning viewpoint. However, she also advised that in accordance with the 'Landscape Value Mapping of Hong Kong', the site and the adjacent areas had high landscape value. The proposed pond filling would inevitably have some negative impacts on the existing landscape character, but the impacts were considered tolerable if the filled pond was used for arable farming. However, if the filled site was used for other non-agricultural purpose such as open storage and erection of temporary structures, the negative landscape impact would be pronounced. Therefore, it was crucial to ensure that the applicant would honour its application intention;
- the Director of Environmental Protection (DEP) advised that she had no major environmental concern on the application subject to DAFC's view on the ecological value of the site. However, the applicant should be reminded that no contaminated soil and waste should be used to fill the site;
- CE/MN of DSD noted that no drainage proposal was submitted. He had no objection, but suggested imposing a drainage condition;

- (e) during the statutory publication period, three public comments raising objections to the review application were received. A Yuen Long District Council (YLDC) member objected to the application on the grounds that fish ponds were becoming scarce in Yuen Long and the subject pond should be retained as a nature conservation area. There was fallow agricultural land in Yuen Long for farming purpose. Kadoorie Farm & Botanic Garden Corporation (KFBG) and World Wildlife Fund Hong Kong (WWF) objected to the application because the applicant had not submitted any information on the ecological value of the pond to address DAFC's concern. They also commented that according to the records of KFBG since 2002 and the records of WWF in 2009, the subject pond was being utilized by a wide range of waterbirds;

- (f) PlanD's view - PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) lots No. 399RP and 401 were separated by a 2 to 8m strip of GL. The applicant had not submitted any engineering proposal to address DLO/YL's concern as to how the proposed filling works could be done without affecting the excluded GL portion;

 - (ii) although agricultural use in the "AGR" zone was always permitted, pond filling at the site required planning permission to ensure that it would not result in adverse drainage and ecological impacts. In this regard, CE/MN of DSD noted the absence of a drainage proposal in the submission and required a proper drainage system for the proposed pond filling. DAFC did not support the application from the ecological point of view. While CTP/UD&L had no objection to the application, she raised concern on the high landscape value of the site and any subsequent non-agricultural developments on the filled pond and considered crucial to ensure that the applicant would honour her application intention;

- (iii) although growing vegetables was in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, DAFC considered that fishponds should be preserved for fish culture from the fisheries point of view. The applicant counter-argued that the subject pond was not suitable for fish farming as the water was stagnant and contaminated by construction wastes as well as the adjacent plastic recycling yard. In this regard, DAFC had surveyed the site, and maintained his previous views that fishponds should be preserved for fish culture;
- (iv) adverse public comments were received; and
- (v) a similar application No. A/YL-HT/157 for pond filling for planting of fruit trees, some 200m to the southwest of the site, was approved by the RNTPC in 2000. However, that site was currently being used for storage purpose, which was a suspected unauthorised development. Since then, another similar application No. A/YL-HT/506 for land filling for agricultural use to the immediate south and east of the site was rejected by the RNTPC in 2007. DAFC considered that approval of the application would set an undesirable precedent leading to the degradation of habitats in the Deep Bay area.

85. The Chairman then invited the representative of the applicant to elaborate on the application.

86. Mr. Tang Kam Chai made the following main points:

- (a) the proposed pond filling was for vegetable farming;
- (b) if the application was approved by the Board, a drainage proposal would be prepared and submitted as necessary;

- (c) it was feasible to exclude the GL before filling of the pond;
- (d) the YLDC Member who raised objection to the application was not the DC Member representing the subject constituency;
- (e) the ecological assessments of DAFC and the green groups were undertaken on a broad area basis. No water-bird had been found in and around the subject pond. Otherwise, the photographs in the Paper would have shown the water-birds;
- (f) the subject site was zoned “AGR” on the OZP. Hence, it should be used for agricultural uses such as vegetable farming. For sites with conservation value, they should be zoned “Conservation Area” instead. PlanD should not take into account the objections raised in the three public comments as they queried the “AGR” zoning of the subject site;
- (g) it was absurd and unfair to the landowner that subject site falling within the “AGR” zone could not be used for farming and she had to rent another site to grow vegetables. It was not reasonable for the RNTPC to reject the application which was for agricultural purpose. It was also a waste of the Board’s time to consider a proposed use which complied with the planning intention; and
- (h) soil of good quality with approval from DAFC would be used to fill the subject pond.

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

87. In response to the enquiry of the Director of Lands (D of Lands) and the Director of Planning on the applicant’s proposal of filling the subject pond without affecting the GL, Mr. Tang Kam Chai said that it was proposed that the filling would be set back 1.5 metres from the GL and a hoarding would be set up to demarcate the proposed fill area. The remaining water bodies within the private lot would provide water for irrigation purpose.

88. A Member questioned if the tidal flow would affect the water level of the subject pond and whether the pond was a 'live' pond with drainage circulation. Ms. Amy Cheung responded that the application site was at a low-lying area. It was a shallow pond where water-birds could catch fish for feeding. In this regard, Mr. Tang Kam Chai said that the pond was close to the road and it was a 'dead' pond with stagnant and contaminated water. He did not agree that the pond had attracted water-birds.

89. Another Member asked if the applicant could farm on the adjacent formed land. Mr. Tang replied that it was illogical for the applicant to rent others' lots for farming but not to cultivate her own land. He said that some youth organisations might be interested to organise farming activities in the adjacent areas.

90. In response to a Member's question as to whether the applicant would undertake the vegetable farming herself or with other parties such as the youth organisations, Mr. Tang Kam Chai said that the applicant would undertake it on her own.

91. In response to Member's question as to how to ensure that the application site would be used for vegetable farming as indicated by the applicant, Mr. Tang Kam Chai suggested that the Board impose an approval condition requesting the applicant to submit an annual report to the Board for a period of three years.

92. In response to a Member's question, Mr. Tang Kam Chai said that the applicant was a senior lady and a local villager. She lived with her husband and had three children. Two of her children were studying abroad.

93. Mr. Tang Kam Chai added that upon obtaining planning approval from the Board, he would help the applicant to submit and implement appropriate drainage proposals.

94. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairman informed the representative of the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the

Board's decision in due course. The Chairman thanked the representative of the applicant and DPO/TMYL for attending the meeting. They all left the meeting at this point.

Deliberation Session

95. A Member questioned as to whether the drainage and ecological impacts of the proposed pond filling on the surrounding areas could be addressed by imposing relevant approval conditions. The Secretary said that although agricultural use in the "AGR" zone was always permitted, pond filling at the subject site required planning permission from the Board primarily to ensure that it would not result in adverse drainage and ecological impacts. Sufficient submission to demonstrate that no adverse impact of the proposed pond filling on the surrounding areas would be resulted was a pre-requisite to granting an approval to the application.

96. Miss Annie Tam said that since the applicant had informed the Board that the applicant intended to exclude the GL portion from the proposed pond filling, she suggested not to include the reason stated in paragraph 8.1(c) of the Paper as a rejection reason. Members agreed.

97. The Chairman said that the applicant failed to demonstrate that the application would not cause adverse drainage and ecological impacts on the surrounding areas. Members agreed. Members then went through the reasons for rejecting the application as stated in paragraph 8 of the Paper and agreed that they should be suitably amended to reflect Members' view as expressed at the meeting.

98. After further deliberation, the Board decided to reject the application on review for the following reason:

- (a) the applicant failed to demonstrate that the proposed pond filling would not cause adverse drainage and ecological impacts on the surrounding areas.

