

TOWN PLANNING BOARD

Minutes of 347th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.4.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

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

Secretary

Absent with Apologies

Professor David Dudgeon

Professor Peter R. Hills

Mr. Alfred Donald Yap

Chief Engineer/Traffic Engineering (New Territories West),
Transport Department
Mr. Y.M. Lee

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Mr. K.W. Ng

Agenda Item 1

Confirmation of the Draft Minutes of the 346th RNTPC Meeting held on 23.3.2007

[Open Meeting]

1. The draft minutes of the 346th RNTPC meeting held on 23.3.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

[Dr. C.N. Ng and Mr. Y.K. Cheng arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Edward P.L. Li, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/40 Proposed Hotel (Amendments to Approved Scheme)
in “Comprehensive Development Area” and “Other Specified Uses”
annotated “Recreation and Tourism Related Uses” zones,
Ma Wan Lots 151, 214, 215 and 218(Part), Ma Wan
(RNTPC Paper No. A/I-MWI/40)

Presentation and Question Sessions

3. The Committee noted that the applicant’s representative on 19.3.2007 requested

for a further deferment of the consideration of the application for another two months as more time was needed to clarify with the Lands Department on the details as well as design and implementation of the gazetted road connection to and through the application site. Supplementary information would be submitted as soon as the issue had been clarified.

Deliberation Session

4. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months upon receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the additional information, and since a total of deferment of six months had been granted, no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Mr. Edward P.L. Li, STP/TWK, for his attendance to answer Members' enquires. Mr. Li left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 4

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

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| (i) | Y/TKO/2 | Application for Amendment to the Notes for the
“Comprehensive Development Area” zone of the Approved
Tseung Kwan O Outline Zoning Plan No. S/TKO/15,
Lots 368 and 371 in DD 224 and Adjoining Government
Land, Ying Yip Road, Area 92, Tseung Kwan O
(RNTPC Paper No. Y/TKO/2) |
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5. The Secretary said that the application site was located at Ying Yip Road in

Tseung Kwan O. Mr. Edmund K.H. Leung, whose residence was in the vicinity, had declared an interest in this item. The Committee noted that Mr. Leung had not yet arrived at the meeting. Also, Mr. Michael K.C. Lai said that he knew Mr. Andrew Chan, one of the applicant's consultants. The Committee noted that Mr. Lai had no direct interest and agreed that he could stay in the meeting and participate in the discussion of this item.

[Mr. Elvis Au arrived to join the meeting at this point.]

Presentation and Question Sessions

[The hearing was conducted in Cantonese and Putonghua.]

6. Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SK&Is), and Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SK&Is), and the following applicant's representatives were invited to the meeting at this point :

Mr. Andrew Chan

Mr. Song Dai

Mr. Chui Hin Wai

Ms. Janet Cheung

Mr. Charles So

Mr. Kenneth Ng

Mr. Calvin Chiu

Mr. Tony Cheng

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited the Planning Department (PlanD)'s representatives to brief Members on the background to the application.

8. Mr. Wilfred C.H. Cheng said that the current application involved a request to amend the development restrictions specified in the Notes for the "Comprehensive Development Area" ("CDA") zone of the approved Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/15 concerning the application site. He covered the following main

aspects as detailed in the Paper :

- (a) the applicant's proposal to relax the development restrictions on the application site from a maximum gross floor area (GFA) of 15,700m² (i.e. a plot ratio of 0.6 on net site area) and a maximum building height of 6 storeys over one level of carport, as specified on the OZP, to a maximum GFA of 77,690m² (i.e. a plot ratio of 2.97 on net site area) and a maximum building height of 100mPD or 22 storeys over two levels of carport as detailed in the Paper;
- (b) the previous request for rezoning (Application No. Z/TKO/4) rejected by the Committee on 13.5.2005 and a comparison with the current indicative scheme detailed in paragraphs 1.3 and 5.2 of the Paper;
- (c) the history of development of the application site and existing situation in its vicinity as detailed in paragraphs 4 and 7 of the Paper; highlighting that the application site was situated in a secluded valley at the north-eastern fringe of the TKO New Town, enclosed by steep densely vegetated slopes zoned "Green Belt" ("GB"). In its immediate neighbourhood were the low-rise Hang Hau Village and Shui Bin Village which were zoned "Village Type Development" ("V"). It was the planning intention that developments in this area en route to the Clear Water Bay area be restricted to low-rise low-density developments with plot ratio ranging from 0.2 to 1 to preserve the natural landscape backdrop to the TKO New Town, reflect the transition from urban to rural character and take account of the limited road and infrastructure capacities;

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

- (d) departmental comments as detailed in paragraph 9 of the Paper. In particular, the Architectural Services Department (ArchSD) considered that the proposed development was not compatible with the surrounding village type developments in terms of scale, building form and height. The disposition of the building blocks would likely create a wall effect leading

to adverse visual and air ventilation impacts. The Urban Design and Landscape (UD&L) Section of the PlanD raised objection to the application as the proposed development was out-of-keeping with the urban fringe location characterized with village dwellings and vegetated hillslopes. Also, the landscape master plan was not acceptable, and the further information submitted on the wind analysis was qualitative only without demonstrating the actual impact of the development. The Hong Kong Observatory also commented that no quantitative assessment on velocity ratios had been submitted;

- (e) among the 186 public comments received during the statutory publication periods of the application and further information, 179 of them objected to and 6 supported the application. The remaining comment was neutral. The grounds of objection were mainly related to incompatibility with the low-rise low-density character of the area, adverse traffic, environment, landscape and visual impacts, insufficient open space and community facilities, concern on fung shui and setting of undesirable precedent; and
- (f) the PlanD's views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. It was the planning intention that the subject area, including the application site, be designated for low-rise low-density developments to blend in with the surrounding green belt and village type developments. The proposed development was excessive in intensity and was not in harmony with the surrounding natural and green environment. It would be visually intrusive as wall effect was likely. There was insufficient information to demonstrate that the proposed development would not adversely affect the secondary breezeway of the TKO New Town and there might be adverse air ventilation impact. In addition, the proposed development would have significant adverse impact on the landscape and vegetation of the area. The landscape master plan was considered not acceptable. There were also strong local objections. The approval of the application would set an undesirable precedent for similar proposals in the area.

[Dr. Lily Chiang arrived to join the meeting at this point.]

9. The Chairperson then invited the applicant's representatives to elaborate on the application.

10. Mr. Andrew Chan said that the applicant's technical team was present at the meeting to answer any questions Members would like to raise. He then introduced Mr. Song Dai, a representative of the landowners, to speak first.

11. Mr. Song Dai thanked for the opportunity and made the following main points :

- (a) the applicants' predecessors had a long history of contribution to the Hong Kong film-making industry. In 1958, the Clear Water Bay Film Studio (the Studio) was established at the application site, to take advantage of the then secluded location close to the waterfront with small fishing villages. Although transportation was very inconvenient, its setting was advantageous for film making;
- (b) since 1980s, TKO had undergone significant transformation. With high-rise buildings in the background, this had imposed severe constraint on the theme of film produced at the Studio. Moreover, the area for indoor shootings was limited. As a result, the production had been restricted to some television programmes and commercials for the past decade and economic returns had been declining;
- (c) with less financial gains, only basic maintenance and upgrading to meet essential Government regulations could be undertaken. The existing dilapidated structures at the application site were not compatible with the high-rise developments in the vicinity and created an adverse visual impact when viewed from Clear Water Bay Road; and
- (d) since 1990s, the application site had been zoned for comprehensive redevelopment. However, the permitted GFA did not provide sufficient incentives. Therefore, the applicant had commissioned a consultancy

study for its redevelopment with the objective to achieve a balance between economic returns and continuous contribution to the local community.

12. Mr. Andrew Chan then said that the applicant's technical team would address the rejection reasons as stated in paragraph 11.1 of the Paper. With the aid of a Powerpoint presentation, Mr. Chan made the following main points :

- (a) in planning terms, the current application was recommended by the PlanD for rejection based on the consideration that the application site was on the urban fringe of a new town. While the intention for this area was to achieve a gradual transition from the high-rise developments in the core of TKO New Town to the low-rise low-density developments in the Clear Water Bay area, the proposed plot ratio of 1.82 was considered by the PlanD to be excessive and out of scale with the surrounding village type developments;
- (b) referring to Plan 6 of Appendix Ia of the Paper, an urban fringe area near Kwong Yuen Estate in Sha Tin New Town was identified. It was surrounded by areas zoned "V" and "GB" as well as "Residential (Group A)" and "Residential (Group B)". High-rise developments could in fact exist in and around an urban fringe area;
- (c) closer in TKO, the Pak Shing Kok (PSK) area was comparable to the application site as both areas were located in the urban fringe with adjoining "V" and "GB" zones. While the application site was zoned "Comprehensive Development Area" with a maximum permitted plot ratio of 0.6 and maximum building height of 6 storeys, the PSK area was zoned "Residential (Group C)2" with a maximum permitted plot ratio of 0.4 and maximum building height of 2 storeys. However, under the Feasibility Study for Further Development of TKO (the TKO Study), the PSK area was proposed for development of low to medium rise housing with plot ratios ranging from 1 to 2. Under such consideration, the proposed plot ratio of 1.82 under the current application was in line with the future development in the TKO area;

- (d) the only difference between the application site and PSK area was that the former was private land while the latter was Government land. It was doubtful whether a double standard had been applied; and
- (e) the proposed development had no adverse traffic, environmental and other infrastructural impacts. Concerned Government departments had no objection to the application.

[Dr. Lily Chiang left the meeting temporarily at this point.]

13. Mr. Kenneth Ng then presented the visual impact of the proposed development as detailed in Appendix 9 of Appendix Ia of the Paper. With the aid of site photos and photomontages, Mr. Ng made the following main points :

- (a) a robust methodology had been adopted in assessing the visual impact of the proposed development from a variety of different view angles. The existing dilapidated and disorderly structures within the application site and the adjacent Hang Hau Village formed an unattractive scene with little greening. Under the current proposal, the old structures would be replaced by new residential blocks and a landscaped area, leading to improvements in the visual quality of the area. With the application site at a level lower than Clear Water Bay Road, the proposed developments at 100mPD would be barely visible along the road. The visual impact would not be significant. Looking from Yau You Wan Hill towards the application site, the view was dominated by the high-rise developments in the TKO area. Although the whole new development would be visible from this angle, the view would still be dominated by the existing high-rise developments and the impact of the proposed development would be minimal;
- (b) in Drawing Z-5 which was shown in the PlanD's presentation, the proposed development appeared massive in scale when viewed from the adjacent Hang Hau Village. However, such massiveness was exaggerated with the

three-storey village houses in the foreground and that the application site was at a higher level than the village;

- (c) the existing Fu Ning Garden and Hang Hau Village were in close proximity to the application site. However, the windows of both developments mainly faced south, i.e. away from the application site. As such, the proposed development would not have significant visual impact on the residents there; and
- (d) while the applicant could opt for a low-rise development on the application site, such layout would lead to a densely-packed development with little area for greening. Instead, higher building blocks were proposed along the slope, allowing a sufficiently large area for landscaping with natural water features and a new woodland area. The landscaped area would be in harmony with the surrounding green environment. The existing streamcourse would also be upgraded.

