

**Minutes of 963rd Meeting of the
Town Planning Board held on 6.8.2010**

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

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Dr. Roger K.H. Luk

Ms. Anita W.T. Ma

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

Deputy Director of Environmental Protection (1)
Mr. Elvis Au

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

Deputy Director of Planning/District (ag)
Mr. S. Lau

Secretary

Absent with Apologies

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Dr. C.P. Lau

Professor Joseph H.W. Lee

Professor S.C. Wong

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

In Attendance

Assistant Director of Planning/Board (ag)
Miss H. Y. Chu

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

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

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 962nd Meeting held on 23.7.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 962nd Meeting held on 23.7.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising.

Agenda Item 3

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K3/516

Proposed 'Petrol Filling Station', Permitted 'Shop and Services' (Retail Shop) and Permitted 'Office' in "Other Specified Uses" annotated "Business" zone, 11-15 Kok Cheung Street, Mong Kok (KIL No. 9706 & Extension)

(TPB Paper No. 8592)

[The meeting was conducted in English and Cantonese]

3. The following representatives of Government, the applicant and his representatives were invited to the meeting at this point:

- | | | |
|-----------------|---|---|
| Mr. Wilson Chan | - | District Planning Officer / Tsuen Wan and West Kowloon (DPO/TWK), PlanD |
| Mr. H.M. Chong | - | Division Officer (New Projects), Fire Services Department (FSD) |

Mr. Patrick W.H. Leung	-	Division Officer (Policy) ² , FSD
Mr. Derek Armstrong Chan	-	Assistant Division Officer (Policy) ² , FSD
Ms. Keren Seddon	-	Townland Consultants Limited (TCL)
Mr. Matthew Lennartz	-	TCL
Mr. Frank Wong	-	TCL
Mr. David Lok	-	Lindenford Ltd. (Applicant)
Mr. Chan Ka Keung	-	Lindenford Ltd.
Ms. Jennifer Lee	-	P&T Architects and Engineers Ltd. (P&T)
Mr. Matthew Fung	-	P&T
Mr. Adi Lee	-	Allied Environmental Consultants Ltd.
Mr. Benjamin Yeung	-	AECOM Asia Co. Ltd.
Mr. Ray Ho	-	Exova Warringtonfire (HK) Ltd.
Mr. Stephen Ching	-	MVA Hong Kong Ltd. (MVA)
Ms. Jessica Leung	-	MVA

4. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Wilson Chan to brief Members on the application.

[Mr. Clarence W.C. Leung, Ms. Anita W.T. Ma, Prof. Paul K.S. Lam and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

5. Mr. Wilson Chan presented the application and covered the following main points as detailed in the review paper:

- (a) the applicant proposed to redevelop the existing 15-storey building to a 30-storey commercial/office building at Nos. 11-15 Kok Cheung Street, Mong Kok with a Petrol Filling Station (PFS) on a portion of the ground floor. The application site was zoned “Other Specified Uses” annotated “Business” (“OU(Business)”) zone on the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/27. Planning permission was only required for the proposed ‘PFS’, whilst ‘Shop and Services’ and ‘Office’ uses were always permitted under the current “OU(Business)” zone;

- (b) the Metro Planning Committee (MPC) rejected the subject application on 18.9.2009 for the reasons set out in paragraph 1.2 of the review paper. The main reasons were that the proposed PFS underneath a commercial/office building was considered not acceptable from the current fire safety point of view, the proposed PFS was located in close proximity to residential developments (in particular, Ocean Court which was about 15m away across Kok Cheung Street) and approval of the application would set an undesirable precedent for other similar applications in the area;
- (c) the main justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the review paper. The applicant had submitted various technical assessments, including the written representations and quantitative risk assessments in Annexes E and H to M of the review paper to support the review application;
- (d) Government department's comments were summarised in paragraph 5 of the review paper;
- (e) a total of 18 public comments were received during the publication of the review application and the three further written representations, which were attached at Annex N and summarised in paragraph 6 of the review paper. With the exception of two public comments indicating no comment, the other 16 public comments all objected to the review application on grounds of the wall effect of the new commercial / office building and the adverse impacts of the PFS in respect of fire safety; and
- (f) PlanD's view – PlanD did not support the review application based on the planning consideration and assessments as detailed in paragraph 7 of the review paper, and the main points were:
 - (i) according to the Hong Kong Planning Standards and Guidelines (HKPSG) (Chapter 12), PFS should be at convenient locations easily reached by vehicles without passing through local streets in

high-density commercial and/or residential areas, they should not cause nuisance to other road users, and the ingress/egress should be carefully located to reduce noise disturbance to adjacent sensitive noise receivers. The application did not satisfy those criteria;

- (ii) from the fire safety perspective, the Director of Fire Services (D of FS), FSD had indicated no adverse comment on the quantitative risk assessment (QRA) and no objection to the application. However, FSD had also indicated that it was their policy intent not to approve any new PFS in commercial buildings due to fire risks posed by the PFS and the current situation was undesirable;
- (iii) from the transport perspective, the Commissioner for Transport, Transport Department (C for T, TD), had no in-principle objection to the application but indicated that the PFS was located at an undesirable / less convenient location;
- (iv) from the environmental perspective, the Director of Environmental Protection, Environmental Protection Department (DEP, EPD) had no objection to the application. However, DEP had indicated that from the noise planning perspective, it was undesirable for the proposed PFS to be so close to residential buildings, in particular, the Ocean Court that was only about 15m away across Kok Cheung Street;
- (v) from the land use planning perspective, the proposed PFS was too close to the adjacent residential neighbourhood and considered to be an incompatible use. Upon redevelopment, the need for the PFS should be reassessed and in-situ reprovisioning of the PFS was not desirable from the land use, environmental and fire safety points of view. The building height (BH) of the proposed redevelopment would be some 80m taller than the adjacent buildings and would be incompatible with its surroundings. The majority of the public comments raised concerns and objection

regarding the adverse visual and air ventilation impacts of the redevelopment.