[Dr. C.P. Lau returned to the meeting and Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTS/484

Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years in "Agriculture" zone, Lots 582 (Part), 583, 584 (Part), 586 (Part), 587, 588 (Part), 589 RP (Part), 591 RP (Part), 592 RP (Part) and 593 RP (Part) in D.D. 103, Kam Tin, Yuen Long (TPB Paper No. 8522)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

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

- Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD)
- Mr. Raymond Leung] Applicant's representatives
- Ms. Li Yee Ting]
- Mr. Lam Tim Kit]

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

101. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application on review and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a temporary cargo handling and forwarding facility for a period of three years in an area zoned "Agriculture" ("AGR") on the approved Kam Tin South Outline Zoning Plan (OZP);

- (b) On 18.12.2009, the Rural and New Town Planning Committee (RNTPC) decided to reject the application and the reason was:

the application did not comply with the TPB Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and there was adverse comment from the relevant Government department and objections from the public on the application;

- (c) no written submission in support of the review application was submitted by the applicant;
- (d) departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) advised that one nuisance complaint in relation to the site was received in late 2009. She did not support the application as there were sensitive receivers, i.e. residential structures were found to the immediate east and north of the site, and environmental nuisance was expected;
- (e) during the statutory publication period, a comment on the review application was received from a resident of Ko Po Tsuen complaining about the noise nuisance generated by the development on the nearby residents after 11pm, no provision of drainage channel within the site resulting in mosquito breeding, and the dust generated by the movement of container vehicles causing respiratory allergy of the residents. Four public comments expressing objection or strong objection were received during section 16 stage of this application;
- (f) PlanD's view - PlanD did not support the review application based on the

assessments set out in paragraph 6 of the Paper, which were summarised below:

- (i) as the applied use involved the operation of container vehicles and heavy goods vehicles, it was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural land and vacant land to the west, north and east of the site. While there were storage/open storage yards, workshop and warehouse located to further west of the site, some of them were suspected unauthorized developments (UD) subject to enforcement actions taken by the Planning Authority;
- (ii) the application did not comply with the TPB PG-No. 13E in that there were adverse departmental comments and local objections/concerns. In particular, since the scale of the development with a site area of about 3,991m² was relatively substantial and the use of container vehicles for operation of the development was necessary, the residential dwellings/structures nearby would be susceptible to adverse environmental impact arising from the development. In this regard, DEP did not support the application and there were objections/strong objections and concerns from the public for the s.16 application and the review application. Besides, a noise nuisance complaint in relation to the site was received by DEP in late 2009;
- (iii) the development would generate adverse environmental impact on the surrounding areas. In this regard, DEP did not support the application as residential structures were located to the immediate east and north of the site and environmental nuisance was expected. Besides, the applicant's landscape submission was not satisfactory, and the Drainage Services Department (DSD) requested that the applicant should submit a drainage proposal for the development;
- (iv) the previous application No. A/YL-KTS/131 for temporary open

storage of vehicles for a period of twelve months was approved by the Board on review on 20.11.1998. The approval was granted to a smaller site (about 1,100 m²) when the concerned site was surrounded by vacant land and vacant pigsty and chicken farms rather than residential dwellings and no local objection was received at that time. Another previous application No. A/YL-KTS/365 for temporary open storage use was rejected by the RNTPC on 7.4.2006 mainly due to the concern about the environmental nuisance of the development affecting the nearby residential dwellings; and

- (v) similar applications No. A/YL-KTS/407 for temporary storage and parking of private vehicles and application No. A/YL-KTS/460 for temporary open storage of vehicles and container trailers/tractors park were approved by the RNTPC on 12.10.2007 and 13.3.2009 respectively. However, it should be noted that the applied use under No. A/YL-KTS/407 would not generate significant environmental impact given its small scale (with a site area of 450m²) and there was no adverse comment from DEP. No. A/YL-KTS/460 was subject to previous approvals granted by RNTPC since 2000.

102. The Chairman then invited the representative of the applicant to elaborate on the application.

[Dr. W.K. Lo returned to the meeting, Messrs. Maurice W.M. Lee and Rock C.N. Chen left the meeting and Mr. Benny Y.K. Wong left the meeting temporarily at this point.]

103. With the aid of a Powerpoint presentation, Mr. Raymond Leung made the following main points:

- (a) the development comprised an inspection area for checking the machines for producing motherboards of computers, fourteen parking spaces for container vehicles and two parking spaces for staff/visitors;
- (b) the development was not incompatible with its surrounding land uses,

with temporary structures to its immediate east and north, an electricity sub-station to its immediate south, a water pumping station to its further south and a number of open storage yards, warehouse and workshops to its west of the site across the local access road. Two of the storage/open storage yards were approved by the RNTPC under applications No. A/YL-KTS/407 and 460 ;

- (c) DEP did not support the application as there were residential dwellings near the subject site and the environmental nuisance was expected. In this regard, it should be noted that these dwellings were all temporary structures, and there were six such temporary structures to the immediate north and east of the application site. The applicant had recently received letters from the inhabitants of five temporary structures dated 14.4.2010 indicating that they did not have any objection to the applied use under the review application. The letters from these inhabitants and two other letters from the applicant and from the Chairman of the Kam Tin Rural Committee dated 14.4.2010 stating that one of the temporary structures was vacant were tabled at the meeting for Members' information. It was also considered that the potential noise nuisance from the applied use could be mitigated by planting more trees;
- (d) the reasons of the public comments against the application were unfounded:

comments received during the s.16 application

- i. the Yuen Long District Council (YLDC) Member objected to the application as the site was zoned "AGR" and the site operation would generate noise and dust affecting the local residents. It should be noted that DAFC had no strong view against the application as the site had low potential for agricultural rehabilitation. Besides, that YLDC Member was representing the Long Ping district but not the subject constituency;

- ii. two members of the public complained about the nuisance arising from the operation of container storage yards. However, the applied use did not involve operation of container yards;

[Ms. Julia M.K. Lau left the meeting temporarily at this point.]

- iii. a villager of Ko Po San Tsuen raised strong objection for the fear of risk hazard to the local residents due to fire and noise, and the adverse traffic and drainage impacts. However, concerned government departments including the Police, the Transport Department and DSD had no comment or no in-principle objection to the application;

comments received during review application

- iv. a villager of Ko Po Tusen concerned about the environmental and drainage impacts generated by the applied use. Nevertheless, Ko Po Tsuen was some 400m away from the application site;
- (e) responses to the public comments:
- i. the applied use was for a logistics centre with cargo handling and forwarding facility. Machines for producing motherboards of computers, televisions and vehicles were imported from overseas and delivered to the subject site for inspection prior to transport to the Mainland;
 - ii. there would be no workshop activities nor night time operation on the subject site;
 - iii. drainage proposal would be submitted upon obtaining approval from the Board;
 - iv. given the nature of the business, only one to two vehicular trips of

container vehicles would be generated daily; and

- (f) the subject application was similar to the application No. A/YL-KTS/460 which had been approved by the Board. The site under application No. A/YL-KTS/460 was located about 50m to the west of the subject site on the opposite side of the local access road. Although there were adverse comments from DEP and the public, the application No. A/YL-KTS/460 was approved with imposition of appropriate conditions. Likewise for the subject application, approval conditions restricting the operation hours and prohibiting dismantling activities could be imposed.

[Ms. Julia M.K. Lau returned to the meeting and Dr. C.P. Lau left the meeting temporarily at this point.]

104. A Member noted from the photographs in Plan R-4 of the Paper that the inspection area under the shelter of the site was semi-open, and questioned if the goods would have to be unloaded from the containers and unwrapped for inspection. Mr. Raymond Leung replied that as far as he understood, a preliminary inspection of the outer shell was sufficient and there was no need to unwrap the goods.

105. Another Member asked how the goods would be unloaded from the container vehicles for inspection and the reasons why fourteen container vehicle parking spaces were designated on site as according to the applicant, only one to two container vehicle trips would be generated. In response, Mr. Raymond Leung said that forklifts were used for loading and unloading of the goods. As it might take time for the inspection, the parking spaces were for parking of container trailers with the goods awaiting processing.

106. A Member noted that within the same “AGR” zone, the access road leading from Kam Tin Road roughly divided the zone into two halves. Whilst some similar applications for open storage located on the western side of the access road were approved, all similar applications on the eastern side of the access road were rejected. The Member enquired why DAFC held a view that the application site being located on the eastern side of the access road had low potential for agricultural rehabilitation.

107. In response, Ms. Amy Cheung said that the zoning on OZP represented broad land use planning control. The comment of DAFC was site specific and was not referring to the entire area. Despite the variation of the site conditions, the majority of the area, particularly to the east of the access road leading from Kam Tin Road, was active/abandoned farmland. As such, the “AGR” zoning was appropriate.

[Dr. C.P. Lau returned to the meeting at this point.]

108. Considering that DEP had received a noise nuisance complaint in relation to the application site in late 2009 and now the applicant had tabled no-objection letters from the nearby residents, a Member enquired about the latest position of public views. In response, Ms. Amy Cheung said that under the current practice, EPD would notify PlanD if environmental complaints received were withdrawn or found not substantiated. Given there was no further advice from EPD, the noise nuisance complaint was still valid. Ms. Amy Cheung also pointed out that, even if the current inhabitants of the nearby residential dwellings raised no objection to the application, future residents occupying the dwellings might find the applied use a nuisance to them. In planning terms, the development was not compatible with residential use.

