

**Minutes of 961st Meeting of the
Town Planning Board held on 9.7.2010**

Present

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

Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Felix W. Fong

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

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

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

Director of Lands
Miss Annie K.L. Tam

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

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

Director of Planning
Mr. Jimmy C.F. Leung

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor P.P. Ho

Professor Eddie C.M. Hui

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

Mr. Stephen M.W. Yip

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

In Attendance

Assistant Director of Planning/ Board
Mr. Lau Sing

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

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 960th Meeting held on 18.6.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 960th meeting held on 18.6.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

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

Agenda Item 3

[Open Meeting]

Revised Draft Town Planning Board Guidelines for Submission of Visual Impact Assessment to the Town Planning Board

(TPB Paper No. 8581)

[The meeting was conducted in Cantonese.]

Presentation Session

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

Ms. Phyllis Li

Assistant Director/Special Duties

Ms. Ginger Kiang

Chief Town Planner/Urban Design and Landscape

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

5. Ms. Phyllis Li gave a short introduction and made the following main points:

- (a) the purpose of the “Town Planning Board Guidelines for Submission of Visual Impact Assessment (VIA) to the Town Planning Board” (“the Guidelines”) was to provide guidance on the general requirements for preparing a VIA in support of applications to the Board or for compliance with approval conditions required by the Board;
- (b) the draft Guidelines were a consolidation of existing practices and were considered by the Board on 24.3.2006. The Board generally supported the draft Guidelines but requested PlanD to consult the stakeholders before its promulgation; and
- (c) three rounds of consultation were conducted from 2006 to 2009 and the stakeholders consulted included the Real Estate Developers’ Association (REDA), the relevant professional institutes, the Planning Sub-Committee (PSC) of the former Lands and Buildings Advisory Committee (LBAC), the Town Planning Task Force (TPTF) and the Pre-Construction Task Force (PCTF) of the Business Facilitation Advisory Committee, the Hong Kong Urban Design Alliance, and the relevant Government departments. The currently proposed draft Guidelines had been revised, where appropriate, to address the concerns of the stakeholders.

6. With the aid of a powerpoint presentation, Ms. Ginger Kiang presented the main contents of the revised draft Guidelines, as follows:

Scope and Application of VIA

- (a) the Guidelines for VIA were applicable in the following circumstances:
 - (i) when a VIA was stipulated in the Notes of the statutory plan;

- (ii) when a VIA was required as an approval condition;
- (iii) when a VIA was requested by the Board;
- (iv) when a proposal was within an area subject to comprehensive planning and design control in the form of a planning brief, design brief or submission of Master Layout Plan for approval by the Board;
- (v) when a proposal involved changes to development parameters of a site from the statutory planning restrictions applicable resulting in pronounced increase in development scale and intensity, and visual changes from key public viewing points;
- (vi) when a proposal involved up-zoning or rezoning of a site from a non-development use to a development use which would result in loss of visual openness; and
- (vii) when a proposal might affect existing visually sensitive area, visual amenities and visual resources on-site or off-site enjoyed by the public.

Primary Considerations of VIA

- (b) the primary planning consideration of visual impact was on the impact of the overall site layout, development scale, form, massing, disposition and character of the development and its spatial relationship with the overall townscape or surrounding landscape;
- (c) the underlying principle of VIA was to avoid developments that would likely result in major adverse visual impact within the existing and planned development context;

Contents and Process of VIA

- (d) the assessment area for the VIA (i.e. the visual envelope) should be determined having regard to the size of the proposed development, the site context, and the distance from and location of the sensitive viewing points. As a starting point, the boundary the assessment area should be set at a distance equivalent to 3 times the height of the proposed development

(3H);

- (e) the visual impact should take into account views from key strategic vantage points and popular local vantage points. For the key public viewing points, the applicants should refer to Chapter 11 of the Hong Kong Planning Standards and Guidelines, the Explanatory Statements of relevant statutory plans, outline development plans and layout plans and completed planning studies available for public reference. For local viewing points, these should be determined according to the setting of the project and views of local significance;
- (f) all the existing and planned key visual elements should be reported in the VIA, including the major physical structures, visual resources or attractors, and visual eyesores or detractors;
- (g) the impacts of visual changes caused by the proposed development on the assessment area and sensitive public viewers should be appraised. The appraisal should include the visual composition (i.e. the total visual effect), the degree of visual obstruction and loss of views or visual openness, the impact of visual changes from key public viewing points, and the impact on visual resources;
- (h) the overall visual impact of the proposed development should be evaluated taking into account the sensitivity of the key public viewers, visual resources and visual amenities likely to be affected, the magnitude, extent and duration of impact, the resultant improvement or degradation in the visual quality and character of the surrounding area, and the planning intention and known planned developments of the area. A conclusion should be drawn on whether the overall visual impact was enhanced, negligible or worsened;