14. Mr. Calvin Chiu then presented the wind analysis on the impact of the proposed development on the wind environment. He gave a brief introduction on the Technical Circular for Air Ventilation Assessment for Developments in Hong Kong (the Technical Circular) and made the following main points :

- (a) the wind environment for this part of the TKO area was established based on the Technical Circular and the “Site Wind Availability Data” available from the PlanD’s website. After initial study using the MM5 mathematical model, it was concluded that the prevailing wind direction at 500m high in this area were north-easterly, easterly, south-easterly and south-westerly. The easterly wind became more important near the ground when the local topography was taken into consideration;

[Dr. Lily Chiang returned to join the meeting at this point.]

- (b) under such considerations, all the proposed building blocks were placed along the north-western side of the application site with only the slope

forming the backdrop. With this layout, the development would not block or adversely affect the ventilation of any specific uses and pedestrian areas in the downwind areas under the prevailing east and southeast winds. No structure was proposed in the area adjoining Hang Hau Village, so that air ventilation environment of the village would not be affected.

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

15. Mr. Andrew Chan then added the following points :

- (a) with regard to the wind analysis, it was understood that the Hong Kong Observatory had given further comments. However, the applicant had not received a copy of the comments and was therefore unable to prepare a response; and
- (b) as shown on a location plan in the PlanD's presentation, the application site appeared to be right next to the Clear Water Bay area. However, the two-dimensional location plan could be misleading as the application site was actually separated from the Clear Water Bay and Silverstrand areas by mountains. The proposed development at 100mPD would not be visible from the Silverstrand area.

He then concluded that the proposed layout had already taken into account the possible visual impact and the local wind environment. No adverse impact would be generated by the proposed development.

16. The Chairperson enquired about the further comments from the Hong Kong Observatory. In response, Mr. Wilfred C.H. Cheng said that the comments were attached at Appendix II of the Paper. Since it only involved clarifications on the wind environment and that the Hong Kong Observatory did not raise objection to the application, the comments had not been sent to the applicant separately.

[Mr. David W.M. Chan returned to join the meeting at this point.]

17. In response to a Member's enquiry on the TKO Study, Mr. Wilfred C.H. Cheng said that according to the Study, the planned population for PSK was about 5,000 people. The recommended development intensities for the three identified potential development sites ranged from plot ratio 1 to 2, which were based on a net site area calculation. The current application, however, proposed a gross plot ratio of 1.82 including roads, natural slopes and a stream course within the application site. It would reach a plot ratio of 2.97 if the calculation was based on the net site area.

18. In response to the Chairperson's question, Mr. Michael C.F. Chan, DPO/SK&Is, said that the setting of the PSK area and the application site was not similar. The PSK area was a former quarry site with high mountains at its back. However, the application site was located at a mountain pass with Clear Water Bay Road to its back. It was also in close proximity to low-rise low-density village type houses. When the development restrictions for the application site were set, the development intensities of the surrounding developments and the level of the roundabout of Clear Water Bay Road at 70mPD had been taken into account.

19. In response to a Member's enquiry about the local objections to the application, Mr. Andrew Chan said that the applicant had conducted meetings with the local villagers. Due to insufficient information about the proposal, the locals were concerned about the possible traffic impact and other adverse infrastructural impacts during the construction phase. To address the local concerns, the proposal had been revised, mainly by incorporating road junction improvements and road widening. Relevant Government departments, including the Transport Department and Drainage Services Department, had no objection to the application in terms of infrastructure.

20. As the applicants' representatives had no further points to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairperson thanked the applicants' representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

21. A Member said that the applicant had not provided sufficient justifications for the proposed relaxation of plot ratio and building height restrictions, which deviated from the planning intention of the TKO area. The application was therefore not supported. Another Member considered that the scale of the proposed development excessive and was incompatible with the surrounding developments. Other Members shared the views expressed.

22. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the subject site, located in a secluded valley in the fringe of the Tseung Kwan O (TKO) New Town near Sai Kung, was intended for low-rise and low-density development to blend in with its surrounding green belts, village type housing in the immediate surroundings as well as the villa-type development in the scenic Silverstrand area in Sai Kung. It was also intended to achieve a gradual transition from the high-rise high-density developments in the core of the TKO New Town to the low-rise low-density developments in the adjoining Clear Water Bay area. The proposed amendments to the Notes for the “Comprehensive Development Area” zone to allow high-rise residential towers and excessive intensity were contrary to the planning intention and urban design concept for the area;
- (b) there was insufficient information to demonstrate that the proposed development would have no adverse impacts on air circulation of the area;
- (c) the proposed development was incompatible with the valley landscape and the adjoining low-rise low-density environment. It would generate adverse visual impacts to the surrounding areas including the Hang Hau North, Clear Water Bay and Silverstrand areas;
- (d) the proposed development would affect a number of existing trees. The submitted landscape proposal could not address the adverse landscape

impact brought about by the intensified development; and

- (e) approval of the rezoning request would set an undesirable precedent for other similar requests and approval of such requests would generate cumulative adverse impacts on the character, environment, traffic and infrastructure of the Hang Hau North, Silverstrand and Clear Water Bay areas.

[Ms. Carmen K.M. Chan and Dr. Lily Chiang left the meeting temporarily at this point.]

23. As the applicant and his representatives for Application No.Y/SK-CWBN/1 had not yet arrived, the Committee agreed to deal with Agenda Item 5 first.

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NP/10 Proposed Temporary Fast Food Shop (Food Factory)
for a Period of 3 Years in “Green Belt” Zone,
G/F, 60C Ngong Ping Village, Lantau
(RNTPC Paper No. A/I-NP/10)

Presentation and Question Sessions

24. With the aid of a powerpoint presentation, Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary fast food shop (food factory) for a period of three years for production and selling of sweet bean curd soup on the application site;

- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment objecting to the application was received during the statutory publication period for the reason that there were already different kinds of restaurants as well as food and beverage shops at the adjacent Ngong Ping Themed Village; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in 11.1 of the Paper.

[Ms. Carmen K.M. Chan and Dr. Lily Chiang returned to join the meeting at this point.]

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) provision of sewage disposal facilities, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 13.10.2007; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

26. The Committee also agreed to advise the applicant :

- (a) to liaise with the Director of Fire Services on detailed fire safety requirements which would be formulated upon receipt of formal application; and

- (b) to note that the District Lands Officer/Islands might need to cancel the Government Land Licence covering the application site, and the licensee would need to apply to the District Lands Officer/Islands for a short term tenancy for the proposed uses.

[The Chairperson thanked Mr. Michael C.F. Chan, DPO/SKIs for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

27. The Chairperson decided to deal with Agenda Item 8 at this point since the applicant and his representatives of Application No. Y/SK-CWBN/1 (Agenda Item 4) had not yet arrived, it was not yet the scheduled time for Application No. Y/TM/2 (Agenda Item 6), and a longer time would be needed for the discussion of Paper No. 6/07 (Agenda Item 7).

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-KTN/274 Temporary Open Storage of Private Cars and Light Goods Vehicles for a Period of 3 Years in "Open Space" Zone, Lot 525B in DD 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/274)
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Presentation and Question Sessions

28. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle repairing and workshop activities should be carried out on the site at any time during the approval period;
- (b) the landscape plantings on the site, including replacement of dead trees, should be maintained at all times during the approval period;
- (c) the drainage facilities on the site as implemented under Application No. A/YL-KTN/183 should be maintained at all times during the approval period;
- (d) setting back of the site as a non-building area from the proposed alignment of the “Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road” project as when required by the Government;

- (e) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.10.2007;
- (f) in relation to (e) above, the implementation of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.1.2008;
- (g) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the contained-converted site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.10.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

30. The Committee also agreed to advise the applicant to :

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the ingress/egress of the site did not abut on Kam Tin Road. The status of the strip between the ingress/egress of the site and Kam Tin Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed;

- (b) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the proposal for access should also be submitted to Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the latest version of Highway Standard Drawings No. H1113 and H1114 of H5115 and H5116 whichever set as appropriate to match the pavement type of the adjacent footpath;
- (c) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (e) note the Director of Electrical and Mechanical Services' comment that prior to establishing any structure within the site, the applicant and his contractor should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the shallow cover installation duct lines. In the circumstances that the safety clearances of the concerned duct lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the duct lines. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when

carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-NSW/172 Proposed Comprehensive Residential Development
in “Undetermined” Zone,
Lots 592C1(Part), 592CRP(Part) and 1252RP(Part) in DD 115,
Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/172)
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31. The Secretary reported that Messrs. Alfred Donald Yap and Y.K. Cheng had declared interest in this item as they had current business dealings with Sun Hung Kai Properties Ltd., which was the mother company of the applicant. The Committee noted that Mr. Yap had tendered apologies for not attending the meeting.

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

Presentation and Question Sessions

32. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development;
- (c) departmental comments – concerned Government departments had no objection to or no major adverse comment on the application;
- (d) a total of 22 public comments from private individuals, local villagers, village representatives, Yuen Long District Council Members and the land owner of Lot 592S.B in D.D.115 were received during the statutory publication periods for the application and further information. All the comments were against the proposed development for reasons mainly related to possible adverse environmental, ecological, traffic and fung shui

impacts of the proposed development, potential noise and dust impacts at the stage of construction, and the right of way for Lot 592S.B;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not incompatible with the existing and planned land uses in the area. The application was in line with the Town Planning Board (TPB) Guidelines No. 12B on Application for Development within Deep Bay Area. The ecological impacts arising from the proposed development (including stream filling) would not be significant and the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment. The proposed development would not have significant adverse impact on the traffic, environment and infrastructure of the area. Although there were some outstanding issues on the landscape proposal, they could be addressed by imposing an approval condition.

33. In response to two Members' questions, Mr. Wilson Y.L. So, DPO/TMYL, made the following main points :

- (a) the application site was one of the three sites zoned "Undetermined" ("U") on the Nam Sang Wai Outline Zoning Plan (OZP). The rationale for such zoning was stated in the Explanatory Statement of the OZP, namely the sites were subject to impacts from the existing major road and infrastructure projects like Castle Peak Road, Yuen Long Highway, Tsing Long Highway, West Rail as well as the Yuen Long Bypass Floodway (YLBF);
- (b) the application site fell within the Wetland Buffer Area (WBA). There was no evidence showing that illegal pond filling activities had been carried out on the site. There were previously some small ponds in the southern part of the application site near the Yuen Long Highway but had already been filled during the implementation of the YLBF project. According to DAFC's comments, the application site consisted mainly of filled land without any water body. The only filling of water body would

be about 10m of Small Traders New Village Nullah for the proposed access road;

- (c) according to TPB Guidelines No. 12B, the TPB might give sympathetic consideration to proposals for residential developments on degraded sites within the WBA subject to satisfactory ecological and other impact assessments. The application site was quite far away from the Wetland Conservation Area (WCA) except on the eastern side, and there was no fishpond within the application site. The proposed access road would require filling of a short section of a nullah, but the DAFC had no objection to that. While the DAFC had raised a concern on the alignment of the proposed sewer which would be adjacent to the fishponds and the engineered wetland within the WCA, the applicant had confirmed that the construction works of that section of the sewer in dry season would be avoided so as to minimize potential off-site disturbance to the WCA; and
- (d) two similar applications for residential developments (No. A/YL-NSW/73 and A/YL-NSW/105) had been rejected by the Committee in 2000 and 2001. The former, involving a site to the east of the current application site, had a proposed plot ratio (PR) of 0.95 while the latter, involving another site to the southeast of the application site, had a proposed PR of 2.5. The proposed development under application had a lower PR of 0.4.

