

**Minutes of 1028<sup>th</sup> Meeting of the  
Town Planning Board held on 1.2.2013**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Dr. C.P. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. H.F. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Principal Assistant Secretary for Transport and Housing  
Miss Winnie Wong

Deputy Director of Environmental Protection  
Mr. C.W. Tse

Assistant Director (2), Home Affairs Department  
Mr. Eric Hui

Director of Lands  
Ms. Bernadette Linn

Deputy Director of Lands (General)  
Mr. Jeff Lam

Director of Planning  
Mr. K.K. Ling

Deputy Director of Planning/District  
Miss Ophelia Wong

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Ir. F.C. Chan

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W.M. Lo (a.m.)  
Miss H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board  
Ms. Caroline T.Y. Tang (a.m.)  
Ms. Donna Y.P. Tam (p.m.)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1027<sup>th</sup> Meeting held on 18.1.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1027<sup>th</sup> Meeting held on 18.1.2013 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese.]

(i) **Appointment of New Town Planning Board Member**

[Open Meeting]

2. The Secretary said that the Chief Executive had appointed Ir. Chan Fuk Cheung as a new Town Planning Board (the Board) member with effect from 1.2.2013 to replace Dr. W.K. Lo who had resigned from the Board. Ir. Chan would serve in the Rural and New Town Planning Committee of the Board. The Chairman extended a welcome. Members noted that Ir. Chan had tendered apology for being unable to attend the meeting.

(ii) Section 16 Application No. A/TKO/94

Proposed Minor Relaxation of Plot Ratio, Site Coverage and Building Height Restrictions for Permitted “Residential (Group A)” Development in “Residential (Group A) 4” and “Residential (Group A) 6” zones, Tseung Kwan O Town Lots 112 & 124 in Area 65C and Tseung Kwan O Town Lots 93 & 126 in Area 68B, Tseung Kwan O

[Closed Meeting]

3. The Secretary said that as one of the lots in the application site would be allocated to the Hong Kong Housing Authority (HKHA) for the development of subsidised

housing, the District Lands Officer/Sai Kung of Lands Department (LandsD) was the applicant of the application, and the purchasers of Tseung Kwan O Town Lots 76, 113, 114 and 118, being subsidiary companies of Sun Hung Kai Properties Limited (SHK), had submitted public comments objecting to the planning application, the following Members had declared interests in this item:

- |  |   |
|--|---|
| Mr. Jeff Lam<br>(as Deputy Director of Lands<br>(General))                   | - being the applicant   |
| Mr. Patrick H.T. Lau<br>Mr. Ivan C.S. Fu                                     | ] had business dealings with SHK<br>]   |
| Mr. Dominic K.K. Lam<br>Ms. Janice W.M. Lai                                  | ] had business dealings with SHK and the<br>] HKHA  |
| Ms. Julia M.K. Lau   | - had business dealings with the HKHA and<br>being a member of the HKHA   |
| Mr. Stanley Y.F. Wong  | - being the Chairman of the Subsidised<br>Housing Committee of the HKHA   |
| Mr. K.K. Ling<br>(as Director of Planning)                                   | - being a member of the Building<br>Committee and Strategic Planning<br>Committee (SPC) of the HKHA   |
| Mr. Eric Hui<br>(as Assistant Director(2) of the<br>Home Affairs Department) | - being an alternate member of the Director<br>of Home Affairs who was a member of<br>the SPC and Subsidised Housing<br>Committee of the HKHA |
| Mr. H.F. Leung   | - had business dealings with the HKHA   |

Mr. Wilton W.T. Fok

- being the consultant of a study for the  
HKHA (completed in 2009)

4. As this item was to clarify the number of flats to be produced at the application site, Members agreed that Mr. Jeff Lam, being the applicant of the application, should be invited to withdraw from the meeting for this item while the other Members who had declared interests could stay in the meeting. Members noted that Mr. Patrick H.T. Lau and Mr. Dominic K.K. Lam had tendered apologies for being unable to attend the meeting, and Ms. Julia M.K. Lau and Mr. H.F. Leung had not yet arrived to join the meeting.