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

- (i) the visualisation materials submitted should be commensurate with the scale and level of complexity of the project. These should normally include the following:
- site layout plan, elevation and section diagrams;
 - a plan showing the boundary of the assessment area, key public viewing points, major visual corridors and key visual elements;
 - aerial photographs;
 - site photographs showing the existing views from key public viewing points; and
 - photomontages showing the existing views and the future views to the proposed development.
- (j) other useful materials that might be submitted at the discretion of the applicant included physical models, computer-generated animations and perspective drawings;

Amendments to Approved Schemes

- (k) a revised VIA should be submitted to assess the change in visual impact when major amendments were proposed to an approved scheme or, in case of Class B amendments, when the proposed amendments would result in changes to the key development parameters which might have implications on the visual impact, e.g. increase in GFA upon the grant of concessionary GFA;

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Outstanding Concerns of Stakeholders

- (l) REDA considered that a VIA should only be required if such a requirement was stipulated in the Notes of the OZP. However, PlanD's view was that it was not possible to pre-determine whether VIAs would be required on the OZPs as the scale, location and prominence of the

proposed development would also determine whether the visual amenities and visual resources of the public would be affected and, hence, whether a VIA would be required;

- (m) while REDA considered it unnecessary to include potential concessionary GFA into the photomontages, PlanD's view was that since such concessionary GFA would add to the bulk of the proposed development, it was necessary to take them into account in presenting the visual impact;
- (n) on the concern that new public viewing points should be made known to the public and should go through the public consultation process, it should be noted that the existing key public viewing points were already widely promulgated and the public had been thoroughly consulted during the consultation exercise for the Urban Design Guidelines conducted in 2003. As for the local viewing points, these would be determined based on the setting of the project and the views of local significance; and
- (o) on the suggestion that the Guidelines for VIA should be reviewed in 12 months' time, it was the normal practice to review the TPB Guidelines from time to time.

Discussion Session

7. A Member enquired about the 3H principle for determining the assessment area and was concerned that it might not be suitable for sites located in a valley. The Member further enquired how the views of road users would be taken into account. In response, Ms. Ginger Kiang explained that the 3H principle was only the starting point for determining the assessment area. The site context would be considered before an appropriate assessment area for the VIA was agreed with the applicant. Regarding the views of road users, the VIA would need to consider them as transient viewers and the overall VIA would also take them into account.

8. A Member enquired whether the key public viewing points were made available to the public and how the difference in opinion between the developers and the

public in defining the location of the key viewing points could be reconciled. In response, Ms. Ginger Kiang explained that the key strategic public viewing points were already specified in the OZPS, in the Hong Kong Planning Standards and Guidelines, and on Planning Department's website. The information was therefore easily accessible to the public. On the other hand, the determination of the viewing points would always be controversial. In order to minimize the difference in opinion, only the key public viewing points would be taken into account and the private viewing points would not be considered. In determining the public viewing points, the criterion adopted was that these points should be popular viewing points and should be easily accessible to the public.

9. In response to a Member's enquiry on whether the public had been consulted on all the key public viewing points, Ms. Phyllis Li replied that the public had been thoroughly consulted on the 7 key strategic public viewing points during the public consultation exercise for the Urban Design Guidelines conducted in 2003. However, the local viewing points for individual OZPs would need to be determined individually based on the local views regarding the importance of different focal points and key viewing corridors. Information on the local viewing points would also be made available where appropriate.

10. Another Member enquired whether more innovative ways to consult the public had been considered, whether there was a mechanism to resolve the divergent views and whether a review mechanism was in place. In response, Ms. Phyllis Li said that three rounds of consultation had been conducted with the stakeholders. Given the content of the Guidelines, which was very technical in nature, the stakeholders consulted mainly included developers and the professional institutes. Instead of the traditional method of consultation, a negotiation and mediation approach had been adopted in the consultation process so as to incorporate as much as possible the views of the stakeholders. Although not all issues had been resolved, there was a reiterative process of providing comments and responses, and further comments and responses so that, in the end, only four outstanding issues remained unresolved.