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

109. A Member commented that there were differences between the use stated in the enforcement notice of the application site (i.e. parking of vehicles and storage use) and that under the subject application (i.e. cargo handling and forwarding facility). That Member also pointed out that as shown in Plan A-4 of the Paper, there was a construction vehicle on the subject site. It appeared that the applied use was different from what was operated on the site. In response, Mr. Raymond Leung referred to Plan R-3 of the Paper and said that the construction vehicle was outside the boundary of the application site. Mr. Raymond Leung also recapitulated that the applied use was for cargo handling and forwarding facility which comprised covered inspection area, two parking spaces for private cars and fourteen container vehicle parking spaces and spaces for manoeuvring. If the application was approved, enforcement action could still be taken if the use/operation on the subject site differed from the applied use.

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

Deliberation Session

111. A few Members opined that the layout submitted by the applicant was far from meeting the requirement for a typical forwarding facility and it was unclear as to how the cargo handling and forwarding activities were operated on the site. Hence, these Members had doubt on the proposal. Another Member opined that the applied use should be assessed based on its compatibility with surrounding land uses and the compliance with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses'. In this regard, DEP and the public had environmental concerns on the application.

112. Members also noted that the similar application No. A/YL-KTS/460 approved by the RNTPC, which was referred to by the applicant's representative at the meeting, was smaller in size (1530m²) and was subject to previous approvals granted since 2000.

113. A Member said that the land use characteristics of the area to the western side of the access road leading from Kan Tin Road were rather different from those of the area to the eastern side of the access road where the subject site was located, although both areas were zoned "AGR" on the OZP. While there were open storage and port back up uses on the western side of the access road, the area on the eastern side of the access road was predominantly active or abandoned farmland with a rural character and no previous planning permission had been granted for open storage and port back-up uses. This Member opined that the area on the eastern side of the access road should be maintained for agricultural uses and its rural character should be retained. Other Members agreed.

114. After further deliberation, the Chairman concluded that application did not merit special consideration as it did not comply with the TPB Guidelines No. 13E, and the environmental nuisance generated by the development would adversely affect the nearby

residential dwellings/structures. Members then went through the reason for rejecting the application as stated in paragraph 7.1 of the Paper and considered that it was appropriate.

115. After further deliberation, the Board decided to reject the application on review for the following reason that the application did not comply with the TPB Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and there was adverse comment from the relevant Government department and objections and concerns from the public on the application.

Agenda Items 9 and 10

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/381

Temporary Tyre Repair Workshop with Ancillary Site Office for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lot 769 (Part) in D.D. 99, San Tin, Yuen Long
(TPB Paper No. 8523)

Review of Application No. A/YL-ST/382

Temporary Container Vehicle Park for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lot 769 (Part) in D.D. 99, San Tin, Yuen Long
(TPB Paper No. 8524)

[The hearing was conducted in Cantonese.]

116. Noting that the application sites were close to each other within the same zone and submitted by the same applicant and same authorised agent, Members agreed to consider the two applications together and the representing party was agreeable to this arrangement.

117. Members also noted that a letter from the Manager of San Tin Ming Yuen Tong dated 9.4.2010 withdrawing his comment previously made during the s.16 stage of the application was tabled at the meeting.

Presentation and Question Sessions

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

- Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD)
- Mr. Raymond Leung] Applicants' representatives
- Ms. Li Yee Ting]
- Mr. Lam Tim Kit]

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

120. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the applications on review and covered the following main points as detailed in the Papers:

- (a) the applicants sought planning permission for a temporary tyre repair workshop with ancillary site office for a period of three years and a temporary container vehicle park for a period of three years under Applications No. A/YL-ST/381 and 382 respectively, in areas zoned "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") on the approved San Tin Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the s.16 applications on 18.12.2009 were set out in paragraph 1.2 of the Papers;

- (c) no written submission in support of the review applications was submitted by the applicants;
- (d) departmental comments on the review application were set out in paragraph 4 of the Papers:
 - i. the Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity of the sites and environmental nuisance was expected;
 - ii. the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the applied use did not comply with the planning intention of the “OU(CDWRA)” zone. He commented that it would be desirable to discourage continuation of the uses at the sites in view of the planning intention. He also indicated that the sites were in close proximity to the fish ponds within the Wetland Conservation Area (WCA) in the northwest and eastern sides of the sites. However, there was no information in the submission to demonstrate that the applied uses would not have adverse impacts on the fishponds within the WCA;
 - iii. the Chief Town Planner/Urban Design & Landscape (CTP/UD&L) objected to the applications as the applied uses were incompatible with the planning intention of the “OU(CDWRA)” zone. The developments had degraded the existing landscape environment and continual existence of similar developments would continue the adverse impact on the baseline landscape setting;
 - iv. the Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that the width of the access road might not be adequate for manoeuvring of container vehicles;
 - v. the Chief Engineer/Mainland North of the Drainage Services

Department had concern on the site formation level which would obstruct overland flow from the adjacent area;

- (e) during the statutory publication period, no public comment was received on the review applications;
- (f) PlanD's view - PlanD did not support the review applications based on the assessments set out in paragraph 6 of the Papers, which were summarised below:
 - (i) the applications were not in line with the planning intention of the "OU(CDWRA)" zone which was to encourage the phasing out of sporadic open storage and port back-up cases, and to provide incentive for the restoration of degraded wetlands and adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Approval of the applications would render it difficult to realise the planning intention to restore degraded wetlands adjoining existing fishponds. DAFC had similar concern;
 - (ii) the application sites were located within the Wetland Buffer Area (WBA) as defined under the TPB Guidelines No. 12B for 'Application for Development within Deep Bay Area', the intention for which was to prevent development that would have a negative off-site disturbance impact on the ecological value of the fish ponds and wetland in the WCA. The applications did not comply with the Guidelines in that there was no information in the submissions to demonstrate that the proposals would not have adverse impacts on the ecological integrity and ecological value of the fish ponds within the WCA. Fish ponds within the adjoining WCA were located only about 60m to the northeast of the sites. In this connection, DAFC did not support the applications;
 - (iii) the application sites were located in Category 4 areas under the TPB

Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' and the applications did not comply with the Guidelines in that no previous planning approval for a similar use had been given to the sites, and there were adverse departmental comments on traffic, environmental, drainage and landscape aspects;

(iv) at the application sites (in whole or in part), three previous applications (No. A/YL-ST/166, 178 and 220) for mainly temporary container tractor/trailer park were rejected by the RNTPC/TPB in 2001 and 2003. In the same "OU(CDWRA)" zone, there were the following similar applications:

- applications similar to A/YL-ST/381 were No. A/YL-ST/299 and 382 for temporary tyre repair workshop and container vehicle parks and they were rejected by the RNTPC in 2006 and 2009;
- applications similar to A/YL-ST/382 were No. A/YL-ST/253 and 278 for temporary container trailer/tractor park with ancillary office and temporary sales and display centre for used light vehicles, tractors and tractor parts, and they were approved by the Appeal Board and the RNTPC in 2006 and 2005 for a period of 6 months and 12 months respectively to allow time for the applicants to relocate their business to other suitable area. Other similar applications No. A/YL-ST/297, 298 and 322 were rejected by the TPB and RNTPC in 2006 and 2007; and
- No. A/YL-ST/379 for container storage yard and container vehicle park with ancillary vehicle repair area and site office for a period of three years were approved by the Board on review on 26.3.2010, but the approval was granted for a shorter period of six months only to allow time for relocation to other areas and no further approval would be given.

121. The Chairman then invited the representatives of the applicants' representative to elaborate on the applications.

122. With the aid of Powerpoint presentations, Mr. Raymond Leung made the following main points:

- (a) to the immediate south of the sites was the container storage yard and container vehicle park with ancillary vehicle repair area (No. A/YL-ST/379) which was approved by the Board on review on 26.3.2010 for a period of six months;
- (b) the applied uses at the sites were to serve the nearby container storage yards which were to provide temporary storage space for containers as there was a short-term shortage of spaces in the container port in Kwai Chung. The shortage of space in Kwai Chung was mainly due to a surge in the number of empty containers in Hong Kong arising from the financial tsunami and poor business conditions. However, the situation had improved with the recovery of the economy. More container storage spaces were available in Kwai Chung in recent months. With the containers currently stored in the nearby container storage yards moved to Kwai Chung later this year, these container storage yards could also be moved out of the area. Upon the relocation of those container storage yards, the applied uses on the application sites which were mainly to serve the nearby container storage yards would no longer be required and the applicants would relocate their business elsewhere. Hence, although the subject applications were for a period of three years, an approval for a shorter period of six months would be adequate. For the same justifications, the applicant of application No. A/YL-ST/379 had applied for a temporary approval of six months and it was granted by the Board upon review on 26.3.2010;
- (c) applicants' responses to the rejection reasons were:

- (i) the temporary uses at the application sites for a period of six months would not frustrate the planning intention and would not result in adverse impacts on the surrounding areas including the WCA and the nearby sensitive receivers in the long term. As the sites were in operation, no additional impacts would be resulted in the interim;
- (ii) the designed open storage zone (“OS”) in the area were to the south of the San Tin Highway, but the local village roads in those “OS” zones could not be used by container vehicles. Hence, container storage and port back-up business were still carried out on the formed land of the subject “OU(CDWRA)” zone;
- (iii) according to a consultancy study undertaken for a previous application for storage of container vehicles, the off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the WCA was not significant. The short-term impacts were only very minor;
- (iv) landscape and drainage proposals and swept path analysis to show the adequacy for the manoeuvring of container vehicles of the existing track would be submitted upon approval of the review applications.