[Mr. Jeff Lam left the meeting temporarily at this point.]

5. The Secretary reminded Members that the subject s.16 application that was approved by the Town Planning Board (the Board) at its meeting on 18.1.2013 was for minor relaxation of plot ratio, site coverage and building height restrictions at the application site, as mentioned in TPB Paper No. 9217. During the consideration of the application, Members were advised that as a result of the increase in plot ratio, the indicative number of additional flats was in the order of 433. However, given the Government's latest decision to use part of the site for the development of subsidised housing which would have an average flat size smaller than that of private housing, the additional number of flats that could be developed on the site would increase and could only be determined pending the detailed design and development of the housing development at the site.

6. Members confirmed the above understanding.

[Mr. Jeff Lam returned to join the meeting at this point.]

(iii) [Closed Meeting]

7. This item was recorded under confidential cover.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

- (iv) Appeals (CACV255 & 256 of 2011) by Turbo Top Limited against the Court of First Instance's Judgment on two Judicial Reviews (HCAL 23 & 52 of 2011) in respect of the Cheung Kong Center site on the Draft Central District Outline Zoning Plan (OZP) No. S/H4/13  
[Open Meeting]

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

Professor P.P. Ho	]	had business dealings with Cheung Kong
Mr. Ivan S.C. Fu	]	(Holdings) Ltd./Hutchison Whampoa Ltd.
Mr. Patrick H.T. Lau	]	(HWL) and the Applicant (Turbo Top Limited)
		was a subsidiary of HWL

9. As this item was to report on the withdrawal of the appeals, Members agreed that the above Members could stay in the meeting. Members noted that Mr. Patrick H.T. Lau had tendered apology for being unable to attend the meeting.

10. The Secretary reported that on 28.1.2013, the Court of Appeal (CA) approved Turbo Top Limited's application for withdrawal of its two appeals against the Court of First Instance's (CFI) judgment in respect of the Cheung Kong Center site. The CA also ordered an uplift of the interim stay of the submission of the draft Central District Outline Zoning Plan (OZP) No. S/H4/13 to the Chief Executive in Council (CE in C) for approval. This enabled the major projects in the Central District with great public interest to proceed to implementation as soon as possible including the conversion of the Central Market into the Central Oasis and conversion of Murray Building for hotel use. In the regard, Members' agreement would be sought under Agenda Item 15 in the meeting to submit the draft OZP to the CE in C for approval.

11. Members noted CA's approval of the withdrawal of the two appeals against CFI's judgment in respect of the Cheung Kong Center site by the Appellant.

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

[Open Meeting]

Review of Application No. A/TW/431

Proposed Office, Shop and Services in “Industrial” zone,

150-164 Texaco Road, Tsuen Wan, New Territories

(The Remaining Portion of Lot No. 285 in D.D. 446)

(TPB Paper No. 9270)

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[The hearing was conducted in Cantonese and English.]

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

Mr. Dominic K.K. Lam - had business dealings with Townland Consultant Limited which was the consultant of the application

Ms. Julia M.K. Lau ] had business dealings with Environ  
Mr. Ivan C.S. Fu ] Hong Kong Limited which was the  
consultant of the application

Ms. Christina M. Lee - her company owned some properties at 204 Texaco Road, Tsuen Wan

13. Members noted that Mr. Dominic K.K. Lam had tendered apology for being unable to attend the meeting and Ms. Julia M.K. Lau had not yet arrived to join the meeting. As Mr. Ivan C.S. Fu had no involvement in the application, Members agreed that he could stay in the meeting and participate in the discussion. Members also noted that the properties owned by Ms. Christina M. Lee’s company would not be affected by the application and the interest declared was indirect, and agreed that Ms. Lee could stay in the meeting and participate in the discussion.

14. The following representative of the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Mr. Wilson Chan	-	District Planning District/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Ms. Cindy Tsang	]	
Mr. Ben Cheung	]	
Mr. Simon Leung	]	Applicant's Representatives
Mr. Adrian Yeo	]	
Mr. Thomas Lam	]	
Mr. Tony Wan	]	

15. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TWK to brief Members on the review application.