11. In response to a Member's suggestion to add a key public viewing point on Kowloon side at a level similar to the current viewing point on the Peak, Ms. Ginger Kiang explained that a key strategic public viewing point was already provided at the Lung Cheung

Road Lookout Point. The Secretary added that additional local viewing points at a higher level on Kowloon side could be further considered and incorporated into the individual OZPs.

12. As Members had no further questions and comments, the Chairman concluded that the revised draft Town Planning Board Guidelines were endorsed and considered suitable for promulgation. He thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K7/94

Proposed Redevelopment for Social Welfare and Hotel (Guesthouse) (with Ancillary Eating Place) Uses in “Government, Institution or Community” zone, Hong Kong Young Women’s Christian Association Kowloon Centre and Anne Black Guest House, 5 Man Fuk Road, Ho Man Tin (KIL 9182)_

(TPB Paper No. 8576)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

13. The Secretary reported that Mr. Raymond Y.M. Chan, who owned a flat at Ho Man Tin Hill Road, had declared interests on the item. Members noted that Mr. Raymond Y.M. Chan had tendered an apology for not attending the meeting.

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

Mr. Eric Yue	District Planning Officer/Kowloon, Planning Department (PlanD)
Mr. Albert W.B. Lee	Chief Traffic Engineer/Kowloon, Transport Department (TD)

Mr. Leung Bing Kwong)
Dr. Miranda Chan)
Mr. Charles C.K. Chan) Applicant's representatives
Mr. Chan Kwai Sun)
Mr. Kenneth To)
Ms. Tsang Hoi Ming)

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

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

- (a) the applicant sought planning permission for a proposed redevelopment for social welfare and hotel (guesthouse) use with ancillary eating place facilities at the application site which fell within an area zoned "Government, Institution or Community" ("G/IC") on the Ho Man Tin Outline Zoning Plan (OZP);
- (b) the application was approved by the Metro Planning Committee (MPC) on 18.9.2009 subject to a number of conditions including *inter alia* condition (c) which required the provision of lift service to provide connection with either Waterloo Road or Pui Ching Road to facilitate the elderly services to the satisfaction of the Commissioner for Transport (C for T) or of the Board;
- (c) the applicant subsequently applied for a review of MPC's decision to impose approval condition (c) and the justifications in support of the review were set out in paragraph 3 of the Paper. The applicant claimed that it was technically not feasible to provide a lift access connection with Pui Ching Road either via the Pui Ching Road Playground or via the Kowloon Public Library due to the excessive length of the subway that

needed to be built. It was also technically not feasible to provide a lift access connection with Waterloo Road as it would pass through private lots where owners' consent would be required and the alternative passageway would need to pass through the existing petrol filling stations (PFS) along Waterloo Road which would cause safety concerns. Moreover, management of the proposed lift access beyond the site boundary of the application would be complicated and the construction and management cost of the lift access connection would cause substantial financial burden to the applicant. The applicant suggested to offer alternative solutions including point-to-point transport and shuttle bus services to facilitate easy access for elderly service users, which was considered acceptable by Social Welfare Department. Seven options for the lift access connection to Pui Ching Road or Waterloo Road had been identified for the feasibility study and the assessment results confirmed that, due to implementation difficulties, none of the options could be implemented within a reasonable time frame. The imposition of approval condition (c) would therefore delay the programme for the delivery of services to be provided upon the redevelopment of the YWCA Kowloon centre and the Anne Black Guest House;

- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. C for T had no objection to the review application and agreed with the applicant's assessment that the 7 alignment options identified were not feasible due to the unavailability of land or difficulties in obtaining access through private lots. The Director for Leisure and Cultural Services commented that the proposed lift access connections should not encroach onto their leisure venues and should avoid affecting the facilities of Pui Ching Road Playground. She also considered it not feasible to provide the access connection through the Kowloon Public Library site. The Director for Social Welfare (DSW) had no adverse comment on the applicant's proposal to provide point-to-point transport service and regular shuttle bus service for its users;

- (e) public comments – during the statutory publication period of the review application, four public comments were received. Two public comments were from the operators of the PFS objecting to the proposed lift access connections which would adversely affect the operational safety and daily operations of the PFS. One public comment from a local organisation supported the imposition of the approval condition as the lift access connection would be beneficial to the residents of the Waterloo Hill area. One public comment was not related to the review application; and

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

- (f) PlanD's view – PlanD had no objection to the review application based on the assessment as stated in paragraph 7 of the Paper. The applicant had explored 7 alternative alignments for the proposed lift access connection but none of the options was implementable due to reasons including the substantial construction cost, problems relating to land matters and future management difficulties. Besides, C for T agreed with the applicant's assessment that none of the options could be implemented and DSW accepted the applicant's alternative form of transport arrangements for the elderly services.