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

34. Noting that the DAFC's comments in paragraph 10.1.6 of the Paper referred to such wording as "to restore lost wetlands" included in paragraph 6.7 of the TPB Guidelines No. 12B for giving sympathetic consideration to proposals for residential developments on degraded sites within the WBA, a Member expressed reservation on the recommendation to approve the subject application as neither wetland restoration nor compensation was included in the applicant's proposal. In response, the Secretary explained that the said TPB Guidelines covered the WCA and WBA in the Deep Bay Area (DBA). For the WCA, the planning intention was to conserve the ecological value of the fishponds, and wetland compensation would be required for any development involving pond filling. For the WBA,

it included a buffer area of about 500m along the landward boundary of the WCA. The planning intention was to protect the ecological integrity of the fishponds and wetlands within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fishponds. According to the Guidelines, the degraded sites within the WBA was identified as “target areas” which allowed appropriate level of development provided that some of the lost fishponds could be restored. These “target areas” were usually zoned “Other Specified Uses” annotated “Comprehensive Development to Include Wetland Restoration Area”. Two such sites were zoned on Plan A-1 of the Paper. For other sites within the WBA, which included the subject site, no wetland restoration or compensation but an ecological impact assessment would be required. However, if the applicant agreed to provide some wetland area within the proposed development, it would be regarded as a planning gain.

35. Noting that the applicant had proposed to use the maintenance access of the YLBF as the road access to the application site, a Member asked whether any variation of the Environmental Permit (EP) for the YLBF project would be required as the road-widening proposal would change the nature of the existing access and might significantly increase the amount of traffic using it and the resultant traffic noise as well. In response, Mr. Wilson Y.L. So explained that the existing maintenance access had a width of 3.5m. It was currently under the management of the Transport Department (TD). The applicant proposed to widen the access to a standard 7.3m-wide road for two-way traffic with a 1.6m-wide footpath on the western side. The TD had no objection to continue taking up the management responsibility of the proposed road provided that it would be widened according to the standards required in the Transport Planning and Design Manual. The DAFC also made no adverse comment on the road-widening proposal, except for the aforesaid concern on the alignment of a proposed sewer which would run along the access road.

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

36. On whether any variation of the EP for the YLBF project would be required, Mr. Elvis W.K. Au said that he had no information at hand to confirm this point. Nevertheless, the proposed development would not adversely affect any fishpond or the engineered wetland within the WCA. Based on the information in the Paper, he opined that the road-widening proposal might possibly be regarded as a rural road improvement project. Even if any

variation of the EP was required, it could still be allowed under the EIAO. As regards potential increase in traffic noise, it should not be a problem as there were only a few domestic structures along the maintenance access.

37. Another Member asked about TD's comments on the traffic impact assessment (TIA) submitted by the applicant. Mr. Wilson Y.L So confirmed that the Assistant Commissioner for Transport/New Territories of the TD had no adverse comment on the TIA.

38. A Member noted that there were more and more public comments objecting to the proposed development when the further information on the application was published for public inspection on 12.12.2006 and 9.3.2007. Mr. Wilson Y.L. So explained that while the number of comments had increased, their concerns were very similar. Most of them were made by the villagers in the area. Their major concerns were the possible adverse environmental, ecological and traffic impacts of the proposed development, and the potential noise and dust impacts at the stage of construction. Concerned departments however had no adverse comments on all these aspects. Moreover, the concerned villages were all located to the west of the application site. They were unlikely to be affected by the proposed access road which would run to the application site from the east. Another public comment related to the right of way of Lot 592S.B in D.D.115. According to the District Lands Officer/Yuen Long of the Lands Department, there was no Deed of Right registered against this lot. The applicant would be asked to resolve the road access issues with the land owner of that lot, should the application be approved.

Deliberation Session

39. A Member pointed out that according the Director of Environmental Protection (DEP)'s comments in paragraph 10.1.17 of the Paper, it was only confirmed that there would be no traffic noise exceedance at the proposed residential units based on the Noise Impact Assessment. It did not cover the potential traffic noise impact of the access road on the surrounding area.

40. Another Member noted that there had been some changes in the nature of the public comments received on the first publication of the application and those on the further information. The former was mainly from individuals while the latter included letters

signed by groups of people as well as the YLDC Members. Although the proposed development might be acceptable from the technical viewpoint, the applicant should do more to address the local concerns, such as including wetland proposal. Also, layout of the development was monotonous and needed to be improved. Some other Members agreed to this view. One of them further commented that since the application site fell within the WBA and the proposed development required planning approval, it was reasonable to request the applicant to do something to improve the environment.

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

41. A Member queried whether it was fair to impose a higher standard in this case, above what was required in the TPB Guidelines No. 12B, and whether such higher standard would also be applicable to other residential proposals of similar nature within the WBA.

42. A Member commented that the application site fell within the “U” zone and was not specifically intended for residential development. The Committee should be entitled, in considering a planning application for such development, to see whether there would be any planning gain in the applicant’s proposal that would merit favourable consideration of the application, in addition to fulfilling the requirements under the relevant TPB Guidelines.

43. In view of the outstanding issues, the Chairperson suggested Members to consider deferring a decision on the case to allow the applicant to address the concerns raised by Members.

44. After further deliberation, the Committee decided to defer a decision on the application pending the submission of additional information from the applicant to address the concerns raised by Members, including the potential traffic noise impact generated by the proposed road access, incorporation of certain wetland proposal in the development and improvement to the layout of the proposed scheme. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the additional information.

[Mr. Y.K. Cheng returned to join the meeting temporarily at this point, and Dr. Lily Chiang left the meeting temporarily at this point.]

45. As it was already beyond the scheduled time for Application No. Y/TM/2, the Committee decided to deal with Agenda Item 6 at this point.

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/2 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/22 by deleting “Oil Depot, Oil Refinery and Petrol-chemical Plant” Uses from Column 2 of the Notes of the “Other Specified Uses” annotated “Special Industries Area” Zone, Two Parcels of Land to the South of Lung Mun Road including Tuen Mun Town Lot 372 and its Extensions, and Adjacent Government Land, Area 38, Tuen Mun
(RNTPC Paper No. Y/TM/2)

46. The Secretary reported that the item was related to two previous section 16 applications for permanent aviation fuel facility (PAFF) submitted by the Airport Authority Hong Kong (AA), and Mr. Edmund K.H. Leung had declared interest in this item as he was a Member of the AA Board.

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

Presentation and Question Sessions

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

Mr. Wilson Y.L. So - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)

Mr. Wilson W.S. Chan - Senior Town Planner/Tuen Mun and Yuen Long
(STP/TMYL)

48. The following applicant's representatives were invited to the meeting at this point :

Miss Yeng Pong

Mr. Ian Brownlee

Mr. Marc McBride

Mr. Jonathan Gray

Mr. Chris Kwan

Mr. Daniel Ho

Mr. Roy Wong

Miss Jessica Lam

49. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited the PlanD's representatives to brief Members on the background to the application.

50. Mr. Wilson W.S. Chan, STP/TMYL, presented the application as detailed in the Paper and made the following main points :

(a) the application proposed the Town Planning Board (the Board) to delete the 'Oil Depot, Oil Refinery and Petrol-chemical Plant' use from Column 2 of the Notes of the "Other Specified Uses" annotated "Special Industries Area" ("OU(SIA)") zone on the draft Tuen Mun Outline Zoning Plan No. S/TM/22 (the OZP). In the submission, the applicant also requested the Board :-

(i) to re-assess the approved section 16 applications (No. A/TM/289 and A/TM/312) for the PAFF in view of the Court of Final Appeal (CFA)'s judgment on the relevant Environmental Impact Assessment (EIA) Report made under the Environmental Impact Assessment Ordinance (EIAO);

- (ii) to relocate the PAFF elsewhere;
 - (iii) to request the Lands Department to cancel the land grant for the PAFF; and
 - (iv) to reconsider the location of the Resource Recovery Park adjacent to the PAFF;
- (b) the justifications provided by the applicant were summarized in paragraph 2 of the Paper;
- (c) the “OU(SIA)” zone in Tuen Mun Area 38 covered two large sites. The eastern one was a piece of Government land formed by reclamation, with its major portion currently used by the Civil Engineering and Development Department as a temporary fill bank. The western one was consisted of two land parcels. The western parcel was occupied by the applicant’s Shiu Wing Steel Mill while the eastern parcel was intended for PAFF. In the middle of the two “OU(SIA)” sites was the “Other Specified Uses” annotated “Resource Recovery Park” zone;
- (d) the background to the proposed PAFF development was detailed in paragraph 4 of the Paper. The first section 16 application (No. A/TM/289) submitted by the AA for the PAFF was approved by the Committee on 9.8.2002. The EIA Report for the PAFF submitted by the AA under the EIAO was approved by the Director of Environmental Protection (DEP) on 2.8.2002, and an Environmental Permit was issued by the DEP on 28.8.2002. In December 2003, the AA submitted another section 16 application (No. A/TM/312) for amending the approved scheme which was approved by the Committee on 27.2.2004;
- (e) on 1.11.2002, the applicant submitted a judicial review (JR) to the Court of First Instance (CFI) against the DEP’s approval of the EIA Report under the EIAO. The CFI dismissed the JR application on 30.9.2003. The

applicant filed an appeal which was dismissed by the Court of Appeal. The applicant then appealed to the CFA. On 17.7.2006, CFA made a judgment quashing the DEP's approval decision for the reasons that the quantitative risk assessment in the submitted EIA had not included the scenario of a catastrophic failure of a fuel storage tank with an instantaneous or almost instantaneous loss of a 100% of the tank's content. The AA submitted a revised EIA for the PAFF under the EIAO on 22.12.2006. The revised EIA will be presented to the Advisory Council on Environment (ACE) for advice before 26.4.2007;

- (f) the comments from concerned Government departments on the application were set out in paragraph 9 of the Paper. Most departments had no objection to or no major adverse comment on the application, except for the Secretary for Commerce, Industry and Technology, the Director-General of Trade and Industry, and the Secretary for Economic Development and Labour who did not support the proposal;
- (g) a total of 896 public comments were received during the statutory publication period. They could be divided into three groups. The first group included 889 comments mainly from industrial/business enterprises, Legislative Council members, Tuen Mun District Council members, local residents, residents' organizations, and the Shiu Wing Steel Mill Employee Concern Group. They supported the application for the reasons as detailed in paragraph 10.1 of the Paper. The second group included six comments from several airline companies and the International Air Transport Association. They objected to the application for the reasons as detailed in paragraph 10.2 of the Paper. The remaining comment from the AA objected to the application for the reasons as detailed in paragraph 10.3 of the Paper; and
- (h) since the applicant's main argument was the incompatibility of having PAFF located adjacent to Shiu Wing Steel Mill because of the inherent risk of a large fire and/or explosion causing damage to property and potential loss of human life, the PlanD was of the view that environmental concern

including safety aspect was material to the Committee's consideration of the application. However, DEP's comments as stated in paragraph 9.1.2 of the Paper had not covered the environmental acceptability of the PAFF development. It was therefore recommended that the consideration of the application should be deferred pending DEP's further comments on this aspect.