16. With the aid of a visualiser, Mr. Wilson Chan, DPO/TWK, presented the review application and covered the following main points as detailed in the TPB Paper:

- (a) the applicant sought planning permission for wholesale conversion of an existing 26-storey industrial building, Allied Cargo Centre (the subject building), for office with shop and services uses at the application site which fell within an area zoned "Industrial" ("I") on the approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/28 at the time of application and the zoning had remained unchanged on the draft Tsuen Wan OZP No. S/TW/29;
- (b) the application was rejected by the Metro Planning Committee (MPC) of the Town Planning Board (the Board) on 10.8.2012 and the reasons were:
  - (i) the subject building, a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, was considered well positioned to provide warehouse

floor space to support the logistics industry in Hong Kong; and

- (ii) approval of the application would set an undesirable precedent for other similar applications;
- (c) the application site was located at the south-eastern edge of the Tsuen Wan East Industrial Area (TWEIA). It was occupied by a 26-storey godown building. According to the results of the 2011 year-end vacancy survey provided by the Rating and Valuation Department (RVD), the vacancy rate of the subject building was 0%. The site inspection conducted by PlanD on 9.1.2013 also revealed that the subject building was fully occupied. The application site was in close proximity to the Kwai Tsing Container Terminals (the distance from the subject building to the Kwai Tsing Container Terminals was 3.7km, with only about 7-minute drivetime);
- (d) the Town Planning Board Guidelines on Use/Development within “Industrial” Zone No. 25D (TPB PG-No. 25D) were relevant to the subject application;
- (e) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the TPB Paper;
- (f) departmental comments – the departmental comments were detailed in paragraph 5 of the TPB Paper. The Secretary for Transport and Housing (STH) pointed out that the logistic trade preferred the logistics/warehouses floor spaces to be located in close proximity to the Kwai Tsing Container Terminals area. The full occupancy of the subject industrial building reflected a high demand of warehouse spaces from the logistics sectors in the area;
- (g) public comments – a total of 87 public comments were received on the review application during the two publication periods. Except a Kwai Tsing District Council (DC) Member who requested imposition of

development restrictions on the proposed development based on traffic grounds, all other commenters (including other DC members, a tenant of the subject building and workers of the subject building) objected to the review application mainly on the grounds that there was inadequate godown provision in the Kwai Tsing area; the Government's policy on revitalisation of industrial buildings was to facilitate redevelopment or wholesale conversion of vacant and/or under-utilised industrial buildings into alternatives but not for those buildings which were already fully occupied; and the application, if approved, would lead to the operators in the subject building having to close down their businesses and their workers would lose their jobs; and the proposed use would cause adverse traffic impact to the area; and

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

- (h) PlanD's views – PlanD considered that the applicant had not provided convincing arguments/sufficient information to address the MPC's concerns based on the planning considerations and assessments as set out in paragraph 7 of the TPB Paper which were summarised below:
  - (i) the application site was located in close proximity to the Kwai Tsing Container Terminals (the distance from the subject building to the Kwai Tsing Container Terminals was 3.7km, with only about 7-minute drivetime). The subject building was a purposely built godown building, which was fully occupied by vibrant logistics uses. According to STH, there was a high demand for logistics floor space from the trade especially in the Kwai Tsing and Tsuen Wan areas. Given its close proximity to the Container Terminals and its good accessibility, the subject godown building should be retained for warehouse/logistics operation;
  - (ii) according to RVD, the vacancy rate for storage in Tsuen Wan and Kwai Tsing had been reduced from 6.6% and 2.3%

respectively in 2009 to 6.0% and 1.9% respectively in 2011. This showed that there was an increasing demand for storage floor space in Tsuen Wan and Kwai Tsing areas. STH pointed out that the logistics trade preferred logistics/warehouses floor spaces to be located in close proximity to the Kwai Tsing Container Terminals area which provided synergy to the logistics sectors with various logistics/warehouses establishments in the area. STH also advised that nearly all the floor space from the newly completed modern logistics centres in Kwai Chung and Tsing Yi had been leased out prior to their completion; and

- (iii) regarding the applicant's claim that Tsuen Wan was in need of new office floor space, according to the "Area Assessments 2009 of Industrial Land in the Territory" undertaken by PlanD, the southern part of the TWEIA (including the application site) was proposed to be retained for "I" use to reserve adequate land for industrial purposes while a site in the northern part of the TWEIA had been rezoned to "Commercial ("C") to cater for the gradual transformation of the area from industrial to commercial/office. STH considered that the shortfall of commercial/office space should be met by such alternative site under the "C" zone.