17. As it was the practice of the Board to first consider whether a presentation by the applicant was required when the relevant Government departments had no objection to the review application, the Chairman invited the applicant's representatives and PlanD's representatives to leave the meeting to allow the Board to deliberate on the matter. They left the meeting at this point.

18. A Member considered that a lift access connection would be beneficial to the area and enquired whether an alternative route which would not affect the properties of a third party could be identified. Another Member agreed and queried whether the applicant had exhausted all alternatives in providing the lift access connection.

19. A Member, however, considered that it was not reasonable to require the applicant to provide the lift access connection which would be costly to build, maintain and

manage, particularly given that the applicant was a registered charitable organization. Another Member agreed and said that if a lift service was required to serve the residents of the Waterloo Hill area, it should be the responsibility of the Government, rather than the applicant, to provide such a facility. Three other Members agreed with this view and considered that it was not reasonable to require the applicant to provide a lift access connection which would be costly to build and manage. In any case, none of the options considered was feasible.

20. A Member considered that although the applicant was a charitable organization, the proposed development was for a hotel (guesthouse) development which was a profit-making facility. It would not be unreasonable to require the applicant to provide the lift access connection which would serve the local community. This Member considered that the applicant should be requested to confirm whether all options for the lift access connection had been exhausted. Another Member also queried whether the applicant had persisted in their discussions with Government departments in identifying a passageway that was acceptable to all parties.

21. After further discussion, the meeting agreed to invite the applicant's representatives to the meeting to answer Members' questions on the lift access connections. The applicant's representatives and Government's representatives were invited to the meeting at this point.

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

22. In response to a Members' enquiry, Mr. Leung Bing Kwong explained that the applicant had exhausted all options for providing the lift access connection, but to no avail. Since the applicant's site was surrounded on all three sides by private properties or Government developments, they could not identify any further options.

23. A Member enquired how persistent the applicant was when negotiating with the relevant Government departments. In response, Mr. Charles C.K. Chan said that while they had tried to obtain agreement from the Government departments, they also had to consider the cost, safety and feasibility of the options.

24. Mr. Eric Yue supplemented that the Government was also considering the feasibility of providing a lift access connection from Waterloo Road up to the Waterloo Hill area. A feasibility study was being conducted by Highways Department on a proposed lift with footbridge connection at a location near the Waterloo Road/Argyle Street junction and the proposal had already been submitted to the Kowloon City District Council for their consideration.

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

Deliberation Session

26. A Member commented that the lift with footbridge connection proposed by the Government would serve the needs of the local residents. The Chairman noted that Members generally considered the proposal to be acceptable.

27. After further deliberation, the Board decided to approve the application on review and to delete approval condition (c), i.e. the provision of lift service to provide connection with either Waterloo Road or Pui Ching Road to facilitate the elderly services to the satisfaction of the Commissioner for Transport or of the Board.

Agenda Item 5

[Open Meeting]

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

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

(TPB Paper No. 8578)

[The hearing was conducted in Cantonese.]

28. The Secretary reported that on 15.6.2010, the applicant submitted a request for deferment of consideration of the review application for two months in order to allow time for the applicant to collect information to demonstrate the pressing demand for village houses in Sha Kong Wai and the inadequacy of land in the “V” zone. The review hearing had been deferred by the Board three times on the request of the applicant to allow time for him to provide supplementary information to the Board. 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.

29. 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.