123. A Member noted from Plan R-2 of the Papers that there was a tyre repair workshop to the south of the sites and asked whether such use, which was recently approved by the Board, could support the container storage yards in the neighbourhood and rendering the subject application for tyre repair workshop (No. A/YL-ST/381) unnecessary. Mr. Raymond Leung said that the tyre repair workshop under the subject application No. S/YL-ST/381 served different clientele in the neighbourhood.

124. In response to another Member’s question, Mr. Raymond Leung confirmed that a shorter approval period of six months would be adequate to allow the applicants’ to relocate their business elsewhere.

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

Deliberation Session

126. The Chairman recalled that sympathetic consideration was given by the Board in considering the application No. A/YL-ST/379 for a temporary container storage yard and container vehicle park with ancillary vehicle repair area and site office. The Board had approved upon review for a period of six months to allow time for that applicant to move the containers to Kwai Chung and to relocate the container storage yard.

127. A Member noted that the uses at the sites were subject to enforcement action and approval of the applications by the Board might relieve the landowners / operators from possible prosecution actions. Another Member raised a concern on the precedent effect and the accumulation of those incompatible temporary uses in the area.

128. A Member said that due to the financial tsunami, many empty containers were retained in the container port in Kwai Chung. This had resulted in a shortage of container storage spaces in Kwai Chung and hence a proliferation of temporary container yards and related business in the "OU(CDWRA)" zone. Moreover, as the applicants had clearly indicated that they would relocate the tyre repair workshop/ container vehicle park elsewhere in six months' time, the subject applications might merit sympathetic consideration. This view was shared by other Members.

129. The Chairman suggested and Members agreed that the applicants should be advised that a temporary approval of six months was granted in order to allow time for the applicants to relocate the tyre repair workshop with ancillary site office (Application No. A/YL-ST/381) and the container vehicle park (Application No. A/YL-ST/382). The Board would not grant any further permission for the respective uses at the application sites.

Application No. A/YL-ST/381

130. After further deliberation, the Board decided to approve on review the application on a temporary basis of 6 months until 16.10.2010 on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 6:00p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy goods vehicles or container vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.7.2010;
- (e) in relation to (d) above, the implementation of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.7.2010;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.7.2010;
- (g) in relation to (f) above, the provision of drainage facilities proposed within 3 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the Town Planning Board by 16.7.2010;

- (h) the submission of vehicular access proposals including swept path analysis for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.7.2010;
- (i) in relation to (h) above, the implementation of the vehicular access proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.7.2010;
- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.7.2010;
- (k) in relation to (j) above, the provision of fire service installations proposed within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.7.2010;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

131. The Board also agreed to advise the applicant on the following:
- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
 - (b) shorter approval period of six months and compliance periods were granted so as to allow relocation of the use to another suitable site and to closely monitor the fulfilment of approval conditions. No further permission would be granted;
 - (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site and the vehicular access road;
 - (d) to note DLO/YL's comments that the lot within the site was Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office; there were unauthorized structures (including converted containers) within the application site. His Office reserved the right to take enforcement against these irregularities, if indeed found in due course; the registered owner(s) of the lot concerned should apply to his Office for a Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement action against the registered owner(s) according to the prevailing programme of his Office in this regard; and the site was accessible by an informal village track running through private land and Government Land (GL) which eventually led to Castle Peak Road. His Office did not provide maintenance service nor guarantee right-of-way on GL outside public road;
 - (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on

the surrounding areas;

- (f) to note DSD's detailed comments were indicated in Appendix V of Annex A of the paper;
- (g) to note CBS/NTW, BD's comments that removal of existing unauthorized structures that apparently had not been approved under the BO; the proposed container offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations Pt. VII; provision of emergency vehicular access was applicable under Building (Planning) Regulations 41D and access to the site under Building (Planning) Regulations 5 was also applicable; formal submission under the BO was required for any proposed new works, including any temporary structures; and if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage;
- (h) to note D of FS' comments that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating the FSI proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI of Annex A of the paper. The applicant should also note other advices of FSD in Appendix VI of Annex A of the paper;
- (i) to note DEMS' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VII of Annex A of the paper; and

- (j) to note CE/Dev(2), WSD's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Application No. A/YL-ST/382

132. After further deliberation, the Board decided to approve on review the application on a temporary basis of 6 months until 16.10.2010 on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 6:00p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity, including container vehicle repair, was allowed on the site during the planning approval period;
- (d) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.7.2010;
- (e) in relation to (d) above, the implementation of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.7.2010;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.7.2010;

- (g) in relation to (f) above, the provision of drainage facilities proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.7.2010;
- (h) the submission of vehicular access proposals including swept path analysis for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.7.2010;
- (i) in relation to (h) above, the implementation of the vehicular access proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.7.2010;
- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.7.2010;
- (k) in relation to (j) above, the provision of fire service installations proposed within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.7.2010;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

133. The Board also agreed to advise the applicant on the following:

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period of six months and compliance periods were granted so as to allow relocation of the use to another suitable site and to closely monitor the fulfilment of approval conditions. No further permission would be granted;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site and the vehicular access road;
- (d) to note DLO/YL's comments that the lot within the site was Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office; there were unauthorized structures (including converted containers) within the application site. His Office reserved the right to take enforcement against these irregularities, if indeed found in due course; the registered owner(s) of the lot concerned should apply to his Office for a Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement action against the registered owner(s) according to the prevailing programme of his Office in this regard; and the site was accessible by an informal village track running through private land and Government Land (GL) which eventually led to Castle Peak Road. His Office did not provide maintenance service nor guarantee right-of-way on GL outside public road;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note DSD's detailed comments were indicated in Appendix V of Annex A of the paper;
- (g) to note CBS/NTW, BD's comments that removal of existing unauthorized structures that apparently had not been approved under the BO; the proposed container offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations Pt. VII; provision of emergency vehicular access was applicable under Building (Planning) Regulations 41D and access to the site under Building (Planning) Regulations 5 was also applicable; formal submission under the BO was required for any proposed new works, including any temporary structures; and if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage;
- (h) to note D of FS' comments that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating the FSI proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI of Annex A of the paper. The applicant should also note other advices of FSD in Appendix VI of Annex A of the paper;
- (i) to note DEMS' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was

underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VII of Annex A of the paper; and

- (j) to note CE/Dev(2), WSD's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 11

[Open Meeting]

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

Proposed Houses (New Territories Exempted Houses - Small Houses) in "Green Belt" and "Village Type Development" ("V") 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 Paper No. 8525)

[The meeting was conducted in Cantonese.]

134. The Secretary reported that on 22.3.2010, the applicant wrote to the Secretary requesting to defer the consideration of the review application for two months to allow time to collect relevant information to demonstrate the pressing demand for village house, and the inadequacy of land in the "V" zone of Sha Kong Wai to accommodate new village house developments in the future. The request was in compliance with the criteria for deferment as set out in the TPB Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

135. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant pending the submission of further information from the applicant. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that a further period of 2 months and a total of 6 months were allowed for preparation of the submission of the further information, and that no further deferment would be granted unless under very

special circumstances.

136. The meeting was adjourned for lunch break at 1:55 p.m.

[Dr. James Lau, Miss Annie Tam, and Dr. W.K. Lo left the meeting at this point.]

137. The meeting was resumed at 2:50 p.m.

138. The following Members and the Secretary were present in the afternoon session:

Mr. Thomas Chow

Mr. Stanley Y.F. Wong

Mr. K.Y. Leung

Mr. Walter. K.L. Chan

Mr. Y.K. Cheng

Prof. Edwin H.W. Chan

Prof. P.P. Ho

Prof. Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Prof. S.C. Wong

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Mr. Benny Y.K. Wong

Mrs. Ava S.Y. Ng

Agenda Item 12

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations in Respect of the Draft Cha Kwo Ling, Yau Tong & Lei Yue Mun Outline Zoning Plan No. S/K15/18

(TPB Paper No. 8527)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

139. Members noted that the Secretariat had received a petition jointly submitted by the Lei Yue Mun Welfare Association, the Lei Yue Mun Commercial Association, the Lei Yue Mun Mutual Aid Association (Areas 1 to 5) and the Office of Kwun Tong District Councillor (Mr. Lui Tung Hai) requesting the early implementation of the Lei Yue Mun Enhancement Project. The petition letter was tabled for Members' reference.