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

6. The Chairman then invited the applicant and his representatives to elaborate on the application.

7. Mr. Matthew Lennartz made the following main points:

- (a) the application was to seek the Town Planning Board's (the Board) approval to replace the existing PFS with a new one only. As the commercial / office building was permitted as-of-right, any concerns regarding its BH could be considered at a later stage;
- (b) there was unanimously no-objection from all relevant Government departments, hence the PFS was technically sound according to the prevailing requirements and standards. The new PFS would bring about positive enhancements to the local environment;
- (c) there was a genuine need for redevelopment of the existing building as it was almost 30 years old and was deteriorating and substandard to meet the planning intention of the "OU(Business)" zone. The proposed re-instatement of the PFS as part of the overall redevelopment was necessary due to separate ownerships of the existing premises on-site;
- (d) the applicant had a legitimate expectation that the PFS at the application site could be approved on its merits for the reasons that it was permitted under the lease (which would expire in 2041); "PFS" was a Column 2 use under the "OU(Business)" zone and the proposed PFS complied with all statutory requirements under the prevailing OZP; the HKPSG made allowance for PFS within a commercial building and the proposed PFS was not inconsistent with the relevant HKPSG requirements; and there were relevant established standards in fire safety, environmental

nuisance and traffic impact which had all been complied with to the satisfaction of relevant Government departments;

- (e) the suggested rejection grounds in the review paper were almost the same as those rejection reasons of the MPC. However, all technical concerns had been addressed in the review application, in particular, the FSD and EPD had no objection. The review application should take into account the updated circumstances;
- (f) with regard to the suggested rejection ground (a) in the review paper relating to fire safety concerns, FSD had no objection to the proposed PFS and no further comment on the QRA, which demonstrated that the individual and societal risks were acceptable and had complied with the risk guidelines in the HKPSG. The replacement PFS would reduce risks compared to the current situation. The reference to FSD's future policy intent of not approving new PFS in commercial buildings, were misleading and irrelevant. Under the current HKPSG, it was clearly stated that commercial buildings might be used for PFS without liquefied petroleum gas (LPG) filling facilities and the proposed PFS complied with the relevant requirements for such use under the HKPSG;
- (g) with regard to the suggested rejection ground (b) in the review paper relating to the close proximity of the PFS to residential developments, the applicant had undertaken further environmental analysis to demonstrate that the proposed PFS could safely exist within the surrounding land use context. For the concerns about noise impacts relating to the proposed location of the PFS within the application site, the applicant had explored different options but the currently proposed vehicular access at Kok Cheung Street was the only feasible option to which TD had no in-principle objection. TD's comment in paragraph 7.5 of the review paper that the PFS was located at an undesirable / less convenient location was misleading. For the potential noise impacts, EPD maintained its view of having no objection to the planning application. The applicant had submitted a noise survey report, which

demonstrated that noise levels of the PFS would comply with acceptable noise levels under the ‘Technical Memorandum for the Assessment of the Noise from Places other than Domestic Premises, Public Places or Construction Sites’. The proposed mitigation measures (including the provision of silent-type air conditioner and wall-mounted fans, and a new canopy to minimise the direct line-of-sight from noise sensitive receivers, and administrative controls such as switching off engines of idling vehicles) would provide additional noise protection for surrounding developments compared to the existing PFS;

[Mr. Laurence L.J. Li and Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

- (h) in the suggested rejection ground (b) in the review paper, PlanD was of the view that the PFS use was incompatible with the adjacent residential developments and the need to retain the PFS in the redevelopment should be re-considered. However, PlanD’s view contradicted the prevailing planning intention, permitted uses, lease and HKPSG which the applicant had relied upon in submitting the application. If the intention was to remove the PFS use on the application site when the OZP was amended in 2001, then a specific zoning reflecting that intention should have been proposed rather than the current “OU(Business)” zone that allowed “PFS” as a Column 2 use. The proposed redevelopment would continue to provide a land use buffer between the adjacent residential neighbourhood and the highway infrastructures to its west;

- (i) the suggested rejection ground (c) in the review paper relating to undesirable precedent of approving the application was unreasonable given the unique case circumstances. The PFS had a unique development history of having been existing on the application site for almost 30 years. PFSs within commercial buildings were very rare and the current application was only for replacement of an existing PFS. The proposed PFS would improve the existing situation, rather than setting an undesirable precedent. The applicant had legitimate

expectation of replacing the existing PFS on the application site especially when it was considered acceptable under the prevailing and publicised policies regarding fire safety and environmental standards;

- (j) as stated in paragraph 7.5 of the review paper, TD had no in-principle objection to the application and the point that the proposed PFS was undesirable under the HKPSG was never referenced at the section 16 stage and, with no change in circumstances, that statement should be ignored. The application would have no adverse infrastructural implication, and the relevant Government departments including Water Supplies Department, Hong Kong Police Force, Electrical and Mechanical Services Department and Drainage Services Department had no comment / no objection to the application;
- (k) the local area was dilapidated and the redevelopment of the existing building into high-quality office development could stimulate urban renewal and provide improvements to the local neighbourhood. In whole, the rejection grounds suggested by PlanD were either unjustified, unreasonable or misleading;
- (l) with regard to the public comments on the application, the applicant had submitted sufficient information to address the concerns raised and showed that the replacement PFS could provide a net benefit to the local area when compared to the existing situation; and
- (m) in conclusion, the application was legitimate and should be considered on its merits. It complied with all the relevant planning policies and was acceptable with regard to the established fire safety, environmental and traffic criteria and was not opposed by any Government departments except PlanD. It could improve the local environment to realise public planning gains and could exist safely within the local land use context. All matters outstanding at the section 16 planning stage had been addressed and Members were asked to approve the section 17 review.