17. The Chairman then invited the applicant's representatives to elaborate on the review application.

18. With the aid of a Powerpoint presentation, Mr. Ben Cheung, the applicant's representative, made the following main points:

#### Background

- (a) the s.16 planning application for conversion of an existing warehouse building into office use was submitted on 17.2.2012. The existing

26-storey building, with a gross floor area (GFA) of 43,261m<sup>2</sup>, was rented out to various logistic operators for storage purposes. The building was located at the edge of the TWEIA and was primarily surrounded by high-rise commercial and industrial buildings;

- (b) the building was constructed in 1991. Whilst the façade of the building appeared to be in relatively good condition, the internal condition was poor and in need of refurbishment/upgrading. The proposed conversion would lead to a loss of about 43,261m<sup>2</sup> storage floor space but a gain of about 39,265m<sup>2</sup> office floor space;

#### TPB PG-No. 25D

- (c) the TPB PG-No. 25D had set out the guidelines for consideration of the conversion of industrial buildings to office use in “I” zones. The four key tests were as follows:
  - (i) any proposal for the development of office building should show that there were no suitable alternative sites to accommodate the proposed office building in the vicinity;
  - (ii) the location of the proposed office development should be easily accessible to public transport facilities;
  - (iii) the proposal should not be detrimental to the amenity of the surrounding area; and
  - (iv) the proposal should demonstrate adequate provision of parking as well as loading/unloading facilities;

#### Test 1 – No Suitable Alternative Office Sites

- (d) a “Sequential Analysis” was undertaken to demonstrate that there were no suitable alternative office sites in the vicinity;

- (e) the Sequential Assessment involved identifying sequentially preferable sites (i.e. areas that permitted office development as of right under Column 1 of the OZP) and assessing whether such sites were suitable, available and viable for office development;
- (f) in assessing sequentially preferable sites, it was necessary to identify any sites or buildings that could fully accommodate the proposed office development (i.e. 39,265m<sup>2</sup> GFA of office floor space) without disaggregation. Disaggregation of office floor space (i.e. splitting the office development in different sites) was considered not suitable as the assessment was targeting at potential alternative sites with the same character of the existing premises at the application site in order to meet the applicant's business considerations;
- (g) a total of six "C" zones and four "Other Specified Uses" annotated "Business" ("OU(B)") zones were identified based on the draft Tsuen Wan OZP No. S/TW/28. Under the draft Tsuen Wan OZP No. S/TW/29 gazetted in February 2012, two of the "C" sites had been rezoned to "Undetermined" ("U") and "Government, Institution or Community" ("G/IC") respectively while the zoning of the "OU(B)" sites remained unchanged (with the stipulation of building height restrictions);
- (h) according to the Sequential Assessment, none of the "OU(B)" and "C" sites in Tsuen Wan were assessed to be suitable, available or viable for the proposed office development within a reasonable time period;
- (i) PlanD had no comments on the Sequential Assessment at the s.16 application stage and the s.17 review stage;

#### Test 2 – Public Transport Accessibility

- (j) according to the submitted Traffic Impact Study, the application site was well served by public transport including buses and green buses within a

walking distance of 500m;

- (k) PlanD agreed that the application site was well served by public transport as stated in the MPC Paper (Annex A of the TPB Paper);

#### Test 3 – Amenity

- (l) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no comment on the amenity issue. PlanD recognised that the proposal would involve refurbishment of the building façade and exteriors, thus improving the amenity value of the area;

#### Test 4 – Parking and Loading/Unloading Facilities

- (m) a Traffic Impact Study was submitted in support of the application and the Commissioner for Transport (C for T) had no objection to the application on transport grounds; and
- (n) overall, PlanD considered that the proposal was generally in line with the TPB PG-No. 25D as stated in the MPC Paper (Annex A of the TPB Paper);