140. Members noted that sufficient notice had been given to the representers to invite them to attend the meeting. While the representers and representatives of R1, R55, R69, R82 and R95 would attend the meeting, the other representers had either indicated that they would not attend the hearing or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

141. The following representatives from Government departments and the representers and their representatives were invited to the meeting at this point:

Mr. Eric Yue	DPO/K, PlanD
Mr. Wong Kai Tat	Chief Engineer, Drainage Services Department (DSD)
Mr. William Tsui	Assistant District Officer (Kwun Tong)
Miss Chan Hoi Ming	Chief Project Manager, Architectural Services Department (ArchSD)
Mr. Benny Ng	Consultant of ArchSD
Mrs. Winifred Chung	Assistant Commissioner for Tourism

Ms. Anita Tsui	Senior Manager (Tourism), Tourism Commission
Mr. Steven Shum	Senior Engineer, Civil Engineering and Development Department (CEDD)
Ms. Helen Cochrane	Consultant of CEDD

R1,

Mr. Lau Ting On	-	Representer
Mr. Lui Tung Hai		

R55, R69 & R95

Mr. Paul Zimmerman	-	Representer
Ms. Eva Tam		
Mr. Jeffrey Tse		
Mr. Tse Yiu Keung		

R82

Ms. Mary Mulvihill	-	Representer
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142. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Eric Yue to brief Members on the background to the representations.

143. With the aid of a Powerpoint presentation, Mr. Yue made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP as detailed in paragraph 1 of the Paper: the proposed amendments were mainly to facilitate the implementation of the Lei Yue Mun Enhancement Project (the Enhancement Project) initiated by the Tourism Commission. The project scope included the provision of a public landing facility and viewing platform in the area as well as streetscape enhancement. Amendment Item A1 involved the rezoning of an area at the southern coast of Lei Yue Mun Village from “Village Type Development” (“V”) use to “Open Space” (“O”) use while Amendment

Item A2 involved the incorporation of a piece of proposed reclaimed land at the western and southern coast of Lei Yue Mun Village into the planning scheme area and to zone them as “O”. Amendment item B involved the incorporation of a strip of land to the south of Lei Yue Mun Village into the planning scheme area and zoning it as “Other Specified Uses” annotated “Breakwater” (“OU(Breakwater)”). A total of 95 representations were received concerning the amendment items and no comments on the representations were received;

- (b) an overview of the representations:
 - representation R1 supported all the Amendment Items A1, A2 and B;
 - representations R2 to R94 were submitted in the form of a standard letter by private individuals objecting to Amendment Items A2 and B; and
 - representation R95 was submitted by Designing Hong Kong Limited objecting to Amendment Items A2 and B;

- (c) the grounds of representations and Government’s responses were summarized as follows:
 - (i) Supporting Representation (R1)
 - the amendments would meet local requirements for a public waterfront promenade at Lei Yue Mun and the proposed breakwater would protect the village from waves caused by the south-westerly winds in summer;

 - (ii) Adverse Representations (R2 to R95)
 - Public Hygiene and Safety*
 - without a foul sewerage system serving Lei Yue Mun, sewage and waste water were discharged directly into the sea and the typhoon shelter, causing hygiene problems;
 - the foundation of the footpath to the Tin Hau Temple was unsafe. The foundation consisted of rubble and sections of the footpath had collapsed over time. The lack of a solid

seawall also meant that the village was subject to flooding;

- a sewerage system and a seawall should be provided before attracting more visitors to the area;
- it was also questionable whether the proposed reclaimed land should be zoned for “O” and “OU(Breakwater)” uses;

Wastage of Public Resources

- the proposed public landing facility which required reclamation works and the construction of a breakwater was a waste of public resources. These works could be avoided by making use of nearby under-utilised berthing facilities;

Preservation of Oyster Shell Beach, Lighthouse and Rocky Outcrop

- the oyster shell beach, lighthouse and rocky outcrop should be preserved;
- the oyster shell beach was the last remaining beach in the eastern side of Victoria Harbour and should be designated as a bathing beach on the OZP;
- the lighthouse and the rocky outcrop were interesting physical features and were popular sightseeing destinations. They should be included in the OZP;

Erection of the Tin Hau Goddess Statue

- an alternative site should be identified for the development of the proposed Tin Hau Goddess Statue;

Study on Village Improvement and Upgrading of Lei Yue Mun Area

- to enhance the Lei Yue Mun area, the findings of the study commissioned by PlanD in 1999 should be re-considered;

Public Consultation

- proper public consultation with residents should be undertaken prior to any piecemeal enhancement works;

Preservation of Unique Natural Resources

- to preserve Hong Kong's character and appeal to visitors, further homogenization and disneyfication should be prevented. Moreover, the unique natural resources should be preserved;

Other Comments/Suggestions

- there were also comments and suggestions made on different topics including the Sam Ka Tsuen Ferry Pier and typhoon shelter, the layout of Lei Yue Mun Village, the Lei Yue Mun waterfront sitting-out area, and the refuse collection points;

(iii) Government's response

Public Hygiene and Safety

- Lei Yue Mun Village mainly relied on private treatment systems such as septic tanks. Waste water from the public toilet and bathrooms within the village were also treated by septic tanks before discharge. Therefore, no works were recommended for Lei Yue Mun Village under the Review of Central and East Kowloon Sewerage Master Plan Study completed by Environmental Protection Department (EPD) in 2003;
- the topography and narrow alleys of the village had posed significant technical difficulties and constraints to the provision of new sewers to the area;
- EPD had proposed stop-gap measures to ameliorate the sewage problems which included identifying and removing the sources of foul water discharged into the storm drains and carrying out local drainage modification works for intercepting foul water discharged from the squatter area as far as possible. Another on-site mitigation measure proposed was to construct drains at or near the future public landing steps for intercepting foul water;
- EPD would liaise closely with DSD and other Government departments to explore long term mitigation measures to

address the sewerage issue;

- concerning the footpath, Home Affairs Department (HAD) had carried out improvement works to the footpath from the west viewing platform to the Tin Hau Temple since 1998. An assessment by CEDD revealed that the footpath along Lei Yue Mun waterfront was generally in order and safe for public use except for the west viewing platform. Repair works for the west viewing platform had already been approved by the Kwun Tong District Council and works would commence in mid-2010 for completion in end-2010;
- regarding the seawall, the Director of Marine advised that there was no need to build a new seawall along the coast of Lei Yue Mun Village from the marine safety point of view. Besides, the Hong Kong Observatory would soon introduce the “Early Alert System for Storm Surges at low-lying areas vulnerable to Sea Flooding during Typhoons” which would enable local residents to be forewarned and to take precautionary measures against waves;
- since the sewerage problem was being examined and a new seawall was not required, the issue to consider was whether the problems raised were so insurmountable that should render the proposed “O” and “OU(Breakwater)” zones inappropriate;

Wastage of Public Resources

- the existing Sam Ka Tsuen Ferry Pier was located some distance away from the seafood restaurants of Lei Yue Mun and would require a walk of about 10 minutes. As the pier was heavily used for bulk loading and unloading of seafood, it was seldom used by visitors or sight-seeing vessels;
- there was a village jetty nearer to the restaurants but the jetty comprised an unauthorized structure which had been cordoned off for safety reasons;

Preservation of Oyster Shell Beach, Lighthouse and Rocky Outcrop

- on designating the oyster shell beach as a bathing beach, the Director of Leisure and Cultural Services had reservation on the proposal as the existing condition and water quality of the beach was poor, the presence of sharp submerged rock meant that the beach was dangerous, and the beach had no recreational value. The Director of Environmental Protection indicated that there was no data to confirm whether the water quality was up to the standard required for a bathing beach and the Director of Marine had reservation from the marine safety perspective as the bathing beach would reduce the navigable waters along the inshore traffic zone of the Lei Yue Mun gap;
- regarding the lighthouse, the Director of Marine advised that the lighthouse was an essential navigational aid to vessels and that tourist access to the lighthouse should be avoided to prevent possible human damage to such an important navigational facility. However, it was agreed that the lighthouse was a landmark for the Lei Yue Mun Area and PlanD had no in-principle objection to the proposal to extend the planning scheme boundary to cover the area occupied by the lighthouse;