51. The Chairperson invited the applicant's representatives to respond to the PlanD's recommendation to defer the consideration of the application. Mr. Ian Brownlee informed the Committee that the applicant had prepared some information which was tabled at the meeting. He then made the following main points :

- (a) while some technical issues were involved, the application mainly involved land use planning. According to the revised EIA Report submitted by the AA under the EIAO, a catastrophic failure of a tank of the PAFF might result in the jet fuel running into the factory of Shiu Wing Steel Mill and kill up to 191 persons. All these could be avoided if the PAFF was to be relocated to elsewhere; and
- (b) the applicant did not agree to defer the consideration of the application for the reasons :
 - (i) the DEP had already been given sufficient time to make comments on the application as well as the technical assessment submitted by the AA. The DEP's comments stated in paragraph 9.1.2 of the Paper neither indicated that the applicant's and AA's submissions were insufficient nor suggested the Committee to defer the case. Hence, it was difficult to understand why a deferral was necessary. The Committee should allow the applicant's representatives to make their presentations first before deciding whether the DEP's comments were adequate. The applicant had a cynical view that the DEP did not provide the required comments to the Committee deliberately because the findings were alarming;

- (ii) it was more appropriate for the EIA process to come after the planning process. The Town Planning Ordinance (TPO) made the Board responsible for promoting health, safety and general welfare of the community through systematic preparation and administration of town plans. Fundamentally, the PAFF was an incompatible land use in the area. Through approving section 16 applications for it, the Board became responsible for issues such as layout of the PAFF site, the quantity of fuel to be stored there, and the relationship of the PAFF to its neighbouring sites;
- (iii) the EIA process under the EIAO and the town planning process under the TPO were different and should be completely separated. The ACE was only an advisory body. It considered EIA Reports in closed meetings, taking into account the submissions of the Government and proponents only. The Board was however a decision-making body. Under the TPO, applicants would have a right to be heard in open meetings;
- (iv) the matter was a tremendous public concern. A total of 889 public comments supported the application. For the six opposing comments, the one made by the Cathay Pacific Airways Ltd. was in fact a qualified support, with a condition that the PAFF had to be safe. To delay the hearing of this application would unreasonably delay the consideration of all the public comments;
- (v) although the application involved a technical analysis, its conclusions were basically common sense. Placing the PAFF next to a steel mill with equipment of extremely high temperature was illogical. Nevertheless, the applicant had carried out an assessment, and Mr. Marc McBride from the Health and Safety Laboratory of the United Kingdom (UK) was prepared to present the assessment findings to the Members in a simple and understandable language. The Committee should be as well-qualified as the ACE to consider and understand the situation;

- (vi) it was unnecessary for the Committee to wait for the ACE or DEP to make the decision first. Otherwise, it would in effect hand its decision-making authority to another body which had no legal authority to make planning decision;
- (vii) since the Committee's views were important and should be considered by the Government, the Committee should act in a responsible manner and consider the application so as to make recommendations to the DEP and ACE;
- (viii) it was specified in the TPO that every section 12A application should be considered within three months after receipt, and every applicant had a right to be heard before the Board. Having heard the applicant's presentation, the Committee could, if necessary, adjourn the hearing to seek additional information, and reconvene it on a later date for making a decision on the application. The Committee should adopt this approach, taking into account that Mr. Marc McBride travelled from the UK to attend the hearing; and
- (ix) in considering a request for deferment of any planning application, the Town Planning Board Guidelines No. 33 required that the Committee should take into account all relevant factors and whether the right or interest of other concerned parties would be affected. In the subject case, the interests of the applicant and the commenters would be adversely affected if the application was deferred. A timely consideration of the case before the EIA process concluded was extremely important.

52. In response to a Member's question, Mr. Wilson Y.L. So, DPO/TMYL, explained that as stated in paragraph 11.2 of the Paper, the PlanD recommended the Committee to defer the consideration of the application, subject to DEP's further comments on the environmental acceptability particularly on the safety issue of the PAFF development. As soon as the comments were available, the case would be resubmitted to the Committee for consideration.

53. In response to another Member's question, Mr. Ian Brownlee said that if the Committee did defer the consideration of the application, the applicant would still be given an opportunity to comment on any additional information submitted to the Committee after the deferment. Mr. Brownlee also said that they were disappointed to find that there was no representative from the EPD in the Government team at the meeting. Although Mr. Elvis W.K. Au was present, he was a Member of the Committee rather than in the Government team to provide expert advice. Such arrangement might be the Government's deliberate attempt to stop the case from going ahead. He urged the Committee to allow Mr. Marc McBride to make a presentation. Since every point made during the proceedings would be properly recorded, to start the hearing without any environmental expert in the Government team would not be unfair to the Government as such expert could still make comments/responses to the Committee later regarding any point/question raised at this meeting.

[Dr. Lily Chiang returned to join the meeting at this point.]

54. As the applicant's representatives had no further point to make on the PlanD's recommendation for deferral and Members had no further question to raise, the Chairperson informed them that the hearing procedures on the deferral request had been completed and the Committee would further deliberate on the issue in their absence and inform them of the Committee's decision when it was made. The Chairperson requested the applicant's representatives and PlanD's representative to wait outside the conference room. They all left the meeting temporarily at this point.

Deliberation Session

55. Members agreed that the EIA process under the EIAO and the town planning process under the TPO were different and should be separated. However, the EIA and its acceptability or otherwise would provide relevant information for the Committee to consider the environmental aspect of the subject application. Nevertheless, this should not be wrongly construed as the Committee was delegating its authority to the DEP.

56. Mr. Elvis W.K. Au said that while Members' views were respected, he did not

totally agree with the points made by the PlanD in paragraphs 11.1 and 11.2 of the Paper. He said that his department had provided their comments on the application as set out in paragraph 9.1.2 of the Paper. As regards the environmental acceptability of the PAFF, he explained that no further comment could be provided at this stage as the revised EIA submitted by the AA was still under processing. The public consultation period was from 23.2.2007 to 24.3.2007. Subsequently, the revised EIA was submitted to the EIA Sub-committee of the ACE for discussion, and it was scheduled for submission to the ACE meeting on 19.4.2007. According to the statutory requirements under the EIAO, the ACE had to provide advice on the revised EIA to the DEP before 26.4.2007. After receiving ACE's advice, the DEP might request the AA to provide additional information but there was no statutory time limit for the submission of such additional information. It was uncertain as to when the EIA process would be completed. On the issue of safety, the concerns should not only cover the environmental aspect, but also fire safety, building safety, risk, etc..

57. The Chairperson then invited Members to express views on whether it was appropriate to commence the hearing and make a decision on the application, noting that the Government team might not be able to provide the required technical advice at the meeting.

58. A few Members indicated no objection to commence the hearing, though they knew that it would not be possible to make a decision on the application at the meeting.

59. The Committee then went through all the points made by Mr. Ian Brownlee one by one and considered that the following two issues were pertinent in deciding whether to defer consideration of the application or not :

- (a) whether safety and risk issues could be dealt with by a common sense approach or were paramount considerations for the subject application which would need to be considered in detail; and
- (b) whether the Committee should commence the hearing and adjourn the consideration of the application if Members found the information insufficient to make a decision.

60. As regards the first issue, Members agreed that both safety and risk issues of the

PAFF development were paramount considerations that needed to be considered in detail. Without sufficient technical advice from the Government experts, it would be difficult for the Committee to come to a conclusion on these technical aspects.

61. As regards the second issue, a few Members asked whether it would be legally proper to hear the application in part and leave the decision-making to a later meeting, taking into account that there was a 3-month statutory time limit to consider a section 12A application, and members who would be present at the later meeting might not be exactly the same as those at the present one. In response, the Secretary made the following clarifications :

- (a) according to the Board's Guidelines No. 33, any request for deferral of consideration of a planning application (regardless whether the request was made by the applicant or a Government department) would normally be acceded to for the first time if justifications were provided. Procedurally, the Board would have to consider the request and made a decision on the matter within the relevant statutory time limit for considering the application. It was not uncommon for the Board and its Committees to make such kind of deferral decisions; and
- (b) according to previous legal advice, a case could be heard in part and adjourned for consideration at a later meeting, provided that all the points mentioned and discussed in the earlier meeting were properly recorded and Members were given sufficient time to study the relevant papers and minutes before the further consideration of the case.

62. A Member said that similar to the court proceedings, the application could be heard in part without breaching natural justice. However, it was preferable not to commence the hearing procedure until concerned Government departments were able to provide sufficient technical advice and comments. Several Members shared this Member's views.

63. In connection with a Member's question, the Secretary provided some further background to the processing of the application. Originally, the applicant was informed that

the subject application would be considered by the Committee on 13.4.2007. In mid-March 2007, the PlanD indicated that that they would request deferral of the consideration of the case pending further comments from the DEP on the environmental acceptability of the PAFF. The PlanD then prepared a deferral paper which was planned to be submitted to the Committee for consideration on 23.3.2007 (i.e. one meeting earlier). This was an established practice and was in accordance with the Board's Guidelines No. 33 so that if the Committee refused PlanD's deferral request, the application could still be submitted to the Committee for consideration at the originally scheduled meeting. After receiving the PlanD's paper on the deferral request, Mr. Ian Brownlee wrote a letter to the Board raising objection (copy attached in Appendix Ib of the Paper). The Secretary had spoken to Mr. Brownlee inviting him and any other representative of the applicant to attend the meeting on 23.3.2007 to state the applicant's position to the Committee, which would avoid any unnecessary cost to arrange the UK's expert to Hong Kong. Mr. Brownlee however refused the invitation and insisted that the Committee should consider the application at the present meeting.

64. After considering all the points made by the applicant's representatives in their written and verbal representations on the issue of deferment, Members agreed that the Committee would be unable to make any decision on the application in the meeting even if the hearing procedure was allowed to commence. Moreover, the applicant's representatives as well as the representatives from concerned Government departments would still have to attend the meeting for the resumed hearing, and there would not be much saving in terms of time and cost on the part of the applicant. It would be more appropriate to defer the consideration of the application until the concerned Government departments could provide sufficient technical advice and comments on the PAFF development in respect of the safety and risk aspects.

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

65. After further deliberation, the Committee decided to defer a decision on the application pending sufficient technical advice and comments from concerned Government departments on the PAFF development in respect of the safety and risk aspects. The Committee also agreed that the application should be submitted to the Committee for consideration as soon as such advice and comments were available.

Decision

66. The Committee invited the PlanD's representatives and the applicant's representatives back to the meeting at this point.

67. The Chairperson informed both parties the aforesaid deferral decision of the Committee.

68. In response, Mr. Ian Brownlee expressed that they were extremely disappointed about the Committee's decision as all the applicant's representatives were ready to present their case at the meeting. He said that the applicant and members of the public who had commented on the application would be prejudiced if the case was deferred. The Committee's decision put the applicant in an extremely disadvantaged position. The applicant was also extremely concerned that there was no specific date for reconvening the hearing. The date for reconvening the hearing should be before the EIAO process was concluded. If possible, it should be at the following Committee's meeting. It was unreasonable for the Government to hold the Committee and the applicant in ransom only because it had not done its job properly.