#### MPC Meeting on 10.8.2012

- (o) according to the MPC Paper, PlanD had no objection to the application. The Chairman of MPC acknowledged that this was a marginal case. MPC Members had expressed both positive views on and negative views against the application. The positive views were that as there was a lack of office land supply and the office rental levels were rising significantly; the proposed development would help in meeting such a need; and it was not necessary for storage facility to be located in close proximity to the Kwai Tsing Container Terminals given the efficient road network. The negative views were that the application site was fully occupied and not in line with the Government's policy on revitalising industrial buildings which should be for vacant or

under-utilised sites only; and there was a loss of warehouse floor space at the application site which would be detrimental to the logistics industry of Hong Kong;

- (p) Members raised queries on the relatively low rent and there was no opportunity for the applicant to respond at the MPC meeting;

#### Responses to MPC's Rejection Reasons

##### *Mobility of the logistics industry and efficient road network*

- (q) Hong Kong had efficient road network linked by major arterial roads. The Drivetime Analysis showed that a 20-minute drivetime from the Kwai Tsing Container Terminals could cover a large part of Tsuen Wan/Kwai Tsing areas as well as the areas of Sha Tin/Fo Tan, parts of Kowloon and northern part of Hong Kong Island. The storage facilities could be disaggregated, i.e. it did not necessarily have to be stored in one place and that given the goods were non-perishable, there was no need for such goods to be located close to the Kwai Tsing Container Terminals. The Drivetime Analysis was conducted by using data from the Driving Route Search Service (DRSS) of Transport Department. This relatively quick method was used to derive a reasonable estimation of a 20-minute journey time from the Container Terminals so as to determine a Study Area in which the 'Vacant Storage Property Search' was conducted;

##### *Sufficient vacant storage floor space in the surrounding area*

- (r) the proposed conversion would result in a loss of 43,261m<sup>2</sup> storage floor space. However, there was sufficient vacant storage floorpace within the areas covered by a "0-20 minutes" drivetime. A research conducted in November 2012 showed that there was a total of 113 vacant industrial units (i.e. 135,762m<sup>2</sup>) ranging from 188m<sup>2</sup> to 8,159m<sup>2</sup> that were ideal for smaller logistics operators, of which 90% of vacant units were located in Tsuen Wan/Kwai Tsing. An additional 56,300m<sup>2</sup> of new storage floor space would be made available at 3 Hoi Shing Road in Tsuen Wan by

end of 2013. Therefore, the new supply of storage floor space in Tsuen Wan/Kwai Tsing areas would be four times more than the loss of the storage floor space brought about by the conversion of the existing building. This was considered more than sufficient to accommodate the existing tenants displaced from the application site;

*Increasing demand for office floor space in Tsuen Wan*

- (s) there was once a high office vacancy at 30.9% in Tsuen Wan due to the economic downturn. However in 2011, the office vacancy lowered to just 6.1% in Tsuen Wan and 4.8% in Kwai Tsing. RVD projected no new office supply in 2012 and 2013. The office rents grew by 41.5% in 2011 year-on-year and further increased by 13.1% in the first nine months of 2012 and that rent reached a peak of HK\$33/ft<sup>2</sup> in September 2012. Two “C” sites on the Tsuen Wan OZP would be rezoned to “U” and “G/IC” respectively, which would further deplete suitable office sites. Therefore, there was a need for additional office space in Tsuen Wan/Kwai Tsing;

*Full occupancy of the subject building due to deliberately reduced rents*

- (t) the subject building was let at significantly reduced rent. In 2012, the average monthly rent was HK\$4.07/ft<sup>2</sup> which was about 49.1% lower than the market rate at HK\$8/ft<sup>2</sup>. The current tenancy agreements would terminate at the end of March 2013. The applicant would not renew the tenancy agreements and was prepared to use the site for other non-storage uses, e.g. Data Centre (which was a Column 1 use), to generate higher rental returns. Therefore, the site would not be used for storage purpose from April 2013 onwards;