Erection of the Tin Hau Goddess Statue

- the proposed Tin Hau Goddess Statue was a private project proposed by the Lei Yue Mun community. The most appropriate location to place the statue should be addressed separately from the zoning amendments;

Study on Village Improvement and Upgrading of Lei Yue Mun Area

- the Study on Village Improvement and Upgrading of Lei Yue Mun Area was completed in 1999 and a number of improvement works recommended by the Study had already been completed including the renovation of the Lei Yue Mun

sitting-out area, repaving of the footpath serving the seafood restaurants, the construction of a “Pai Lau”, the provision of a taxi stand and coach layby, the beautification of railings and improvement of signages. Relevant Government departments would continue to review the scope and seek funding to implement the upgrading works by phases;

Public Consultation

- the Tourism Commission had carried out a series of public consultations on the Enhancement Project since 2005 and the parties consulted included the Kwun Tong District Council, the local residents and restaurant operators, the fishermen’s association, the green groups, and the Sub-committee on Harbour Plan Review of the Harbourfront Enhancement Committee. The Kwun Tong District Council and the Lei Yue Mun community had shown strong support for the proposed Enhancement Project and had urged for its early implementation;

Preservation of Unique Natural Resources

- the design of the Enhancement Project was to preserve and beautify the natural environment along the Lei Yue Mun waterfront for the enjoyment of both locals and visitors. The proposed construction works would be minimal and the Tourism Commission would ensure that the improvement works would blend in well with the surrounding area;

Other Comments/Suggestions

- the comments and suggestions regarding the Sam Ka Tsuen Ferry Pier and typhoon shelter, the layout of Lei Yue Mun Village, the Lei Yue Mun waterfront sitting-out area, and the refuse collection points were not related to the OZP amendments. They had been referred to the relevant Government departments for further follow-up;

(d) the representers' proposals and Government's responses were summarized as follows:

(i) Representers' proposals

- to extend the planning scheme boundary to include the oyster shell beach and to zone it as "O" with "Bathing Beach" added to Column 1 use in the Notes for the "O" zone;
- to include the rocky outcrop and the lighthouse in the OZP and to zone them as "OU" annotated "Lighthouse" or "O" with "Lighthouse" added as a Column 1 use under the Notes for the "O" zone;
- to include the existing village jetty and adjacent open space into the OZP and to zone them as "OU" annotated "Pier" and "O" respectively;
- to defer the amendments to the OZP until a comprehensive plan which utilized public resources effectively and which addressed the foul sewerage system and the issue of the seawall was drawn up;

(ii) Government's response

- as the oyster shell beach was not suitable for bathing purposes, it was not appropriate to zone it as "O";
- it was not appropriate to zone the rocky outcrop and the lighthouse as "O" or "OU". However, the rocky outcrop, the lighthouse and the oyster shell beach could be considered for inclusion into the planning scheme boundary and zoned as a "Coastal Protection Area" ("CPA") with "Lighthouse" use added under Column 1 and "Religious Institution (Statue only)" added under Column 2;
- it was not appropriate to zone the village jetty and the adjacent open space to "OU(Pier)" and "O" given the safety concern of the jetty which was in a state of dilapidation and the lack of recreational value of the open space strip; and

- deferment of the zoning amendment would lead to delay of the Enhancement Project, which was not desirable as the project was strongly supported by the local community.

144. The Chairman then invited the representers and their representatives to elaborate on the representations.

Representation No. R1

145. Mr. Lau Ting On made the following main points:

- (a) the oyster shell beach was not suitable for swimming as the water current at that location was very rapid and it was not a safe place for swimming;
- (b) Lei Yue Mun Village was a fishing village and, for all fishermen, any development or activity concerning Tin Hau was important;
- (c) the location of the proposed public landing step was suitable as it was very near to Tin Hau Temple. During Tin Hau Festival, there would be a lot of cultural activities near the temple and it would attract many visitors to the area; and
- (d) the proposed erection of a statue for Tin Hau Goddess had been discussed at the Kwun Tong District Council for several years and the proposal was supported by the local community as it would improve the image of the area. The District Council had demanded unanimously for the early implementation of the proposed statue.

146. Making reference to a tabled document summarising the District Council's discussions on the Enhancement Project, Mr. Lui Tung Hai made the following main points:

- (a) Lei Yue Mun was a world renowned tourist spot with millions of tourists visiting the place each year. This generated immense economic benefit to Hong Kong;

- (b) improvement works were required to the area in order to maintain its attractiveness. These improvement works were demanded by the local community as well as the tourist agents bringing visitors to the place. There were complaints about the safety of the oyster shell beach as well as the long distance (about 30 minutes' walk) between the ferry pier and the seafood restaurants;
- (c) the oyster shell beach was a pollution black spot as rubbish from the sea was continuously blown to the beach, making it very difficult to keep the beach clean;
- (d) the improvement works carried out by the Government so far were beneficial but involved only minor works. The local community as well as the District Council welcomed the Enhancement Project proposed by Government. They demanded the early implementation of the proposals;
- (e) in a survey carried out in 2008, more than 2,000 people which included tourists, local residents and business operators were interviewed and all except one interviewee supported the improvement works proposed under the Enhancement Project;
- (f) the submission of the other representers were in standard format, which showed that they were the views of a certain group of people only and did not reflect broad local views. In fact, the local community was never concerned about the seawall and the safety concerns mentioned by the other representers;
- (g) on the sewerage aspect, the local community noted that Government had carried out a lot of improvement works already such as the two new toilets provided to serve the area. They noted that Government would continue to improve the drainage and sewerage problems affecting Lei Yue Mun; and
- (h) there was already much improvement to Lei Yue Mun in the last few

years. The views of the other representers did not accurately reflect the existing situation of the area.

Representation No. R55, R69 and R95

147. After presenting a 5-minute documentary produced by RTHK on the existing situation of Lei Yue Mun, Mr. Paul Zimmerman made the following main points:

- (a) Lei Yue Mun needed a progressive development plan for overall improvement;
- (b) there was a lot of potential for developing Lei Yue Mun into an attractive tourist spot with its beautiful harbour view and the proximity of the pier to various spots of interest such as the Tin Hau Temple and the seafood restaurants;
- (c) there was a management problem as the beach was only cleansed once a month, there was no sewerage system serving the area so that sewage flows directly into the typhoon shelter and the sea, and the seawall was in a state of dilapidation. Due to these problems, business was in decline when compared with other areas such as Sai Kung and Lamma Island;
- (d) the proposals suggested in the Enhancement Project did not directly tackle the problems affecting Lei Yue Mun. A holistic approach should be adopted to enhance the Lei Yue Mun waterfront and the existing natural coastline should be preserved;

[Professor C.M Hui left the meeting at this point.]

- (e) there was concern that the proposed construction of large-scale public landing facilities and a breakwater would involve a larger extent of reclamation than necessary. Instead of carrying out the reclamation, the Government should consider making use of an existing village jetty at Lei Yue Mun Village which could be upgraded to serve the same purpose. This would cost less and would avoid reclamation. Besides, the

proposed breakwater would further narrow the channel at Lei Yue Mun and create even faster currents at the channel;

- (f) Lei Yue Mun was well served by various means of public transport including the MTR, buses, and mini-buses and was much more accessible than Sai Kung and Lamma, Island. There was no urgency to construct the proposed public landing steps as tourists still flocked to Lei Yue Mun even without the proposed facility;

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

- (g) sewerage was the main problem affecting Lei Yue Mun as the general area was unhygienic and the water was dirty, giving a bad smell. According to information provided by the Food and Environmental Hygiene Department (FEHD) to the Legislative Council, the average e-coli content of water along the coast exceeded the statutory limit required for use as fish tank water;
- (h) although the provision of a public sewerage system would affect the business operations during construction, it was the only feasible solution to improve hygiene conditions in the area. Government should not avoid the issue but face it squarely;
- (i) once the public landing steps were constructed, the opportunity to construct a proper sewerage system to serve the Lei Yue Mun area would be lost; and
- (j) PlanD's proposal to zone the lighthouse, rocky outcrop and oyster shell beach as "CPA" was noted. However, the proposal would not resolve the management problem as the area so zoned would remain as no man's land. It should be zoned for use as a beach and placed under the management of LCSD.

[Professor P.P. Ho left the meeting at this point.]