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

8. In response to a Member's question, Mr. Wilson Chan said that an industrial building including a PFS at ground floor was completed at the application site in 1983. The industrial building was subsequently converted to commercial / office use with retention of the PFS, and that was the subject of a planning permission granted by MPC in 1993. That Member asked if hypothetically a PFS did not exist on the application site before but was allowed under the lease, would FSD, EPD and TD have a different view on the application for a proposed PFS on the application site. Mr. H.M. Chong advised that from the fire safety perspective, FSD would decide on the acceptability of a PFS based on the risk assessment submitted by the applicant. Mr. Elvis Au indicated that EPD would make reference to the HKPSG and consider if the proposal would create adverse environmental impact. If sufficient mitigation measures were provided, EPD would not have objection to a PFS on the application site. Mr. Fletch Chan advised that irrespective of whether a PFS had previously existed on the site, TD would require the submission of traffic impact assessment to decide on the acceptability of the PFS.

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

9. A Member asked for clarification on the meaning of 'undesirable' from the fire safety point of view as contained in the suggested rejection ground (in paragraph 8.1 of the review paper) and whether there were guidelines on the separation distance between a PFS and residential development. Mr. Patrick W.H. Leung said that the application was undesirable from the fire safety point of view because FSD's policy intent was not to approve any new PFS in commercial buildings. However, for the subject case, they had no objection to the in-situ reprovisioning based on the submitted risk assessment. Mr. Wilson Chan said that there was no specification in the HKPSG for a separation distance between PFS and residential developments. However, in the MPC meeting, Members generally considered that as PFS would generate noise and odour nuisances to nearby residents, it should not be located too close to residential developments. Hence, the proposed PFS under the subject application was considered undesirable as it was only about 15m away from Ocean Court across Kok Cheung Street. Although EPD considered that the noise level was technically acceptable, the proposed PFS was undesirable from a land use planning perspective as it was too close to residential buildings and incompatible

uses should be phased out in the course of redevelopment.

10. Another Member asked whether there was any concrete legal basis to support FSD's policy intent of not approving new PFS in commercial buildings. Mr. Patrick W.H. Leung said that according to the Dangerous Goods Ordinance, all PFS operation would require a licence from FSD. In response to a Member and the Chairman's question, Mr. Patrick W.H. Leung confirmed FSD's position that though continuing the PFS use on the site was undesirable, a licence could be granted for PFS use on the application site if the submitted QRA was acceptable in technical terms.

11. That Member further asked whether there was a genuine need for the PFS in the local area. Mr. Wilson Chan said that according to the HKPSG, the need for PFS was not based on quantifiable criteria. Site reservation for PFS would depend on the anticipated growth of the area and volume of traffic. With the aid of a plan, Mr. Wilson Chan showed Members the location of other PFSs in the Mong Kok area, including those in the vicinity of the application site. Mr. Wilson Chan further said that the need for the PFS on the subject location would need to be reconsidered, since the surrounding area which was originally industrial in nature had been rezoned to Residential (Group E) and "OU(Business)". It would gradually be transformed into a residential neighbourhood in future.

12. A Member asked EPD to clarify their position as EPD had indicated that it was undesirable from the noise perspective as the proposed PFS would be too close to residential developments and, yet they had also indicated their no in-principle objection to the application provided that the operation of the PFS would comply with the relevant requirements. Mr. Elvis Au confirmed that EPD had no in-principle objection to the application though he agreed that the location of the proposed PFS was undesirable.

13. A Member requested the applicant's representative to substantiate on a point made in the presentation that the proposed PFS could stimulate urban renewal. Mr. Matthew Lennartz replied that the proposed PFS would mitigate the environmental nuisance at the application site. The proposed PFS would also be an integrated component of the overall commercial / office redevelopment. Hence, it would stimulate the local redevelopment in the area.

14. A Member asked the applicant why there would be legitimate expectation for continuing to operate a PFS on the application site upon redevelopment. That Member also asked whether the applicant considered that the Board should be obliged to approve the application since all technical requirements had been satisfied. Ms. Keren Seddon said that it was correct for the applicant to have legitimate expectation for continuing to operate a PFS on the application, given the provision in the lease and that the technical requirements were complied with; there was a previous planning permission on the application site and that the planning policies in the HKPSG had clearly stated the criteria for locating a PFS in a commercial building. It was necessary to follow policies written in law and not some non-existing policy intent as mentioned in the review paper. Ms. Seddon said that the application had followed the law, technical requirements as well as the planning policies in the HKPSG.

15. A Member asked the applicant what the change in circumstances was since the section 16 planning application, the type of environmental measures proposed and how the PFS could stimulate urban renewal. Ms. Keren Seddon said that the PFS had been on the site for almost 30 years. There were two owners to the building and without the PFS it would be difficult to get the owners' agreement to proceed with the redevelopment. If the redevelopment did not take place, it would mean that the existing sub-standard PFS would remain on site; whereas with approval of the current application, a PFS of a better standard could be developed. Mr. Matthew Lennartz said that the noise assessment demonstrated that the PFS would operate within acceptable noise levels but the applicant undertook more measures to improve the proposed PFS, including the provision of silent-type air conditioning, relocation of the petrol dispenser from the front to the back of the PFS, provision of a new canopy to minimise the direct line-of-sight from the noise sensitive receivers, and other administrative controls such as switching off engines of idling vehicles. Upon another Member's question, Ms. Keren Seddon said that the applicant confirmed that without the PFS, they would not proceed with the commercial / office redevelopment.