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

69. Mr. Daniel Ho, on behalf of the Shiu Wing Steel Mill Employee Concern Group, expressed a regret for the Committee's decision. This would in effect allow the EPD to make the decision on the application for the Committee. This was irresponsible as the Committee failed to perform its duty. The Committee's decision also meant that some 190 people might die.

70. The Chairperson clarified that the Committee's decision to defer was not premised upon the completion of the EIA process. She explained that safety of the community was one of the objectives stated in the preamble of the TPO. Since the application involved matters relating to safety and risk of the public, the Committee had to be very cautious in considering the case. After taking into account all the information available, the Committee was of the view that there was insufficient technical advice to help Members

assess the safety and risk aspects of the application. Being a responsible body, it had to defer the consideration of the case.

71. Miss Yeng Pong asked what kind of technical advice the Committee would require. The applicant could offer assistance. The Chairperson replied that the information provided by the applicant was considered adequate and no additional information would be required from the applicant. Mr. Ian Brownlee said that it would be unfair not to inform the applicant in detail what kind of technical advice the Committee would require as it might be relevant to the date for reconvening the hearing. The applicant also had to know when they would need to arrange Mr. Marc McBride to fly from the UK again. The Chairperson said that the Committee would inform the applicant the date for hearing as soon as sufficient technical advice was ready from concerned Government departments. Advance written notice would be given to the applicant.

72. Miss Yeng Pong said that they had been waiting for months for the hearing, and it was the Board who invited them to the meeting. If the Committee had no intention to commence the hearing, it should have informed them in advance to avoid wasting their time and money. In response, the Secretary clarified that when the PlanD formulated its view on recommending the Committee to defer the case in mid-March, the Secretariat originally planned to submit the deferral request to the Committee for consideration at the meeting on 23.3.2007. Should the Committee not agree to defer, the application could still be submitted to the Committee for consideration according to the original schedule on 13.4.2007. Should the Committee agree to defer, the applicant would be duly informed and would not need to arrange all the representatives to attend the hearing on 13.4.2007. She had personally spoken to Mr. Ian Brownlee inviting him and other representatives of the applicant to attend the meeting on 23.3.2007 to address the Committee direct on the issue of deferral. However, Mr. Brownlee rejected the proposed arrangement and insisted that the Committee should consider the application at the present meeting, knowing full well that there was a high likelihood that the Committee would defer consideration of the application. As such, the Secretariat scheduled the application for the meeting, but the Committee had to deal with PlanD's deferral request first. All the above was recorded in the correspondence between the applicant's planning consultant and the Secretariat.

73. Mr. Ian Brownlee said that despite the Secretary's written and verbal

clarifications of the procedures, they had clearly indicated that they objected to any deferral of the application. The applicant had also been requested for 50 minutes for a substantive presentation at the meeting. It was unfair not to allow them to do so for the reason that there was no EPD's expert in the Government team present at the meeting. In response, the Chairperson reiterated that the Committee's reason for its decision to defer was insufficient technical advice and comments from concerned Government departments at this stage to assess the safety and risk aspects of the application.

74. As both the applicant's representatives and the PlanD's representatives had already been given sufficient opportunity to make their points to the Committee, the Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

[Dr. Lily Chiang and Mr. B.W. Chan left the meeting at is point.]

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/SK-CWBN/1 Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/3 from "Conservation Area" to "Residential (Group C)7", Lots 921RP, 923RP, 926, 927, 933-940, 944RP and Adjoining Government Land in DD 243, Sai Kung (RNTPC Paper No. Y/SK-CWBN/1)
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75. The Secretary reported that Mr. Edmund K.H. Leung had declared interest in this item as he lived near to the application site. The Committee noted that Mr. Leung had refrained from joining the meeting.

Presentation and Question Sessions

76. The following representative from the Planning Department (PlanD) was invited to the meeting at this point :

Mr. Michael C.F. Chan

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

Mr. Chan Ming Kong

Ms. Betty Ho

Mr. Kelvin Leung

Mr. Stan Fung

Ms. Ebby Leung

78. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Michael C.F Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), to brief Members on the background to the application.

79. With the aid of a powerpoint presentation, Mr. Michael C.F. Chan presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone a piece of land abutting Clear Water Bay Road in Sai Kung from "Conservation Area" ("CA") to "Residential (Group C)7" ("R(C)7") on the approved Clear Water Bay North Outline Zoning Plan No. S/SK-CWBN/3 (the OZP). A rezoning request for a similar proposal in relation to the approved Clear Water Bay North Development Permission Area Plan No. DPA/SK-CWBN/2 was made by the same applicant in July 2004. That case was rejected by the Committee in March 2006, after the proponent had requested the Board to defer the consideration for three times;
- (b) the justifications provided by the applicant were summarized in paragraph 2 of the Paper;

- (c) the comments from concerned Government departments were set out in paragraph 9 of the Paper. From conservation and landscape point of view, there were strong objection from the Chief Highway Engineer/New Territories East of the Highways Department, and adverse comments from the Chief Town Planner/Urban Design and Landscape of the Planning Department. The Director of Environmental Protection also stated that there seemed to be no strong justification for changing the “Conservation Area” zoning. From traffic engineering point of view, the Assistant Commissioner for Transport/New Territories (AC for T/NT) of the Transport Department (TD) did not support the application because of the creation of an unplanned access at Clear Water Bay Road. Besides, the proposed slip road arrangement was considered worse than the existing condition. Other departments had no objection to or no adverse comment on the application;
- (d) a total of five public comments were received during the statutory publication period. All of them objected to the application on the grounds that the proposal might have adverse impacts on the existing ecology of the area, setting of an undesirable precedent, and insufficient public consultation; and
- (e) the PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The application site formed part of the broadleaf woodland extended from Silverstrand to Ng Fai Tin. The “CA” zoning was considered appropriate. Since the proposed development would necessitate tree felling and clearance of vegetation, the green environment and landscape setting of the application site would be adversely affected. The proposed development was considered incompatible with the surrounding environment and would cause significant impacts on the existing landscape of the area. The AC for T/NT considered that the applicant’s access road proposal was worse than the existing condition. Approval of the application would set an undesirable precedent for other similar applications in other conservation

related zones, thereby creating adverse cumulative impacts on the landscape character in the area.

80. With the aid of a powerpoint presentation, Ms. Betty Ho made the following main points :

- (a) the application site was a piece of fallow and abandoned agricultural land where farming had long been ceased. It was accessible from Clear water Bay Road and was served by buses. Its adjacent land uses were mainly low-rise residential developments and village houses;
- (b) there were some illegal dumping activities in the past but they were not done by the applicant;
- (c) the proposed development would have no adverse environmental impacts as it only involved a small-scale private residential development. There would be proper treatments on the sewage discharge. An appropriate landscape proposal would be implemented. Only 12 trees would be felled. As compensation, a total of 42 native trees would be planted;
- (d) the proposal could help fulfil the planning intention of the “CA” zone and provide stringent enforcement on environmental conservation while the current “CA” zoning was not adequate in protecting the application site. There was a need for proper on-site management. The proposal demonstrated the applicant’s determination in protecting the environment;
- (e) the proposed slip road arrangement and relocation of bus lay-by were expected to improve the traffic condition on Clear Water Bay Road as it would provide clearer sightline and improve road safety; and
- (f) the proposed development was intended to meet the residential need of the applicant who returned to Hong Kong for retirement. There was not much private land in the area that was suitable for development and approving the application would not set an undesirable precedent.

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

81. With the aid of a powerpoint presentation, Mr. Kelvin Leung then made the following main points :

- (a) the existing bus and green minibus lay-by near the application site was substandard. It might easily result in tailback and unsafe overtaking. The proposed lay-by was a standard one which could minimize tailback and avoid unnecessary overtaking;
- (b) low volume of traffic would be generated from the proposed development as only one house was involved; and
- (c) there were similar slip road arrangements in other places in Hong Kong, such as a residential development and a petrol filling station at Clear water Bay Road, as well as the Chinese Christian Cemetery at Pok Fu Lam Road.

82. Mr. Chan Ming Kong, the applicant, said that he bought the application site in the 1960s. After returning to Hong Kong from the United States, he would now like to use the land to build his own house for retirement. He noted that the TD had adverse comments on his previous rezoning request as there was a safety problem of the ingress and egress. By sacrificing about one-third of the application site for the traffic improvement proposals, the consultants had already worked out a feasible solution to address the TD's concerns.

83. In response to the Chairperson's question, Ms. Betty Ho confirmed that she had been informed of the TD's comments on the application, although she did not agree with them.

84. As the applicant's representatives had no further point to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representative for attending

the meeting. They all left the meeting at this point.

Deliberation Session

85. Members noted that the application site involved agricultural lots only and there was no building entitlement. There were no particular planning merits or planning gains in the proposal which would merit sympathetic consideration.

86. After deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the rezoning site formed part of the natural woodlands to the north of Clear Water Bay Road extended from Silverstrand to Ng Fai Tin. The “Conservation Area” zoning of the rezoning site was considered appropriate to protect and retain the existing natural landscape, ecological and topographical features of the rezoning site;
- (b) the proposed development would necessitate tree felling and clearance of vegetation for site formation including the proposed vehicular access, thus the green environment and landscape setting of the rezoning site would be adversely affected;
- (c) the proposed house development was considered incompatible with the surrounding land uses and would also create adverse impact on the existing landscape character of the area;
- (d) the rezoning site was located behind an inner sharp bend of Clear Water Bay Road with limited sightline. The proposed slip road arrangement was considered worse than the existing condition and would create unplanned access at Clear Water Bay Road; and
- (e) the proposed rezoning would set an undesirable precedent for similar requests and lead to ribbon development along Clear Water Bay Road. The cumulative impact of approving these requests would lead to adverse

impacts on the natural environment and landscape character in the area.