148. Mr. Jeffrey Tse made the following main points:

- (a) as a local resident of Lei Yue Mun, what he cherished most was being able to reach the sea. However, if the proposed Tin Hau Goddess Statue was to be erected at the proposed location, reclamation works at the beach would be required and people would be cut off from the beach. He suggested that the beach should be retained;
- (b) the Government proposals would not help to preserve the local culture as the improvement works lacked local identity. They were very similar to works carried out for other harbourfront areas such as those in Central; and
- (c) the walking distance from Sam Ka Tsuen Ferry Pier to the restaurants would only take 10 to 15 minutes rather than 20 minutes as claimed. Making use of that ferry pier as a landing place would also allow visitors to Lei Yue Mun to take a short walk and know the place better. This would be an advantage rather than a shortcoming.

[Mr. Y.K. Cheng left the meeting at this point.]

Representation No. R82

149. Ms. Mary Mulvihill made the following main points:

- (a) as an event organiser, she used to bring her overseas clients to Lei Yue Mun very often. However, due to the worsening pollution and hygiene problems, she no longer organised such events. She indicated that unless the sewerage and hygiene problems pertaining to Lei Yue Mun were resolved, event organisers would unlikely return to Lei Yue Mun. The Government's proposal to first carry out the improvement works and then deal with the sewerage problems would be putting the cart before the horse;

- (b) the internet already had a lot of reports on the hygiene issues affecting Lei Yue Mun, making it a notorious place;
- (c) tourists generally enjoyed taking short walks through the village to see things for themselves so that the location of the pier away from the restaurants should not be considered as a shortcoming;
- (d) she had doubts on the survey profile mentioned by representer R1 which claimed to have interviewed several tourists, given that very few tourists would go to Lei Yue Mun nowadays; and
- (e) once the sewerage and hygiene problems were resolved, tourists would return as the location of Lei Yue Mun and the choices it provided in terms of transportation were much more attractive than Sai Kung or Lamma Island.

150. As the presentations from the representers had been completed, the Chairman invited questions from Members. He reminded Members to note that some of the issues raised by the representers touched on the details of the improvement works and the implementation programme while the main consideration of the Board should be on the zoning amendments pertaining to the OZP. Members had no questions to raise.

151. As the representers had finished their presentation and Members had no questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers and the Government representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

152. A Member enquired and the Chairman explained that the consideration of the Board with regard to the submitted representations should be whether the proposed zoning of the areas under concern were suitable after taking into account the views of the

representers. The powers of the Board were defined under the Town Planning Ordinance and some of the issues brought up by the representers such as hygiene, implementation programme and funding were outside the purview of the Board. The Secretary said that on the sewerage issue raised by the representers, the key of the question was whether the sewerage problem was so serious that the land use zoning of the areas under concern should not be agreed to.

153. A Member was concerned whether the proposed zoning would jeopardize the future provision of the sewers and the location of the Tin Hau Goddess Statue. On the former point, the Secretary replied in the negative. On the latter point, the Secretary explained that the location of the statue was not yet confirmed. Nevertheless, one proposal was to locate the statue on the rocky outcrop which was to be zoned as a “CPA” with “Religious Institution (Statue only)” use under Column 2. This would allow the erection of a statue on the site upon obtaining planning permission from the Board.

154. A Member asked about the relationship between the reclamation and the proposed “O” zoning of the reclaimed land. In response, the Secretary explained that any reclamation would need to be gazetted under the Foreshore and Seabed (Reclamation) Ordinance (FS(R)O) and the proposed land use zoning of the reclaimed land would need to be submitted together with the reclamation proposal to the Chief Executive in Council for consideration. Due to this administrative arrangement, the Board was required to determine the land use zoning of the reclaimed land at the start of the development process.

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

155. A Member commented that both the supportive and adverse representers wanted to see major improvements to be carried out for Lei Yue Mun. Provided that the Government’s interim proposals would not jeopardize the future provision of sewers to the area, it would be acceptable. The Member enquired about the implications of giving approval to the proposed land use zoning and the Secretary explained that if the zoning amendments were not approved by the Board, Government would be unable to implement the Enhancement Project.

156. A Member noted that in considering the land use zoning of the sites under

concern, some issues raised by the representers would not be material such as the location of the statue and the management of the beach and the typhoon shelter. However, the provision of adequate supporting facilities to serve the future land use which would attract a substantial amount of tourists would be a material consideration. The Member was concerned about the lack of a comprehensive solution to the sewerage problem and was not convinced about the need to reclaim land to build a pier closer to the restaurants when an existing pier about 10 minutes away could be made use of. The Secretary clarified that the alternative pier proposed by the representers was an existing dilapidated village jetty near to the restaurants. On the other hand, the alternative pier examined by Government was the Sam Ka Tsuen Ferry Pier and the 10-minute walking distance was from that pier to the main entrance of Lei Yue Mun Village.

157. A Member noted that the existing village jetty proposed by the representers to be upgraded was within the area covered by the Protection of the Harbour Ordinance (PHO). The Member doubted whether works to rebuild the village jetty would meet the “over-riding public need” test required under the PHO given that there was a reasonable alternative to the proposed works, i.e. to locate the pier outside the harbour limits. Regarding the proposed “O” zoning of the land to be reclaimed, the Member indicated support for the proposed zoning.

158. Given the numerous procedures that were still required before the proposals could be implemented, a Member commented that the Board should be more flexible at this stage. The Member supported the proposed land use zoning for the sites under concern but highlighted that hygiene was a real problem for Lei Yue Mun which needed to be tackled as the place was dirty and smelly and the food served was not clean. Moreover, there was inadequate data to support the proposed reclamation and quantitative assessment on the impact caused by the reclamation was lacking.

159. In response, Mr. Benny Wong explained that EPD had been monitoring the water quality of the typhoon shelter and the number of e-coli counts from water samples taken showed that the water quality in the area had been improving. Government had been dealing with the problem of direct discharge of sewage and, with nearly all restaurants in the area now provided with septic tanks, direct discharge of untreated sewage into the typhoon shelter was under control. For the squatter area, it was technically infeasible to construct a

door-to-door collection system, and it is also against Government policy to provide a sewerage system to serve squatters. Nevertheless, Government had already provided a public bath and toilet to serve residents of the squatter area. With the co-operation and self-discipline of the residents, any residual discharge from the squatter area has minimal effect on water quality except the possibility of creating localized hygiene and unsightliness problems. On the issue of provision of public sewerage system to the Lei Yue Mun Village, the EPD had conducted study previously, but concluded that there would be considerable difficulties to install public sewerage facilities to serve the Lei Yue Mun Village area because of the narrow alleys and the lack of support from the business operators as they considered the construction of the sewerage system would seriously affect their business. Nevertheless, EPD and DSD are now reviewing the situation.

160. A Member commented that the real issue affecting Lei Yue Mun was the hygiene problem and the Government proposals regarding the public landing steps and viewing platforms would unlikely bring real benefits to the area if the hygiene problem would remain unresolved.

161. On the suggestion that the proposed land use zoning could be a catalyst that would drive overall improvement to Lei Yue Mun, a Member considered that Amendment Item A1 would be acceptable on such a premise as it would create a public space that could serve the area but Amendment Items A2 and B concerning the public viewing platform and the breakwater would not be justified on such a premise. In response to a Member's enquiry on whether a public septic tank to serve the squatter area could be provided on the reclaimed land covered by Amendment Item A2, Mr. Benny Wong said that stop-gap measures were already proposed to intercept the residual sewage flow from the squatter area in the storm drain next to the proposed landing area.

162. The Secretary clarified that the three amendment items shown on the OZP were mainly to facilitate the overall beautification scheme proposed by the Tourism Commission for Lei Yue Mun. Referring to information which was presented to the Metro Planning Committee on 18.9.2009 when the proposed zoning amendments were considered, she explained that the overall scheme included the construction of a waterfront promenade with public landing facilities, a breakwater linked up with the public landing facilities, a public viewing platform, and streetscape enhancement. Amendment Item A2 mainly covered two

small pockets of reclaimed land proposed to form part of the waterfront promenade, viewing platform and public landing facilities while Amendment Item B mainly covered the proposed breakwater. If these two amendment items were not approved, it would not be possible for Government to implement the proposed beautification scheme.

163. A Member was concerned that, with the hygiene problem remaining unresolved, it would be futile to implement the various improvement measures proposed by the Government as these measures would unlikely attract tourists back to Lei Yue Mun. A Member was also concerned that approving the zoning amendments without resolving the hygiene problem would give a bad impression to the public. Another Member, however, considered that even though the hygiene problem might remain unresolved, granting approval to the zoning amendments would allow the improvement projects to proceed to the next stage involving the seeking of funds from the Legislative Council. This would enable the hygiene problem affecting Lei Yue Mun to be brought to the fore for public discussion. The Chairman added that the zoning amendments would bring about some improvement to the area and the fundamental issue regarding hygiene and sewage would have to be sorted out by Government separately.