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

16. A Member sought clarification about discrepancies in two diagrams in the written representations for the section 17 review submitted by the applicant. Figure 4.6 in the main text showed that the PFS was setback further in the building than that shown in

Figure 2.2 in Appendix 2. Ms. Keren Seddon said that there were some discrepancies shown in the two diagrams and confirmed that the depth of the proposed PFS was 18.5m and that was similar to the depth of the existing PFS.

17. A Member said that from a commercial perspective, there appeared to be no essential need for a PFS on the application site as there were other PFSs in the locality. Given the public objection to the PFS, the applicant was asked whether better alternative uses had been considered to replace the PFS. The applicant was also asked to answer more clearly the question of how the PFS would stimulate urban renewal. Mr. Matthew Lennartz reiterated that the applicant had a legitimate expectation for the proposed PFS use for the reasons that there was an existing PFS on the application site, prevailing policies allowed for a PFS within a commercial building and that “PFS” was a Column 2 use of the Notes covering the “OU(Business)” zone. He also said that with regard to the proposed PFS use, the applicant had addressed all Government departments’ comments. Ms. Keren Seddon said that given the thriving operation of the PFS and the unwillingness of one of the landowners to give up its operation, it could prove that there was a need for the PFS on the application site. She did not agree to the point that as there were other PFSs in the area, it would make the PFS on-site unnecessary. Such argument could nullify the need for all types of other uses such as shop uses as there were other shops in the area. Ms. Keren Seddon further explained that since the PFS was an intrinsic part of the redevelopment, the PFS could stimulate urban renewal in the sense that without it, the redevelopment would not proceed.

18. A Member asked how the PFS could be restricted to exclude Liquefied Petroleum Gas (LPG) filling facilities, as proposed by the applicant. Mr. H.M. Chong advised that the current PFS on-site did not have LPG filling facilities, and the inclusion of any LPG filling facilities in the PFS would be controlled by licensing requirements under the Gas Safety Ordinance and monitored by the Electrical and Mechanical Services Department. Ms. Keren Seddon confirmed that the applicant would not provide LPG filling facilities on the application site.

19. Another Member asked why “PFS” was included as a Column 2 use in the “OU(Business)” zone on the application site when the surrounding area was zoned residential. That Member also asked whether there was any change in circumstances

since the gazettal of the OZP that might affect the acceptability of a PFS on the application site. Mr. Wilson Chan explained that in 2001, PlanD proposed to rezone the Tai Kok Tsui industrial area to facilitate its regeneration and the application site was originally proposed to be rezoned as “Residential (Group E)”. As EPD had pointed out that the application site was susceptible to noise pollution from roads and railway, the MPC decided to rezone the site to “OU(Business)” to facilitate its transformation to business use which could serve as a noise buffer between the residential developments in the area and the nearby roads and railway. The Notes for the “OU(Business)” zone, that included “PFS” as a Column 2 use, followed the standard statutory notes for that zone which included the application site and a number of sites in the same OZP area e.g. along Fuk Tsun Street. The inclusion of PFS as a Column 2 use meant that PFS was a use that required the Board’s approval. It would be up to the Board to decide if an approval could be granted to an application for a PFS on the application site.

20. In response to a Member’s question, Mr. Wilson Chan said that the area to the west of the application site was formerly the harbour and was part of the West Kowloon Reclamation whereas the application site was previously an oil depot with a PFS.

21. A Member asked whether there were complaints against the existing PFS and whether the proposed PFS which would attract heavy vehicles with noise and odour nuisances would affect the neighbouring residential development. Mr. Wilson Chan said that PlanD had not received complaint about the existing PFS. Specifically about the planning application, there were 18 public comments and 16 of those (including the incorporated owners of Ocean Court) objected to the application. Mr. Elvis Au advised that EPD had not received any complaint about the noise impact of the existing PFS on the application site from 2003 to 2009. With regard to noise nuisance, the noise assessment had demonstrated that noise levels would be within acceptable levels and other measures, such as designing the layout of the ingress / egress of the PFS, might be further considered to address the problems caused by the close proximity of the PFS and the noise sensitive receivers. Ms. Keren Seddon supplemented that the owners had not received any complaints on the existing PFS and that the proposed PFS was only designed for small vehicles.

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

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

Deliberation Session

23. The Vice-chairman did not support the application. He said that FSD and EPD had indicated that the proposed PFS was undesirable and FSD further indicated that new PFS in commercial buildings would not be approved. There was no justification to "grandfather" a use that existed when the area was zoned "I" zone. Under the current "OU(Business)" zoning, it was the Board's responsibility to take a broader view on the land use compatibility in planning for new developments in the area. The proposed PFS was undesirable from the planning perspective as it was too close to residential developments. The PFS on the application site was not necessary as there were PFSs in the vicinity. Contrary to the applicant's argument, he said that as PFSs served a very specific need, there should be regard to whether there were similar facilities in the locality.

24. Another Member did not support the application as the applicant was not able to convince the Board regarding the benefits brought about by the PFS. Taking the long-term benefit of the whole district into account, that Member did not agree to retain the PFS on site as it was only 15m from Ocean Court and located at the narrow Kok Cheung Street. One other Member also agreed that the application should be rejected and that the residents' objection to the PFS should be considered. The fact that "PFS" was a Column 2 use meant that the existing PFS use was subject to the Board's approval upon redevelopment.