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

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting]

Land Use Review of the “Comprehensive Development Area” Zones in Areas 112 and 115
In Tin Shui Wai and Associated Proposed Amendments to the
Approved Tin Shui Wai Outline Zoning Plan No. S/TSW/10
(RNTPC Paper No. 6/07)

87. With the aid of a powerpoint presentation, Mr. Wilson Y.L. So, DPO/TMYL, presented the findings of the land use review of the “Comprehensive Development Area” (“CDA”) zones in Areas 112 and 115 in Tin Shui Wai and the recommendations on the consequential amendments to the Tin Shui Wai Outline Zoning Plan No. S/TSW/10 (the OZP) as detailed in the Paper, and made the following main points :

- (a) the land use review arose from the Town Planning Board (the Board)’s request during the consideration of an objection to the draft Tin Shui Wai OZP No. S/TSW/9 on 20.5.2005. The Board ruled the objection as invalid but noted that the Director of Agriculture, Fisheries and Conservation (DAFC) was in favour of rezoning the two “CDA” zones in Areas 112 and 115 to “Green Belt” (“GB”) in view of the interface between the Hong Kong Wetland Park (HKWP) and the “CDA” sites. The public, including some Yuen Long District Council (YLDC) Members, also raised concerns and suggested to reduce the development intensity of the “CDA”

sites;

- (b) having regard to the planning history, development opportunities and constraints pertinent to the two “CDA” sites as well as comments from relevant Government departments, PlanD considered that it was not desirable to rezone the two sites to “GB”. The DAFC, after being further consulted, raised no objection to the proposed residential use in Areas 112 and 115, provided that the design criteria as set out in paragraph 5.6 of the Paper would be adopted to minimize the impacts on the wildlife of the HKWP;
- (c) based on the latest planned population for the Tin Shui Wai New Town and education policy, the Secretary for Education and Manpower (SEM) had confirmed that only one primary cum secondary school would be required in Area 112;
- (d) based on the plot ratio (PR) (which was approximately 2) currently stipulated for the two “CDA” sites on the OZP and keeping the maximum building height of not more than 10 storeys over one storey carpark, the development on the two sites would result in an extremely congested layout with a total of 101 blocks if the AFCD’s design criteria were applied. It was virtually impossible to achieve this development intensity unless one or more of the AFCD’s design criteria were relaxed or the development intensity was reduced;
- (e) taking into account the community’s aspiration for a lower development intensity and some guiding principles in determining development intensity as set out in paragraph 5.8 of the Paper, a series of test options with successive reduction in the originally stipulated development intensity had been considered for the two “CDA” sites. It was subsequently found that a schematic layout with PR 1.5 on a net site area (i.e. exclusion of the school site) basis would better meet the design criteria. The main features of the resultant schematic layout were described in paragraph 5.9 of the Paper;

- (f) in view of the broad-brush nature of the schematic layout, it would be difficult to assess the air ventilation aspect of the “CDA” developments in detail at this stage. Such requirement could however be included as one of the technical assessments in the Master Layout Plan submission, and this would be incorporated in the Notes of the “CDA” zones and stated in the planning briefs to be prepared for the two sites;
- (g) concerned Government departments had no adverse comments on the recommendations of the land use review, except for the District Lands Officer/Yuen Long of the Lands Department (DLO/YL) who had reservation on the proposed reduction of PR from 2 to 1.5 and the incorporation of a non-building area of 30m in Areas 112 and 115 on the grounds that there was a need to safeguard Government’s revenue and ensure that scarce land resources would be properly utilized;
- (h) the District Officer(Yuen Long) (DO/YL) commented that the locals living in the vicinity would like the “CDA” sites to remain as green area or area for passive recreational facilities. Some YLDC Members who had been vocal in greening matters were likely to object strongly to the proposals; and
- (i) the PlanD was of the view that the recommendations of the land use review were generally agreed by concerned Government departments. Although there would be a potential loss of Government revenue, the current proposal was a response to the Board’s directive and the community’s aspiration for lower development intensity on the two subject sites. The recommendations represented an optimal balance between development and minimizing impacts on the HKWP;
- (j) In sum, the following proposed amendments to the OZP were recommended :
 - (i) maintaining the “CDA” zoning and building height restriction of 10

storeys over one storey of carpark for the two “CDA” sites in Areas 112 and 115, but reduce their development intensity to a PR of 1.5. Also, air ventilation assessment (AVA) was proposed to be included in the Notes of the “CDA” zone as one of the technical assessments;

- (ii) excising a site of a 8,600m² at the eastern side of Area 112 for a primary cum secondary school and rezoning the site to “Government, Institution or Community” (“G/IC”);
 - (iii) rezoning the “Open Space” (“O”), “Other Specified Uses” annotated “Hong Kong Wetland Park” and “Conservation Area” zones of the HKWP to “Country Park” to reflect the as-built situation and the status of the HKWP as a “Special Area” designated under the Country Parks Ordinance (CPO); and
 - (iv) rezoning part of the “Commercial” zone in Area 108A, the “GB” in Areas 122 and 123, and the “G/IC” zones in Areas 27 and 33A to “O” to compensate for the loss in planned open space provision due to the proposed rezoning for the HKWP;
- (k) should the Committee decide that the above recommendations were suitable for incorporation into the OZP, the YLDC would be consulted before the proposed amendments to the OZP were submitted to the Committee for agreement prior to gazetting; and
- (l) upon amendment of the development intensity of the two “CDA” sites and after completion of the plan-making process, planning briefs would be prepared to include, inter alia, DAFC’s design criteria and provide further guidelines for comprehensive development on the two sites.

88. Upon an enquiry made by the Vice-chairman and two Members, Mr. Wilson Y.L. So made the following clarifications :

- (a) in the mid-1990s, the two “CDA” sites were originally proposed to be

zoned “Residential (Group B)2” with a PR of about 3. They were subsequently zoned “CDA” with a reduced PR of about 2 on the OZP gazetted in 1997 so as to tackle the possible interface problem with the HKWP. In the subject land use review, many options had been considered including the DAFC’s proposal to rezone the two sites to “GB”;

- (b) one primary school and one secondary school were originally planned within the two “CDA” sites. After reviewing the demand, the SEM confirmed that only one primary cum secondary school would be required to serve the residents of Tin Shui Wai. This would be located in Area 112. The secondary school could be relocated to Yuen Long Town. A site in Yuen Long Area 13 had already been reserved for such purpose.
- (c) there would be sufficient provision of community facilities in Tin Shui Wai, and the demand of such facilities would be reviewed from time to time;
- (d) Areas 112 and 115 were the only “CDA” sites in Tin Shui Wai, and they were the only land for future residential developments in Tin Shui Wai, except for a few other sites which were planned for public housing;
- (e) the Tin Shui Wai New Town was designed for a population of 300,000 and the total provision of open space would be above the requirements set out in the Hong Kong Planning Standards and Guidelines. Some of the planned open space had not yet been implemented;
- (f) the HKWP was designated as a “Special Area” under the CPO. In order to reflect the current land use and facilitate monitoring of the future development in the HKWP by the Country and Marine Parks Board under the CPO, the whole HKWP was proposed to be rezoned to “Country Park”.

89. Mr. C.S. Mills referred Members to DLO/YL’s comments included in paragraph 8.1 of the Paper and went on to emphasis the following major issues :

- (a) it had always been the intention that the Technical Guidelines on AVA only

applied to major Government projects at this stage. Indeed this was re-affirmed personally by the Secretary for Housing, Planning and Lands as recently as December 2006 in response to a Legislative Council question when he further stated that it was both undesirable and not planned to implement or enforce the Guidelines through legislation since non-quantifiable planning and design issues were involved. The proposal to include a requirement for AVA in the Notes of the OZP was contrary to both the stated policy and the agreed intention;

- (b) the “guiding principles” at Annex IV of the Paper were not listed in any order of significance or priority and the revenue implications included as the last item could just as easily be the first. The principles were also formalized with a view to reference by the Committee on Planning and Land and Development (CPLD) in considering development intensities and were never intended for use by the Board; and
- (c) alongside the revenue principle in Annex IV, it was stated that revenue was estimated to be 30% lower as a result of the reduced plot ratio. He clarified that this arose from the loss of a significant 89,000m² of gross floor area (GFA) and translated into a substantial dollar sum of \$1.5 billion. As stated, a balance needed to be struck but this was not demonstrated by the review which should have addressed all the relevant implications of each of the scenarios between 2 and 1.5 PR. Perhaps CPLD should also be consulted in determining a genuine optimum balance having due regard to all the guiding principles.

90. In response to the issue on AVA, Mr. Wilson Y.L. So pointed out that private developers were encouraged to apply the assessment if their projects also met the relevant criteria of the Technical Circular such as GFA exceeding 100,000m². In the subject case, the proposed GFAs for Areas 112 and 115 with PR 1.5 would be 11,4750m² and 96,150m² respectively. It was considered worthwhile to carry out AVA. The Secretary supplemented that AVA was now commonly applied in the Urban Renewal Authority’s projects, also involving “CDA” sites, and some Government sale sites. For some section 16 applications considered by the Committee, the Committee had also required the applicants to

conduct AVA.

91. In response to the issue on the guiding principles, Mr. Wilson Y.L. So clarified that all the guiding principles carried equal weight and should be considered as a package. The Secretary further said that similar principles were commonly used by the Board in analysing the merits and demerits of schemes with different development intensities. As regards the loss of Government's revenue, the Committee noted the Lands Department's concern but considered that the recommendations of the land use review had balanced all the relevant factors.

92. After deliberation, the Committee noted the findings of the land use review and decided to agree to the zoning proposals as summarized in paragraph 7 of the Paper.

[Mr. Tony C.N. Kan and Dr. C.N. Ng left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-NTM/210 Temporary Public Vehicle Park (Including Container Vehicles) with Ancillary Site Offices for a Period of 3 Years in "Open Storage" Zone, Lots 826RP, 827, 828 and 829 in DD 102, Lots 296, 297RP, 298RP, 299RP, 396RP(Part) and 397(Part) in DD 105, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/210)
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Presentation and Question Sessions

93. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public vehicle park (including container vehicle) with ancillary site offices for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the District Lands Officer/Yuen Long of the Lands Department (DLO/YL) who did not support the application for the reasons of occupation of unleased Government land, erection of unauthorized structures, clearance/alteration of permitted structures with temporary licence, encroachment on the proposed limit of a drainage improvement project, and failure of land owners/operator to regularize the land matter subsequent to previous planning approval;
- (d) one public comment from a Yuen Long District Council (YLDC) Member was received during the statutory publication period. He objected to the application mainly on the grounds that the application site was originally zoned “Green Belt”, and the proposed development was not compatible with the surrounding land uses and would have adverse impacts on the natural landscape and ecology; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was generally in line with planning intention of the “Open Storage” zone and the Town Planning Board Guidelines No. 13D. It was not incompatible with the surrounding uses. Two previous planning applications had been approved for the site since 2000, and there was no significant change in the planning circumstances since the last one granted in 2004. The DLO/YL’s comments were mainly land administrative matters while YLDC Member’s comments could be mitigated by imposing appropriate approval conditions.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “Drainage Improvement in Northern New Territories, Package B, Phase 3 Shek Wu Wai” project as when required by Government departments;
- (b) the existing landscape planting on the site should be maintained at all times during the approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the provision of replacement planting for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.10.2007;
- (e) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2007;
- (f) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.10.2007;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (h) if any of the above planning conditions (d), (e) or (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

95. The Committee also agreed to advise the applicant to :

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that no public sewerage maintained by his Department was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained;
- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Shek Wu Wai Road;
- (f) approach the Dangerous Goods Division of the Fire Services Department

for advice on licensing of the site for storage/use of dangerous goods; and

- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulation 19(3) at building plan submission stage.