[Mr. Rock C.N. Chen and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

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

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the Draft Sham Chung Outline Zoning Plan No. S/NE-SC/2 Arising from the Consideration of Representations on OZP No. S/NE-SC/1

(TPB Paper No. 8573)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

30. The Secretary reported that Green Power, Kadoorie Farm, Friends of Sai Kung and Green Lantau Association were involved in the representations and that most of the private land covered by the Sham Chung OZP was under the ownership of Sun Hung Kai Properties Limited, Land Bright Development Limited and Land Honest Development Limited. The following Members had declared interests in the item:

Mr. Raymond Chan)	had current business dealings with Sun Hung
Mr. Y.K. Cheng)	Kai Properties Limited
Mr. Felix W. Fong)	
Ms. Julia M.K. Lau	-	being a former employee of Sun Hung Kai Properties Limited

31. Members noted that Mr. Raymond Y.M. Chan and Mr. Y.K. Cheng had tendered apologies for not attending the meeting. Mr. Felix W. Fong and Ms. Julia M.K. Lau left the meeting at this point.

32. Hui Wai Keung, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) was invited to the meeting at this point. The Chairman extended a welcome and invited Mr. Hui Wai Keung to brief Members on the Paper.

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

- (a) on 4.6.2010, the Board heard the representations to the draft Sham Chung OZP No S/NE-SC/1 and decided to propose amendments to partially meet representations R1 to R44;
- (b) during the consideration of the representations, the Board decided that the old village settlement areas were suitable for Small House developments and that these areas should not be zoned “V(1)” as proposed in TPB Paper

No. 8555 but should be zoned “V” where Small House development would be always permitted; and

- (c) a revised Plan was prepared showing the proposed amendments to draft Sham Chung OZP No. S/NE-SC/2 to partially uphold representation R1 to R44 as agreed by the Board on 4.6.2010. The Explanatory Statement to the Plan would also be amended correspondingly.

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

34. As Members had no questions to raise, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation Session

35. The Secretary said that the Secretariat would further check the accuracy of the proposed amendments to the OZP, Notes and Explanatory Statement. The above documents, after incorporating the refinements (if any), would be published under section 6C(1) of the Town Planning Ordinance.

[Post-meeting Note: After checking, it was found that an additional amendment to rezone a narrow strip of land in the north-eastern part of the OZP from “Coastal Protection Area” to “Village Type Development” should be added as part of Amendment Item A.]

36. After further deliberation, the Board agreed that the proposed amendments to the draft Sham Chung OZP No. S/NE-SC/2 and the revised Explanatory Statement were suitable for publication for public inspection in accordance with section 6C(1) of the Ordinance.

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TP/439

Proposed 14 Houses (New Territories Exempted Houses – Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant) in “Green Belt” zone, Lots 251 (Part), 252 (Part), 253 (Part), 254, 255 (Part), 258 (Part), 259 (Part), 260 S.A (Part) and 260 RP (Part) in D.D. 20 and Adjoining Government Land, Lo Lau Uk, Tai Po

(TPB Paper No. 8575)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

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

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

- (a) the applicant sought planning permission to build 14 houses (New Territories Exempted Houses – Small Houses) and a sewage treatment plant on the application site which fell within an area zoned “Green Belt” (“GB”) on the Tai Po Outline Zoning Plan (OZP);

[Mr. Felix W. Fong and Mr. Rock C.N. Chen returned to join the meeting at this point.]

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 4.12.2009 for the reasons that the proposed development was not in line with the planning intention of the “GB” zone where there was a general presumption against development, the application did not comply with the ‘Interim Criteria for Consideration of

Application for NTEH/Small House in New Territories' in that over 50% of the application site and the proposed houses were located outside both the 'village environs' (VE) and the "V" zone, there was no information to demonstrate that the proposed development which was within the lower indirect Water Gathering Grounds (WGG) would not cause adverse impact on the water quality in the area, there was no information to demonstrate that the proposed development would not pollute the natural stream and would have no adverse impacts on drainage, traffic, visual and landscaping of the area, and that approval of the application would set an undesirable precedent for other similar applications;

- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant claimed that Lo Lau Uk was the original village of Pun Shan Chau, that the District Lands Officer/Tai Po (DLO/TP) had previously prepared a 'VE' plan for Lo Lau Uk, and that the applicant would submit the detailed technical assessments to address the traffic, environmental, drainage and landscaping issues upon the approval of the application;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. DLO/TP advised that Lo Lau Uk was not a recognized village and that even though a tentative 'VE' plan was drawn for the village, the proposal had never been agreed. The Director of Water Supplies considered that the sewage treatment proposal was only a conceptual proposal and that the proposed development would put the water source at a high risk of pollution and contamination. The relevant Government departments maintained their previous concerns on the drainage, traffic, agricultural and landscaping aspects of the proposed development;
- (e) public comments – three public comments were received objecting to the proposal on the grounds of environmental and water quality impacts; and

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

- (f) PlanD's views – PlanD did not support the application based on the assessment and reasons as stated in paragraph 7 of the Paper. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the Small House footprints fell entirely outside both the 'VE' of any recognized village and the "V" zone. The site was partly within the lower indirect WGG and the applicant had failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. There was no strong justification to merit a departure from the RNTPC's previous decision on the application. Approval of the application would set an undesirable precedent for similar application within the subject "GB" zone.