25. Another Member said that taking into account the environmental impacts and residents' objection, the application should not be supported. However, that Member expressed some sympathy as the existing PFS had served the community for almost 30

years and the PFS operator was asked to leave when there was a change in the surrounding development. The applicant might claim legitimate expectation given that the PFS had been on the site for almost 30 years and the applicant was proposing to provide a new and better PFS. As such, the Board's rejection of the application might be subject to legal challenge. The Chairman said that in considering the legitimate expectation of the applicant, Members should consider whether the overall planning intention of the area would be complied with if the PFS was allowed in the redevelopment scheme.

26. A Member said that approval of the application would allow the PFS to be brought up to modern standard, otherwise, the current sub-standard PFS could remain on the application site with the addition of a few floors. That Member said that the Board should balance the need of different sectors, including the need of motorists when considering the application. In response to that Member's question, Mr. Fletch Chan said that TD considered the location of the proposed PFS undesirable as it was not on a main road and motorists had to detour through local roads to reach the proposed PFS.

27. Another Member said that in the planning perspective, the location of the proposed PFS was undesirable as it was too close to residential developments. However, given that the relevant Government departments, including FSD, EPD and TD, had indicated no objection to the application, it was doubtful whether there was sufficient ground to reject the application. Another Member also had reservation on rejecting the application as the applicant had resolved the concerns of FSD since the MPC meeting and FSD had no further objection; there had been no noise complaint to EPD about the PFS between 2003 to 2009; the existing sub-standard situation of the PFS would remain if the Board rejected the application and it might subject the Board to legal challenge.

28. Another Member said that the current scheme proposed should not be approved as it would generate more nuisances to the area. The applicant's proposal to resolve the technical aspects of the PFS was inadequate and there was room for improvements in terms of the design and layout of the PFS on the application site. Alternative schemes could be considered on their merits.

29. One other Member said that the removal of the subject PFS should not be a major problem for the motorists as the PFS was not on a main road and would likely only

serve a limited local need. That Member agreed to reject the application as there was no need to “grandfather” the PFS use after the application site was upzoned from “I” to “OU(Business)” zone and the owner should have benefitted from the upzoning. Although the applicant argued that the proposed PFS was linked to the redevelopment and would help stimulate urban renewal, this argument was not agreed as the applicant and the other landowner should be responsible for resolving the land ownership matter which was a commercial decision matter. The Board did not have the responsibility to look after the commercial interests of the owners. That Member said that the application should be rejected on the grounds that it was not a suitable use on the application site from a land use planning perspective given that the application site had been rezoned as “OU(Business)” zone and its proximity to the residential buildings nearby, and PFS was a Column 2 use that was subject to the Board’s approval upon redevelopment.

30. Another Member agreed that it was not appropriate to “grandfather” the PFS use. The points about legitimate expectation should not apply to a redevelopment on the application site and the argument that the PFS would be improved did not provide sufficient ground to approve the application. However, one concern might be that should the Board consider PFS to be an inappropriate use at this location at the plan-making stage, it would be better not to put the “PFS” as a Column 2 use under the “OU (Business)” zone. Despite the above point, that Member agreed that the application should be rejected. Another Member said that although the technical requirements of the PFS had all been complied with, it was too close to residential uses and should be rejected. The reasons for rejection suggested by PlanD should be further refined to reflect the concerns of Members.

31. A Member said that taking into account the applicant’s further submissions, the Board should consider the grounds for rejection. While some Members considered that the proposed PFS should not be located at the application site which was only 15m away from residential uses, there were no established guidelines setting out the minimum separation distance between a PFS and residential development. Therefore, the Board should not reject the application upon review on grounds that the PFS was only 15 m from the residential uses.

32. Another Member said that the application should be rejected and suggested specifying in the reason that the PFS was incompatible with the adjacent residential

buildings from the land use planning point of view. That Member also expressed some concern on the excessive BH of the proposed redevelopment.

33. Another Member said that the Board should take a broader view and consider matters beyond Government departments' technical comments. That Member cited the pre-amble of the Town Planning Ordinance "to promote the health, safety, convenience and general welfare of the community", and said that based on those principles there was sufficient justification to reject the application.

34. At the Chairman's request, Mr. Jimmy Leung explained that the Column 1 and 2 uses included in the "OU(Business)" zone were generic rather than site-specific. For any Column 2 use, planning permission from the Board would be required. This meant the Board would consider each application based on its individual merits. By way of background, the Secretary supplemented that the "OU(Business)" zone for the application site, instead of "Residential (Group E)" zones for the adjoining sites in the area, was mainly to address EPD's comments on noise impacts of roads and railway on the application site at the time of amendments made to the OZP.

35. A Member said that there should be a clear rejection reason if the application was to be rejected. Two other Members said that the rejection reasons should be carefully considered. However, another Member said that rejecting the case might be unfair to the lot owner and the Board should not reject a better PFS and tolerate the existing sub-standard one. Another Member said that the current scheme for the PFS on the application site was not a good scheme and an alternative scheme with ingress/egress at Sham Mong Road away from the residential developments might be better in design terms. The Vice-chairman said that the Board should take into account factors beyond technical comments of Government departments. He considered that there was no strong reason to approve the case.

36. One Member said that from a land use planning perspective, the application could not be supported. It was also considered that Column 2 use should only be approved based on its individual merits and the proposed PFS in the current application did not have sufficient merits for the Board's approval. That Member indicated that with regard to the three suggested reasons for rejection, only rejection reason (a) relating to fire

safety was resolved, rejection reasons (b) and (c) regarding close proximity to residential development and undesirable precedents had not been addressed and remained valid rejection reasons. A Member reiterated that Members should consider the reasons carefully before rejecting the application.