[Ms. Anna S.Y. Kwong left the meeting at this point, and Mr. Tony C.N. Kan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-PH/538 Temporary Open Storage of Private Cars for Re-export for a Period of 3 Years in "Village Type Development" Zone, Lots 95(Part), 96A, 96B(Part), 96RP(Part), 97A, 97B, 97RP, 98A, 98B, 98C, 98D and 98RP in DD 111 and Adjoining Government Land, Shui Kan Shek, Fan Kam Road, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/538)
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Presentation and Question Sessions

96. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of private cars for re-export for a period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in close vicinity to the application site on the northeast, east and southeast. Environmental nuisance would therefore be expected. Besides, the Chief Engineer/Mainland North of the Drainage Services Department commented that a drainage proposal should be submitted by the applicant. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) one public comment from a Tso Tong of Shui Kan Shek Village was received during the statutory publication period, objecting to the application on ground of pollution to the surrounding areas; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. There was no change in site circumstances from the last rejected application (No. A/YL-PH/530) submitted by the same applicant for the same use and site area. The proposed development was not in line with the planning intention of the “Village Type Development” zone. No strong justification had been given in the applicant's submission for a departure from the planning permission, even on a temporary basis. Also, the proposed development did not comply with the Town Planning Board Guidelines No. 13D. There was no previous approval for the site. The proposed development was not compatible with the adjoining area which was generally rural in character with both active and fallow agricultural land and village settlements. The DEP did not support the application, and there was no submission to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas. Moreover, there was no information given in the submission to demonstrate that a suitable site with the “Open Storage” zone to the west of the application site could not be identified for the applied use. Approval of the subject application would set an undesirable precedent for other similar uses to proliferate into the area.

[Mr. C.S. Mills left the meeting temporarily at this point.]

Deliberation Session

97. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous approval on the site, the applied use was not compatible with the adjoining area which was generally rural in character with both active/fallow agricultural land and village settlements, there were local objection and adverse comments received from relevant Government departments, and there were no exceptional circumstances to merit approval;
- (c) there was no information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Michael K.C. Lai left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-PS/267 Temporary Vehicle Park for Private Car,
Light Goods Vehicle and Medium Goods Vehicle
with Ancillary Office and Storeroom
for a Period of 3 Years
in “Comprehensive Development Area” Zone,
Lots 2428RP(Part) and 2429RP(Part) in DD 124,
and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/267)
-

Presentation and Question Sessions

98. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle park for private car, light goods vehicle and medium goods vehicle with ancillary office and storeroom for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Environmental Protection (DEP) who did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) one public comment from a Yuen Long District Council (YLDC) Member was received during the statutory publication period. He objected to the proposed parking of lorry but considered the parking of private car acceptable; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. There was no immediate development proposal for the subject “Comprehensive

Development Area” zone. The proposed car park was a small-scale operation for parking of the applicant’s company vehicles only. It was considered not incompatible with the surrounding land uses. The nearest residential dwelling was about 90m away from the application site. With the imposition of appropriate approval conditions, it was unlikely that the proposed development would create significant adverse drainage, landscape and visual impacts on the surrounding areas. To address DEP’s and YLDC Member’s concerns, approval conditions had been recommended to prohibit parking of medium/heavy goods vehicles and vehicle repair workshop, and to restrict the operation hours.

[Mr. C.S. Mills returned to join the meeting at this point.]

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;
- (c) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (e) the implementation of the accepted landscape proposal within 6 months

from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.10.2007;

- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2007;
- (g) in relation to (f) above, the provision of drainage facilities identified in the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2008;
- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher on site within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.10.2007;
- (i) if any of the above planning conditions (a), (b), (c) or (d) 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; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

100. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on the site;

- (c) note the Director of Fire Services' comments to approach the Dangerous Goods Division of his department for advice on licensing of the premises on activities involving storage/use of Dangerous Goods where necessary;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified; and
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comment that the access proposal should be submitted to Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point and in accordance with the latest version of Highway Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. Highways Department did not maintain the access track between the site and Hung Yuen Road.

101. The Committee also agreed to remind the applicant that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-SK/138 Concrete Batching Plant
in “Industrial (Group D)” Zone,
Lot 1094RP(Part) in DD 106, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/138)
-

Presentation and Question Sessions

102. The Committee noted that the applicant’s representative on 21.3.2007 requested for deferral of a decision on the application for two months in order to prepare additional information to address the concerns of Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-ST/330 Proposed Temporary Open Storage of Concrete Pump
Vehicles for a Period of 12 Months
in “Undetermined” Zone,
Lots 205(Part), 206(Part) and 207RP(Part) in DD 99,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/330)
-

Presentation and Question Sessions

104. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of concrete pump vehicles for a period of 12 months;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses located in the vicinity and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories of the Transport Department (AC for T/NT) also did not support the application in view of the critical traffic flow at Lok Ma Chau Road and the fact that the Spur Line Public Transport Terminus would be opened later this year. The Commissioner of Police objected to the application for similar reasons. The Chief Engineer/Mainland North of the Drainage Services Department suggested that a drainage proposal should be submitted for comments. Other concerned departments had no objection to or no major adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not compatible with the surrounding land uses which were predominantly residential dwellings. The proposed development was also not in line with the Town Planning Board Guidelines No. 13D. The site fell within Category 3 areas, and there was no previous planning approval granted for the site. There were major adverse departmental comments on traffic and environmental grounds, and no information had been submitted to demonstrate that the proposed development would not have adverse traffic, environmental and drainage impacts on the surrounding areas. Previous application No. A/YL-ST/325

for similar use was rejected on 1.12.2006, and there was no significant change in planning circumstances to warrant a departure from that decision.

[Mr. Michael K.C. Lai returned to join the meeting at this point.]

Deliberation Session

105. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not compatible with the surrounding land uses which were predominantly residential uses; and
- (b) the development was not in line with the Town Planning Board's Guidelines TPB PG-No.13D in that there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-TYST/342 Proposed Comprehensive Residential Development Scheme (to include Minor Relaxation of Maximum Building Height Restriction from 17 Storeys to 20 Storeys) in "Comprehensive Development Area", "Green Belt" and "Residential (Group B)1" Zones, Lots 398RP, 404 and 408 in DD 121 and Lots 287RP(Part) and 302RP in DD 127 and Adjoining Government Land, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/342)
-

106. The Secretary reported that Dr. James C. W. Lau had declared interest in this item as he had current business dealings with Christopher Leung & Associates Ltd. and Hyder Consulting Ltd., the consultants of the applicant.

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

Presentation and Question Sessions

107. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development (to include minor relaxation of maximum building height restriction from 17 storeys to 20 storeys)
- (c) departmental comments – the District Lands Officer/Yuen Long of Lands Department considered the proposed access arrangement not acceptable. The Assistant Commissioner for Transport/New Territories of the Transport Department considered that there was insufficient information on whether the existing/proposed road facilities in the vicinity of the proposed development were adequate for the commuting of the locals, future occupants, etc.. The Director of Environmental Protection did not support the application as the piecemeal development at the edge of the “Comprehensive Development Area” (“CDA”) zone next to heavily trafficked roads would not only severely affect the noise performance of the proposed development, but might also defeat the original intention of zoning the area as “CDA”. The Chief Town Planner/Urban Design and Landscape of the Planning Department had reservation on the application from the urban design perspective as the proposed residential towers were not well-integrated into the adjacent approved comprehensive development. The applicant had also failed to address the landscape planning aspect of the proposed development. Other concerned departments had no objection to or no major adverse comment on the application;
- (d) three public comments from two Yuen Long District Council Members and the Village Representative of Tai Tao Tsuen were received during the statutory publication period. All of them objected to the application for

the reasons of incompatible surrounding environment, inadequate community and transport facilities in the area, potential flooding problem, and possible traffic, noise and dust impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development was piecemeal in nature, which was not in line with the planning intention of the “CDA” zone. The proposed relaxation of maximum building height restriction was not considered minor. Neither justification nor design merits had been provided by the applicant. There was also insufficient information to demonstrate that the proposed development would not have adverse visual impact on the surrounding areas. Adverse comments on the application were received from concerned departments on the aspects of the environment, landscape, road facilities and access arrangement.

Deliberation Session

108. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the planning intention of the “Comprehensive Development Area” (“CDA”) zone was for comprehensive development of the area, the zoning of which was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The proposed development had failed to demonstrate how the development scheme could integrate with the adjacent approved development (No. A/YL-TYST/322) within the “CDA” zone in terms of design and layout;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not be susceptible to adverse environmental impact and would not have adverse visual and landscape impacts on the surrounding areas; and

- (c) there was no strong justification in the submission to merit a relaxation of the building height restriction stipulated on the Outline Zoning Plan.

[Dr. James C. W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-TYST/349 Proposed Filling of Pond for Permitted Barbecue Spot and Amenity Planting in “Open Space” Zone,
Lots 1461RP, 1462RP, 1463, 1464, 1465, 1466, 1467,
1468, 1469, 1499(Part), 1500(Part), 1501, 1502RP and
1505RP in DD 122, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/349)
-

Presentation and Question Sessions

109. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed pond filling for permitted barbecue spot and amenity planting;
- (c) departmental comments – the Director of Environmental Protection had a concern on the pond filling activity from the ecological or aqua-cultural aspects. The Chief Town Planner/Urban Design and Landscape of the Planning Department had reservation on the proposed pond filling as the extent was excessive. There was insufficient information in the applicant’s submission to demonstrate that it would not have adverse impact on the existing landscape quality and landscape resources. The Director of Agriculture, Fisheries and Conservation was not in favour of the application from the fisheries point of view as the abandoned ponds on the application site might still have potential for pond fish farming. The Chief Engineer/Mainland North of the Drainage Services Department noted

that no drainage assessment and proposal was included in the submission. Other concerned departments had no objection to or no major adverse comment on the application;

- (d) four public comments from the Yuen Long Town Neighbourhood Care Association, the Long Bin Interim Housing, and two Yuen Long District Council Members were received during the statutory publication period. They all objected to the application for the potential environmental and nuisance problems that might be generated from the barbecue spot; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11.1 of the Paper. There were adverse departmental comments on the proposed pond filling activity. Its extent was considered excessive, and there was no information in the submission to demonstrate that the proposal would have no adverse drainage, landscape, ecological and aqua-cultural impacts. The northern portion of the ponds had partly been filled already without obtaining prior planning approval. Approval of the application would set an undesirable precedent for similar development involving illegal pond filling.

Deliberation Session

110. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) there was no information in the submission to demonstrate that the proposed pond filling activity would not have adverse drainage, landscape, ecological and aqua-cultural impacts; and
- (b) approval of the application would set an undesirable precedent for similar developments involving unauthorized pond filling.

Agenda Item 9

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/327-1 Application for Amendment to Permission – Changes in Internal
Layout/Disposition of Premises for a Proposed Petrol Filling Station
with Ancillary Car Washing and Lubricating Facilities
in “Open Space” Zone,
Tuen Mun Town Lot 428, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/327-1)

Presentation and Question Sessions

111. The Secretary reported that two sets of documents had been tabled at the Meeting. The first set included a letter from Mr. Lawrence K.M. Chan, Chairman of the Owner’s Committee of Aegean Coast, who requested for attending the meeting to make representation to the Committee, and a letter from a Tuen Mun District Council Member who raised objection to the concerned petrol filling station (PFS) already approved by the Committee in 2005. The second set was an email from Mr. Lawrence K.M. Chan relating to his same request for attending the meeting. Members were given time to read the documents at the meeting.

112. The Secretary explained that for any section 16A(2) application submitted under the Town Planning Ordinance (TPO), neither the applicant nor any person who had conveyed his views on the application had a right to be heard before the Town Planning Board (the Board) or its Committee. Nevertheless, members of the public could observe the proceedings of the meeting on such application (except the deliberation part) at the Public Viewing Room. All the relevant agenda, paper and minutes would also be available for public inspection. Based on the statutory provisions in the TPO and the established practice of the Board, the Secretary had made several replies to Mr. Lawrence K.M. Chan, the latest of which made on 12.4.2007 was also included in the first set of documents tabled at the meeting.