[Ms. Anita W.T. Ma returned to join the meeting at this point.]

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

Deliberation Session

41. A Member commented that there was no change in the planning circumstances and the applicant did not provide any substantive information to justify the granting of approval to the proposed development. Members then went through the reasons for rejecting the application as stated in paragraph 13 of the Paper and considered that they were appropriate.

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

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the "Green Belt" zoning of the area which was to define

the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that over 50% of the application site and the proposed houses were located outside both the ‘village environs’ and the “Village Type Development” zone of a recognised village;
- (c) the application site was partly within the lower indirect Water Gathering Grounds. There was no information in the submission to demonstrate that the proposed development located within the Water Gathering Grounds would not cause adverse impact on the water quality in the area;
- (d) there was no information in the submission to demonstrate that the proposed development would not pollute the natural stream and would have no adverse impacts on drainage, traffic, visual and landscaping of the area; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “Green Belt” zone. The cumulative effect of approving such applications would result in urban sprawl and a general degradation of the natural environment in the area.

Agenda Item 8

[Closed Meeting]

43. This item was recorded under Confidential cover.

Agenda Item 9

[Closed Meeting]

44. This item was recorded under Confidential cover.

Agenda Item 10

[Open Meeting]

Submission of the Draft Hung Hom Outline Zoning Plan No. S/K9/23 to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

(TPB Paper No. 8577)

[The meeting was conducted in Cantonese.]

45. The Secretary reported that the following Members had declared interests on the item:

- Mr. Raymond Y.M. Chan - owned a flat at Laguna Verde
- Mr. Maurice W.M. Lee - owned a shop at Bulkeley Street
- Prof. Edwin H.W. Chan - lived in Hung Hom

46. Members noted that Mr. Raymond Y.M. Chan had tendered an apology for not attending the meeting. As the item was procedural in nature and no deliberation was required, Members agreed that Mr. Maurice W.M. Lee and Prof. Edwin H.W. Chan should be allowed to stay in the meeting.

47. The Secretary briefly introduced the Paper. On 11.9.2009, the draft Hung Hom OZP No. S/K9/23 was gazetted under section 5 of the Ordinance. During the statutory publication period, no representation was received and the plan making process had been completed.

48. After deliberation, the Board agreed:

- (a) that the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/23A

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 Hung Hom OZP No. S/K9/23A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Hung Hom OZP No. S/K9/23A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/18

(TPB Paper No. 8580)

[The meeting was conducted in Cantonese.]

49. The Secretary reported that Ms. Julia M.K. Lau had declared interests on the item as she was the director of a private company which had recently completed the transaction of an industrial building in Yau Tong. As the item was procedural in nature and no deliberation was required, Members agreed that Ms. Lau should be allowed to stay in the meeting.

50. The Secretary reported that upon consideration of the representations to the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP on 16.4.2010, the Board agreed to partially amend the OZP to meet Representations No. R2 to R92, R94 and R95 by including the oyster shell beach and the rocky outcrop with the lighthouse into the Planning Scheme Area and zoning them as "Coastal Protection Area". The proposed amendments were exhibited for public inspection on 28.5.2010 and two further representations were received.

51. However, further representation No. F-2 was submitted by Mr. Paul Zimmerman of Designing Hong Kong Limited who was one of the original representers (Representation No. R95). As section 6D(1) of the Ordinance stipulated that a representer or commenter was not permitted to submit a further representation to the Board, the further representation should be considered as invalid and should be treated as not having been made.

52. As for the other further representer (No. F-1), his representation would be submitted to the full Board for consideration.

53. After deliberation, the Board agreed that representation No. F-2 was invalid and should be treated as not having been made. The Board also agreed with the proposed hearing arrangements for further representation No. F-1.

Agenda Item 12

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

54. There being no other business, the meeting was closed at 11:35 a.m.