37. As Members had no further comment to make, the Chairman concluded that the majority of Members considered the PFS on the application site to be an incompatible use and the application should be rejected. He further said that it was clear that Column 2 uses required planning permission from the Board, and hence it was up to the Board to decide if the proposal was acceptable. Members then went through the reasons for rejecting the application as stated in paragraph 8.1 of the paper and agreed that the reasons for rejection as discussed by Members should be clearly set out.

[Prof. Paul K.S. Lam left the meeting at this point.]

38. After further deliberation, and having considered the scheme as proposed and taking into consideration all points presented by the applicant's representative and Government representatives, the Board decided to reject the application on review and the reasons were:

- (a) the proposed PFS was located in close proximity to residential developments. It was considered incompatible with the nearby residential developments from the land use planning perspective; and
- (b) approval of the application would set an undesirable precedent for other similar applications in the area.

[Mr. Felix W. Fong, Ms. Anna S.Y. Kwong, Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TY/108

Renewal of Planning Approval for Proposed Temporary ‘Concrete Batching Plant’ Use for a Period of 5 Years in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" zone, Tsing Yi Town Lot 102 (Part), 98 Tam Kon Shan Road, Tsing Yi (TPB Paper No. 8593)

[The meeting was conducted in Cantonese]

39. The application was submitted by a subsidiary company of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared interest on the item. Members noted that Mr. Chan had left the meeting.

40. The following representatives of Government and the applicant's representatives were invited to the meeting at this point:

Mr. Wilson Chan	-	DPO/TWK, PlanD
Mr. Choi Tak Ki	-	Chief Traffic Engineer / New Territories West, TD
Mr. Chan Kim On	-	Vision Planning Consultants Ltd. (VPC)
Ms. Kerry Lee	-	VPC
Dr. David Ho	-	Applicant’s Representative
Mr. Andy Ching	-	Applicant’s Representative
Mr. Kim Chin	-	Applicant’s Representative

41. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Wilson Chan to brief Members on the application.

42. Mr. Wilson Chan presented the application and covered the following main points as detailed in the review paper:

(a) in 2005, the MPC gave approval for a temporary ‘concrete batching

plant' use for a period of five years on the application site. On 31.12.2009, the applicant sought renewal of that planning approval. The application site was zoned "OU" annotated "Boatyard and Marine-oriented Industrial Uses" on the approved Tsing Yi OZP No. S/TY/24;

- (b) the MPC rejected the subject application on 12.2.2010 for the reason that no traffic impact assessment (TIA) had been submitted to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area;
- (c) the applicant had submitted a review statement to support the review application, including submission of an updated TIA. The main justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the review paper;
- (d) the Government departments' comments were summarised in paragraph 5 of the review paper. In particular, the C for T, TD had indicated no objection to the application subject to a number of conditions which were detailed in para. 5.2.1 of the review paper. Those conditions included the submission of a traffic management plan for the concrete batching plant and associated mitigation measures before its operation to prevent the queuing of vehicles at Tam Kon Shan Road and, the requirement that vehicles exceeding 7m should only use Tsing Yi North Coastal Road for access;
- (e) a total of 14 public comments were received during the publication of the review application and the further information. The two comments submitted by the adjacent Lau Cheong Kee Shipyard, which also objected to the section 16 planning application, objected on the grounds of impacts on the shipyard's operation due to increase in sea traffic and the noise and environmental problems created by the concrete batching plant. Another comment was submitted by a staff member of the existing shipyard on TYTL 102 (the Hong Kong Shipyard Ltd.), which

also objected to the section 16 planning application, for reasons that the movement of concrete mixer trucks on the application site and the environmental pollution created by the concrete batching plant would affect the safety and health of staff members of the shipyard, and that the concrete batching plant would affect the operation of the shipyard and that might affect their jobs. The other comments supported the application on the grounds that the concrete batching plant would provide job opportunities, it was located far from the residential area and it would contribute to the social and economic development of Hong Kong; and

- (f) PlanD's view – PlanD had no objection to the application upon review based on the planning consideration and assessments as detailed in paragraph 7 of the review paper. The applicant had submitted an updated TIA and C for T, TD had indicated no objection to the application. The various conditions proposed by C for T, TD including the submission of a traffic management plan and the no-queuing on public road requirement, could be dealt with by the suggested approval conditions. The other relevant Government departments had no objection or adverse comment on the application. With regard to the matter on marine traffic impact raised by the commenters, D of M considered that according to the applicant's proposal of one barge voyage per day, the increase in marine traffic would not be significant. The commenter's concern on pedestrian safety within the application site could be addressed by the suggested approval condition requiring the submission of traffic management plan, which would include the proposed internal traffic circulation and pedestrian facilities within the application site. With regard to the commenters' other concern on environmental pollution of the concrete batching plant, DEP had no objection and advised that the operation of the concrete batching plant would be subject to the control of various pollution control laws including the Air Pollution Control Ordinance.

43. In response to the Chairman's question, Mr. Kim Chan said the applicant would not make a presentation and indicated that the applicant would wish to proceed with the proposed development as soon as possible.

44. The Chairman invited questions from Members. Noting that TD had indicated in their comment that Kwai Tsing District Council (KTDC) had raised concern on traffic impacts and requested the applicant to consult with KTDC, a Member asked if the applicant could provide further information in that regard. Mr. Kim Chan referred Members to the comments from the District Office (Kwai Tsing) in paragraph 5.2.2 of the review paper, which indicated that no adverse comment was received on the application. In response to another Member's question, Dr. David Ho indicated that they had not commenced the proposed concrete batching plant since its last approval due to the unfavourable economic environment in the past few years and that they were unable to agree to the waiver fee for the previous short term waiver application.