164. A Member suggested that should the Board agree to the proposal, a letter should be issued to the relevant Government departments and the District Council to advise them on the Board's concerns on the hygiene problem and the stop-gap measures that needed to be implemented as follow-up actions.

165. A Member was concerned about giving approval to all three amendment items and suggested to de-link the three items. Another Member, however, considered that whether the three amendment items were bundled together was not an issue. As the project proceeded to the next stage, i.e., seeking funding and implementation, there was always the possibility for various parts of the project to be amended to meet the requirements of the relevant decision-making bodies.

166. A Member considered that it would be better to allow the proposals to proceed. Any improvement measure, however minor, would be better than doing nothing.

167. In conclusion, the Chairman noted Members' general agreement to partially

meet representations R2 to R92, R94 and R95 by including the oyster shell beach, the rocky outcrop and the lighthouse into the OZP, subject to the agreement of the Chief Executive to extend the OZP boundary, and to zone the area to “Coastal Protection Area”, and not to uphold the remaining views of R2 to R95. Members also agreed to inform the relevant Government departments and the Kwun Tong District Council that the Board was concerned about the hygiene and the sewage treatment problems in Lei Yue Mun and that departments should take proactive measures to deal with those issues.

Representation No. R1

168. The representation in support of the proposed amendments to the OZP was noted by the Board.

Representation No. R2 to R92, R94 and R95

169. After further deliberation, the Board decided to partially uphold the representations by including the oyster shell beach, the rocky outcrop and the lighthouse into the OZP and to zone the area to “Coastal Protection Area”, subject to the agreement of the Chief Executive to extend the OZP boundary.

Representation No. R2 to R95

170. After further deliberation, the Board decided not to uphold the remaining part of the representations for the following reasons:

- (a) the amendments to the Outline Zoning Plan were intended to facilitate the Lei Yue Mun Waterfront Enhancement Project. The zoning amendments did not preclude improvements to the sewerage system and seawall;
- (b) the proposed public landing facility was conveniently located providing easy access to Lei Yue Mun restaurants. The village jetty nearby was a damaged unauthorised structure and was unsafe. The proposed location for the development of the public landing facility was considered suitable;
- (c) the proposed “Open Space” zoning for the oyster shell beach was considered not appropriate as the oyster shell beach had no recreational value and was not suitable for the development of bathing beach for safety reasons;

- (d) the proposed inclusion of the rocky outcrop and the lighthouse in the Outline Zoning Plan and to zone them as “Other Specified Uses” annotated “Lighthouse” or “Open Space” were considered not appropriate as visitor activities at the rocky outcrop and lighthouse which would affect the operation of the lighthouse. Moreover, the proposal was not in line with the planning intention for the “Open Space” zone which was intended to provide public open space to serve the public; and
- (e) the deferment of the amendments to the Outline Zoning Plan would adversely affect the implementation of the Lei Yue Mun Enhancement Project which had strong local support. Relevant Government departments would continue to find ways to improve the condition in Lei Yue Mun Area.

171. The Board also agreed to inform the relevant Government departments and the Kwun Tong District Council of its concern about the hygiene and sewage treatment problems in Lei Yue Mun and requested that departments should take proactive measures to deal with those issue.

[Mr. Laurence L.J. Li left the meeting at this point.]

Agenda Item 13

[Open Meeting]

Request for Deferral for Review of Application No. A/H8/398

Proposed Residential Development in "Comprehensive Development Area (1)" zone, 14-30 King Wah Road, North Point (Inland Lot 7106 s.B, s.C, RP and Portion of Extension to RP)

(TPB Paper No. 8520)

[The hearing was conducted in Cantonese.]

172. The following Members had declared interests on the item:

- Mr. Raymond Y.M. Chan) had current business dealings with Henderson
) Land Development Co. Ltd.
- Dr. James C.W. Lau) had current business dealings with Ho Tin &
) Associates Consulting Engineers Ltd., a
) consultant for the applicant
- Mr. Clarence W.C. Leung) was the Director of an NGO that recently
) received a private donation from a family
) member of the Chairman of Henderson Land
) Development Co. Ltd.
- Dr. C.P. Lau) had a relative working as a consultant for
) Henderson Land Development Co. Ltd.
- Prof. S.C. Wong) had current business dealings with Ove Arup
Mr. Stephen M.W. Yip) & Partners Hong Kong Ltd., a consultant for
) the applicant

173. As the application was for deferral of consideration of the application, the meeting agreed that the above Members could stay in the meeting. Members noted that Mr. Raymond Y.M. Chan and Dr. James C.W. Lau had already left the meeting.

174. The Secretary reported that the review was concerned with approval condition (c) of the planning permission granted by the Board. On 8.4.2010 and 9.4.2010, the applicant requested for deferment of consideration of the review application for two months in order to allow time for the applicant to review the physical implications of approval condition (c) on the approved residential scheme. 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 that the deferment would not affect the interest of other relevant parties.

175. After deliberation, the Board decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant.

The Board agreed that the application should be submitted to the Board for consideration within three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

[Open Meeting]

Request for Deferment of the Hearing Date

Consideration of Representations and Comment to Draft Tuen Mun Outline Zoning

Plan No. S/TM/26

(TPB Paper No. 8528)

[The meeting was conducted in Cantonese.]

176. The following Member had declared interests on the item:

Mr. Rock C.N. Chen) a family member had owned properties in
) Tuen Mun

Dr. C.P. Lau) owned properties in Tuen Mun

177. As the item was for deferral of consideration of the hearing of the representations and comments on the OZP, the meeting agreed that the above Members could stay in the meeting. Members noted that Mr. Rock C.N. Chen had already left the meeting.

178. The Secretary reported that the consideration of the representations and comment on the Draft Tuen Mun OZP No. S/TM/26 was originally scheduled for 30.4.2010, and would be heard in 4 groups.

179. On 12.4.2010, the Castle Peak Power Company Limited (CAPCO) represented by Townland Consultants Ltd (Representer **R8**) wrote to the Secretary of the Board and

requested to defer the hearing of the representations to 4.6.2010. The representer indicated that the zoning amendments imposed on CAPCO had caused compliance problems and it was liaising with the concerned Government departments and needed more time to identify practicable and mutually acceptable solutions that were in the public interest.

180. According to Town Planning Board Guidelines No. 33, as the deferment of consideration of representations and comments might affect the submission of the OZP to the Chief Executive in Council for approval and the interests of other parties involved in the hearing, such requests would not be entertained unless with the consent of other concerned parties and there were very strong reasons to do so. Moreover, the Board might only postpone the meeting for a maximum period of 4 weeks or two meetings, counting from the original hearing date.

181. As the concerns raised by the representer touched on the relevance of gross floor area/building height restrictions, the request for more time to identify solutions was not unreasonable and the requested deferment to 4.6.2010 was in line with the spirit of the Town Planning Board Guidelines No. 33 as there would only be one Town Planning Board meeting in May 2010.

182. Since the other groups had also made representations with regard to building height restrictions, the Board's decision on them might have a bearing in the consideration of R8. It would be prudent therefore for the Board to conduct all four groups of hearings in one session at the same meeting.

183. After deliberation, the Board decided to defer the hearing of the representations and comment on the Draft Tuen Mun OZP No. S/TM/26 to 4.6.2010 subject to the consent of all other representers and the commenter. The Board also agreed that all four groups of representations should be heard in one session at the same meeting.

Agenda Item 15

[Open Meeting]

Submission of the Draft Kwun Tong (North) Outline Zoning Plan No. S/K14N/12A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

(TPB Paper No. 8526)

[The meeting was conducted in Cantonese.]

184. The Secretary briefly introduced the Paper. The draft Kwun Tong (North) OZP No. S/K14N/12 was gazetted on 27.11.2009 under section 5 of the Ordinance. During the statutory publication period, no representation was received.

185. After deliberation, the Board agreed:

- (a) that the draft Kwun Tong (North) Outline Zoning Plan (OZP) No. S/K14N/12A together with its Notes at Annex I and Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Kwun Tong (North) OZP No. S/K14N/12A at Annex III of the Paper as an expression of the planning intentions and objectives of the Board for the various land-use zones on the draft OZP and to be issued under the name of the Board; and
- (c) that the updated ES for the draft Kwun Tong (North) OZP No. S/K14N/12A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 16

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

186. There being no other business, the meeting was closed at 5:45 p.m.