113. The Secretary continued to report that before the meeting, the Office of the Hon. Mr. Albert C.Y. Ho, a Legislative Council Member, had made a petition to the Committee

against the approved PFS. They submitted a batch of standard letters signed by the residents of the Aegean Coast objecting to the PFS for the following four reasons:

- (a) the PFS was at wrong place and time, and there was no such demand from the residents;
- (b) the PFS would upset the landscape in Aegean Coast and Gold Coast;
- (c) the PFS would bring trucks to the neighbourhood, which would eventually bring in noise and environmental pollutions; and
- (d) there were a few other PFSs serving the same route at present, which made a new one redundant.

The petitioners also handed in a physical model of a PFS to imply that they would like to give the PFS back to the Board as the residents of Aegean Coast did not need it. The physical model was shown to Members and the standard letters were deposited at the Secretariat for Members' reference.

114. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to the approved PFS under section 16 Application No. A/TM/327, including changes to the internal layout and disposition of premises of the station;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application ;
- (d) the District Officer(Tuen Mun) received a letter from the Aegean Coast Owners' Committee against the subject PFS development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 8.1 of the Paper. The application only involved minor amendments to a proposed PFS approved by the Committee. The proposed development was not incompatible with the surrounding land uses. The nearest residential development, Aegean Coast, was about 120m away from the application site. Concerned departments had no adverse comment on the application. Appropriate approval conditions could be imposed to ensure that the proposed development would not result in adverse traffic, drainage and visual impacts, and possible fire hazard.

Deliberation Session

115. Members noted the concerns by the local residents but considered that the proposed Class B amendments were minor in nature, and the concerns could be addressed by imposing appropriate approval conditions.

116. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.3.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised layout plan to take into account conditions (c) and (d), to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of proposals for vehicular access arrangement to the satisfaction of the Commissioner of Transport or of the TPB;
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;

- (d) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of the Fire Services or of the TPB.

117. The Committee also agreed to advise the applicant to :

- (a) note the Chief Engineer/Development (2), Water Supplies Department's comment that no parking should be allowed on or within the Waterworks Reserve Area except the parking of motor vehicles which could be driven by the Director of Water Supplies, the Water Authority and his officers and contractors should have free access at all times to the Waterworks Reserve Area; no trees or shrubs with penetrating roots should be planted within the waterworks reserve and rigid root barriers might be required if the clear distance between the proposed tree and pipe was 2.5m or less; the site was within the dam break flood plain of Low Gap No. 2/3 Dam of Tai Lam Chung Reservoir, the applicant was advised to carry out an assessment of the impacts of dam break on the proposed development and make his own provisions; and
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that emergency vehicular access arrangement for each building at the site should comply with the Building (Planning) Regulation 41D.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Wilson W.S. Chan, STP/TMYL, for their attendance to answer Members' enquires. Messrs. So and Chan left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-HLH/13 Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years in “Agriculture” Zone, Lot 387 in DD 87 and Adjoining Government Land, Hung Lung Hang
(RNTPC Paper No. A/NE-HLH/13)
-

Presentation and Question Sessions

118. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials with ancillary site office for a period of three years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of the Transport Department (AC for T/NT) had reservation on the application as the access road to the application site was narrow, winding and substandard. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape of the Planning

Department objected to the application from landscape point of view as the landscape setting of the area was of typical rural character but the applicant had submitted no landscape proposal to mitigate/address the adverse landscape impact. Other concerned departments had no objection to or no major adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(North); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12.2 of the Paper. The application did not comply with the Town Planning Board Guidelines No. 13D, in that no previous planning approval had been given for the application site, and there were objections from concerned Government departments, including AC for T/NT and DEP. There was no information in the submission to demonstrate that the proposed use would not generate traffic, environmental and landscape impacts on the surrounding areas. The proposed use was considered not compatible nor in harmony with the surrounding environment. Approval of the application would set an undesirable precedent for other similar applications in the area.

Deliberation Session

119. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that there was no previous planning approval for similar open storage use granted to the application site and there were adverse comments from concerned Government departments;
- (b) there was no information in the submission to demonstrate that the

proposed use would not have adverse traffic, environmental and landscape impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KLH/361 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” Zone,
Lot 263D10 in DD 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/361)
-

Presentation and Question Sessions

120. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House)
- (c) departmental comments – the proposed development did not meet the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in the New Territories in that the application site fell within the upper indirect water gathering grounds but was not able to be connected to any existing or planned sewerage system in the area. As such, the Chief Engineer/Development of the Water Supplies Department (WSD) objected to and the Director of Environmental Protection did not support the application. Also, the

Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site had high potential for agricultural rehabilitation. Other concerned departments had no objection to or no major adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(North); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11.1 of the Paper. The application site was not in line with the planning intention of the “Agriculture” zone. No justification was provided in the submission for a departure from the planning intention. The proposed development did not comply with the relevant interim criteria.

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

Deliberation Session

121. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications have been provided in the submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that the proposed NTEH/Small

House development fell within Water Supplies Department's upper indirect Water Gathering Grounds (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-TKL/295 Temporary Open Storage of Building Materials for a Period of 3 Years in "Agriculture" Zone, Lots 965RP(Part) and 966RP in DD 82, Ping Che Road, Ping Che
(RNTPC Paper No. A/NE-TKL/295)
-

Presentation and Question Sessions

122. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building materials for a period of three years;
- (c) departmental comments – concerned departments had no objection to or no major adverse comment on the application, except for the Director of Agriculture, Fisheries and Conservation (DAFC) and the Director of Environmental Protection (DEP). The DAFC was not in favour of the application from agricultural development point of view, while the DEP did not support the application as there were sensitive uses in the vicinity of the application site and the access road;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(North);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application as detailed in paragraph 11.2 of the Paper, in that the proposed development was not incompatible with the surrounding land uses which comprised open storage of containers and building materials. Previous applications for temporary open storage of building buildings had been approved, and there had been no change in planning circumstances since the last approval granted in September 2003. The applicant had complied with all the approval conditions under Application No. A/NE-TKL/241. The application was considered in line with the Town Planning Board Guidelines No. 13D. The proposed development was unlikely to cause any significant adverse impacts on traffic, drainage and landscape of the area, and DEP's concerns could be addressed by the imposition of appropriate approval conditions.

[Dr. C.N. Ng returned to join the meeting at this point.]

123. Referring to Photo 7 in Plan A-5 of the Paper, a Member asked whether the application site was also used for storage of machines. In response, Mr. W.K. Hui, DPO/STN, said that he had visited the site once, and it was found to be mainly used for storage of building materials, including tiles and gravels. The Chairperson said that the Member's concern could be referred to the Central Enforcement and Prosecution Section of the PlanD for monitoring the operation on site. If any use not covered by the planning approval was found, enforcement action would be taken under the Town Planning Ordinance.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the stacking height of the materials stored within five metres of the periphery of the site should not exceed the height of the boundary fence;

- (b) all existing tress within the application site should be properly maintained during the approval period;
- (c) the existing drains within the application site should be properly maintained during the approval period;
- (d) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

125. The Committee also agreed to advise the applicant to :

- (a) note the District Lands Officer/North, Lands Department's comments that the owner of the subject lots should submit formal application to his office for Short Term Waiver for the regularization of the unauthorized structures; and consent from lot owner of Lot No. 981RP in D.D. 82 should be sought for using the lot for provision of vehicular access;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping

stations;

- (d) follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances; and
- (e) the applicant should submit more coloured photo record clearly showing the condition of the existing landscape works on site to Director of Planning.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/ST/649 Proposed Hotel Development
in “Industrial (1)” Zone,
Sha Tin Town Lot 248, Siu Lek Yuen, Sha Tin
(RNTPC Paper No. A/ST/649)
-

126. The Secretary reported that Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with Sun Hing Kai Properties Ltd., which was the mother company of the applicant. The Committee noted that Mr. Yap had tendered apologies for not attending the meeting.

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

Presentation and Question Sessions

127. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development;
- (c) departmental comments – concerned Government departments had no

objection to or no major adverse comment on the application;

- (d) one public comment from the management office of the Goldlion Holdings Centre to the immediate south of the application site was received during the statutory publication period. It raised concerns on the traffic impact and the ingress/egress arrangement of the proposed development;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application as detailed in paragraph 11.1 of the Paper, in that the proposed development would not have significant effect on the industrial floor space in the Siu Lek Yuen Industrial Area as the application site had only been used for concrete batching plant or temporary storage area since 1997. The proposed development would help increase the provision of hotel rooms in a non-core area, which was welcomed by the Commissioner for Tourism. The proposed hotel development would not generate significant adverse environmental and traffic impacts nor impose significant pressure on the existing infrastructure. AC for T/NT considered that the traffic concerns raised by the commenter could be addressed by imposing an approval condition. The proposed hotel and its development intensity was not incompatible with other developments in the surrounding area.

Deliberation Session

128. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the setback of the proposed development along Yuen Shun Circuit, as proposed by the applicant, to the satisfaction of the Director of Architectural Services or of the TPB;
- (b) the submission and implementation of landscape and tree preservation

proposals to the satisfaction of the Director of Planning or of the TPB;

- (c) the design and provision of car parking spaces, loading/unloading facilities, internal roads and ingress/egress to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the submission of a revised sewerage impact assessment and provision of local sewerage upgrading/sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB.

129. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Shu Tin, Lands Department's comments as stated in paragraph 9.1.1 of the Paper;
- (b) to note the Chief Town Planner/Urban Design & Landscape's comments as stated in paragraphs 9.1.5 and 9.1.6 of the Paper;
- (c) to note the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department's comments as stated in paragraph 9.1.7 of the Paper;
- (d) to note the Chief Building Surveyor/New Territories East, Buildings Department's comments as stated in paragraph 9.1.8 of the Paper; and
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments as stated in paragraph 9.1.10 of the Paper.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/ST/650 Shop and Services (Property Agency)
 in “Industrial” Zone,
 Unit H1, G/F, Century Centre, 33-35 Au Pui Wan Street,
 Sha Tin
 (RNTPC Paper No. A/ST/650)
-

Presentation and Question Sessions

130. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (property agent);
- (c) departmental comments – concerned Government departments had no objection to and no adverse comment on the application;
- (d) one public comment agreeing to the application was received from the representative of the Incorporated Owners of the Union Industrial Centre during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated on a temporary basis for a period of three years as detailed in paragraph 12.2 of the Paper.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.4.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire

Services or of the TPB by 13.10.2007; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

132. The Committee also agreed to advise the applicant to note the District Lands Officer/Shu Tin, Lands Department's and the Chief Building Surveyor/New Territories East, Buildings Department's comments in paragraphs 10.1.1 and 10.1.2 of the Paper.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Mr. W.W. Chan, STP/STN, for their attendance to answer Members' enquires. Messrs. Hui and Chan left the meeting at this point.]

Remarks

The Chairperson said that the Agenda Items 11 and 12 would not be open for public viewing since they were in respect of cases submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 13

Any Other Business

138. There being no other business, the meeting was closed at 7:45 p.m..