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

Deliberation Session

46. A Member indicated that as the applicant had now submitted an updated TIA which TD had no objection, the application could be approved. Members agreed.

47. After further deliberation, the Board decided to approve the review application to grant approval on a temporary basis for a period of five years until 6.8.2015. The approval was subject to the following conditions:

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period;

- (b) the submission and implementation of traffic management plan and associated mitigating measures, internal traffic circulation and pedestrian facilities within the application site, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) if the above planning condition (a) 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) to note District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department's comments that the lot owner should apply to his office for a fresh waiver application of the lease conditions, which would be handled in accordance with the prevailing policy. There was no guarantee that the waiver application would be approved given the time lapse;
- (c) to consult Kwai Tsing District Council to address local traffic concerns;
- (d) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that the erection of the concrete batching plant should be in compliance with the provisions of the Buildings Ordinance. Concrete batching plants fixed to and found on ground, connected to a utility supply and with a control room, were buildings under the Buildings Ordinance. Approval and consent were required prior to their erection; and

- (e) to note Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 5

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/301

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Government land in D.D. 15, Shan Liu Village, Tai Po
(TPB Paper No. 8594)

[The meeting was conducted in Cantonese.]

49. The Secretary reported that on 29.7.2010, the applicant submitted a request for deferment of consideration of the review application for two months to allow more time for preparation and submission of further information. The justifications for deferment met the criteria set out in the 'Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance' (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.

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

Agenda Item 6

[Open Meeting]

Request for Deferral for Review of Application No. A/H1/90

Proposed Residential Institution (Dormitory for Students) in "Government, Institution or Community" zone, 5/F, Block B, 27 Pokfield Road, Kennedy Town

(TPB Paper No. 8602)

[The meeting was conducted in Cantonese.]

51. The application was submitted by Caritas – Hong Kong. The Vice-chairman declared an interest on the item as he was the chairman of a fund-raising committee of Caritas – Hong Kong and Mr. Laurence Li declared an interest as he owned a flat on Smithfield Road. As the item was only for consideration of a request for deferral, Members agreed that the Vice-chairman and Mr. Li should be allowed to stay in the meeting.

52. The Secretary reported that on 30.4.2010, the Board decided to defer a decision on the review application as requested by the applicant for two months. On 22.6.2010, the applicant submitted a request for further deferment of consideration of the review application for two months to 31.8.2010 to allow more time to address the Building Authority's concerns regarding the building plans submitted. On 2.8.2010, the applicant submitted another letter to the Board, which had been circulated for Members' reference, informing the Board that an appeal had been lodged with the Appeal Tribunal regarding the rejected building plans and, that more time was required to obtain the preliminary views of the Appeal Tribunal on those matters that were related to the review application. The justifications for deferment met the criteria set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to address concerns of the Building Authority, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

53. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board agreed that the review application should be submitted to the Board for consideration within three months from the date of

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

Agenda Item 7

[Closed Meeting]

Request for Deferral for Review of Application No. A/SK-HC/124

Proposed Comprehensive Residential Development in “Comprehensive Development Area” zone, Various Lots in DD 214 and DD 244 and Adjoining Government Land, Ho Chung, Sai Kung

(TPB Paper No. 8599)

[The meeting was conducted in Cantonese.]

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representation to the Draft Kennedy Town and Mount Davis Outline Zoning Plan No. S/H1/17

(TPB Paper No. 8595)

[The meeting was conducted in Cantonese.]

54. The Secretary reported that Mr. Laurence Li had declared an interest on the item as he owned a flat on Smithfield Road. Members agreed that as the item was procedural in nature, Mr. Li should be allowed to stay in the meeting.

55. The Secretary reported that the draft Kennedy Town and Mount Davis Outline Zoning Plan No. S/H1/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 26.3.2010. During the two-month exhibition period, one representation was received. On 4.6.2010, the representation was published for public comments for three weeks and no comment was received.

56. As there was only one representation in support of the deletion of the outdated alignment of Route 7, it was considered more efficient for the full Board to hear the representation without resorting to the appointment of a Representation Hearing Committee (RHC).

57. After deliberation, the Board agreed that the representation should be heard by the Board in the manner as proposed in paragraph 2.1 of the paper.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft North Point Outline Zoning Plan No. S/H8/23
(TPB Paper No. 8597)

[The meeting was conducted in Cantonese.]

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

Mr. B.W. Chan	- owned a flat in Braemar Hill Mansion
Ms. Anna S.Y. Kwong	- owned a flat on Cloud View Road
Dr. James C.W. Lau	- owned a flat at Braemar Hill Road
Mr. Roger K.H. Luk	- owned a flat in City Gardens
Ms. Anita W.T. Ma	- owned a flat in Island Place
Mr. K. Y. Leung	- owned a flat on Cloud View Road

59. Members noted that Mr. B.W. Chan and Dr. James C.W. Lau had tendered apologies for not attending the meeting and Ms. Anna S.Y. Kwong had left the meeting. Members agreed that as the item was procedural in nature, the other Members who had declared interests on the item should be allowed to stay in the meeting.

60. The Secretary reported that the draft North Point OZP No. S/H8/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 19.3.2010. During the two-month exhibition period, a total of six representations were

received. On 28.5.2010, the representations were published for public comments for three weeks and two comments were received.

61. As all the representations and comments were related to the same amendment item A in respect of the rezoning of the ex-North Point Estate site, it was suggested that all the representations and comments be heard collectively in one group by the Board and there was no need to resort to the appointment of a RHC.

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

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/24
(TPB Paper No. 8596)

[The meeting was conducted in Cantonese.]

63. The Secretary reported that the Chairman and the following Members had declared interests on the item:

- | | |
|--|---|
| Mr. Thomas Chow and | - owned a flat in Parc Oasis |
| Ms. Maggie M.K. Chan | - her spouse was an employee of the Bank of East Asia Ltd (BEA), and the Chairman and Chief Executive of BEA, Dr. Hon David Li Kwok Po, submitted Representation No. 3 as the Chairman of the Hong Kong Settlers Housing Corporation Ltd. |
| Mr. Rock C.N. Chen | - had business dealings with BEA |
| Ms. Annie Tam
<i>as the Director of Lands</i> | - being a member of HKHA |

Mr. Stanley Y.F. Wong)	being former members of Hong Kong Housing Authority (HKHA)
Mr. Stephen M.W. Yip)	
Dr. W.K. Lo]	being members of the Building Committee of HKHA
Prof. Edwin Chan]	
Mr. Jimmy Leung <i>as the Director of Planning</i>	-	being a member of the Building Committee and Strategic Planning Committee of HKHA
Mr. Andrew Tsang <i>as the Assistant Director of Home Affairs</i>	-	being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
Mr. Y.K. Cheng	-	spouse being Assistant Director (Development and Procurement), Housing Department

64. Members noted that Mr. Rock Chen, Prof. Edwin H.W. Chan and Mr. Andrew Tsang had tendered apologies for not attending the meeting. As the item was procedural in nature, Members agreed that the Chairman should be allowed to chair the meeting and the other Members who had declared interests on the item should be allowed to stay in the meeting.

65. The Secretary reported that the draft Shek Kip Mei OZP No. S/K4/24 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 9.4.2010. During the two-month exhibition period, a total of 211 representations were received. On 18.6.2010, the representations were published for public comments for three weeks and no comment was received.

66. Since the amendments to the OZP, which were mainly related to the imposition of building height (BH) restrictions for the Shek Kip Mei area and rezoning of Tai Hang Sai Estate, had attracted wide public and local concerns, it was recommended that the representations should be considered by the full Board in two groups as follows:

- (a) Group 1: representation submitted by CLP Power Hong Kong Limited (CLP) (Representation No. 1) in respect of objection to the BH

restrictions and non-building area (NBA) restrictions imposed on CLP's electricity substation sites.

- (b) Group 2: collective hearing for 210 representations. The majority of the representations (208 representations) opposed the rezoning of Tai Hang Sai Estate from “Residential (Group A)” to “Comprehensive Development Area” and / or the BH and NBA restrictions of Tai Hang Sai Estate.

67. After deliberation, the Board agreed that the representations should be heard by the Board in two groups in the manner as proposed in paragraphs 2.1 and 2.2 of the paper.

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/16
(TPB Paper No.8598)

[The meeting was conducted in Cantonese.]

68. The Secretary reported that Dr. W.K. Yau had declared an interest on the item as he owned some properties in the planning scheme area of the OZP. Members agreed that as the item was mainly procedural in nature, Dr. Yau should be allowed to stay in the meeting.

69. The Secretary reported that the draft Ting Kok OZP No. S/NE-TK/16 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 19.2.2010. During the two-month exhibition period, a total of 17 representations were received. On 30.4.2010, the representations were published for public comments for three weeks and three comments were received.

70. The Secretary further reported that part of Representations No. 13 and 14 were related to the “Site of Special Scientific Interest” (“SSSI”) zoning on the OZP and

Representation No. 17 was related exclusively to the proposed Lung Mei Beach, all of those were not related to any amendments shown on the Plan or incorporated in its Notes. Pursuant to sections 6(3)(b) and 12(3)(b)(i) of the Ordinance, representation that was not related to any of the amendments was considered invalid and should be treated as not having been made. Members agreed.

71. As the representations were mainly related to the proposed amendments to the Plan for the proposed spa resort hotel development and village development, it was recommended that the representations and comments should be considered collectively by the full Board.

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

Agenda Item 12

[Open Meeting]

Submission of the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/11A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 8600)

[The meeting was conducted in Cantonese.]

73. The Secretary briefly introduced the paper. On 16.10.2009, the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/11 was gazetted under section 5 of the Ordinance. During the two-month exhibition period, no representation was received. Since the plan making process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

74. After deliberation, the Board agreed:

- (a) that the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/11A 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 CE in C for approval;

- (b) to endorse the updated Explanatory Statement (ES) for the draft Fu Tei Au and Sha Ling OZP No. S/ NE-FTA/11A 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 Fu Tei Au and Sha Ling OZP No. S/ NE-FTA/11A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Zoning Plan No. S/K15/18 to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8601)

[The meeting was conducted in Cantonese.]

75. 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.

76. The Secretary introduced the paper. On 9.10.2009, the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP No. S/K15/18 was exhibited for public inspection under section 5 of the Ordinance. On 16.4.2010, after giving consideration to all the representations under section 6B(1) of the Ordinance, the Board decided to propose amendments to the OZP to partially meet Representations No. R2 to R92, R94 and R95.

On 28.5.2010, the proposed amendments were published for three weeks for further representations. On 9.7.2010, the Board decided that one of the further representations was invalid in accordance with section 6D(1) of the Ordinance and should be treated as not having been made. On 23.7.2010, the Board considered the remaining supportive further representation and agreed that the OZP should be amended by the proposed amendments in accordance with section 6F(9) of the Ordinance. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the CE in C for approval.

77. After deliberation, the Board agreed:

- (a) that the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP No. S/K15/18A together with its Notes at Annex A and Annex B of the paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated ES for the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP No. S/K15/18A at Annex C of the paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP No. S/K15/18A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 14

[Closed Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

78. There being no other business, the meeting was closed at 11:45 am.