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

*No setting of undesirable precedent*

- (u) as each planning application should be determined on its own merits, the approval of the subject application would not set an undesirable

precedent. Moreover, it was in line with Chief Executive's 2013 Policy Address to revitalise industrial buildings in order to increase commercial and residential land supply. The Government encouraged wholesale conversion of old industrial buildings to other uses. The proposed conversion complied with the Guidelines on Wholesale Conversion of Industrial Buildings issued by the Development Bureau (DEVB) in 2009;

#### Wholesale Conversion of Industrial Buildings

- (v) the proposed development accorded with the major criteria as set out in the Guidelines on Wholesale Conversion of Industrial Buildings;
- (w) at the MPC meeting on 10.8.2012, PlanD recognised that the proposed development was in line with the Government's policy on wholesale conversion of industrial uses;
- (x) if the rent was not artificially depressed, the subject building would unlikely be fully occupied and thus would be under-utilised;
- (y) the proposal would not affect the long term planning intention of the "I" zoning of the site as the conversion was only for the lifetime of the building;

#### Departmental Comments on the S.16 Application

- (z) PlanD (including the UD&L section,) Lands Department (LandsD), Buildings Department (BD), Trade and Industry Department (T&ID), Transport Department (TD), Environmental Protection Department (EPD) and Fire Services Department (FSD) had no objection to the s.16 application. In particular, PlanD, TD and EPD did not raise any technical concerns;
- (aa) in response to STH's comments, the proposed office development would only be for the lifetime of the building and would not alter the "I" zoning

of the site. Therefore, the comments from STH should only be regarded as an observation rather than a reason to reject the application;

Departmental Comments on the S.17 Review Application

- (bb) UD&L section of PlanD, LandsD, BD, T&ID, EPD and FSD had no further comments on the review application;
- (cc) RVD had no comment on the 'Vacant Storage Property Search' submitted by the applicant in support of the s.17 review application which was based on robust analysis using information from established property agents. The storage floor space vacancy in Tsuen Wan fell from 6.6% in 2009 to 6% in 2011; and Kwai Tsing fell from 2.3% in 2009 to 1.9% in 2011. The vacancy rate for Tsuen Wan/Kwai Tsing was expected to increase further for 2012-2013 due to increase in storage floor space that significantly outpaced the taking up of storage floor space. In addition, there was approximately 122,828m<sup>2</sup> of vacant storage floor space in Tsuen Wan/Kwai Tsing (as of November 2012). Taking into account the new storage floor space of 56,300m<sup>2</sup> in 2012-2013, the area had approximately 179,128m<sup>2</sup> vacant storage floor space;
- (dd) in response to C for T's comments, DRSS was a good indicative estimation of journey time. It was an academic estimation and was, more importantly, used as a means to determine an indicative 'Study Area' for the conduction of the 'Vacant Storage Property Search';
- (ee) in response to STH's comments, there was no site zoned "C" or "OU(B)" available or suitable for office use as shown in the "Sequential Analysis". There was more than sufficient vacant storage capacity to accommodate the displaced tenants of the application site. There was 122,828m<sup>2</sup> vacant storage floor space in Tsuen Wan/Kwai Tsing suitable for smaller operators (as floor space ranging from 190m<sup>2</sup> to 8,159m<sup>2</sup>). The low rent of the subject building was partly due to the poor internal

condition and was also deliberately reduced by the applicant to avoid vacancy and to maximise take-up/rental revenue. Other non-storage uses (e.g. Data Centre, office use, etc.) would enable it to obtain much higher rental returns. The Board should encourage the proposed office use at the application site instead of other uses as it would generate higher-end skilled employment in Tsuen Wan;

- (ff) in response to PlanD's comments, Members should note that PlanD originally expressed 'no objection' to the s.16 application as it was considered acceptable in planning terms. At the s.17 review stage, PlanD was concerned that the applicant did not submit sufficient information to support the review application; and

#### Public Comments on the S.17 Review Application

- (gg) in response to the 87 public comments received, the applicant had already proved that there was adequate vacant storage floor space in Tsuen Wan/Kwai Tsing areas. Also, dry goods were non-perishable and not essential to be located close to the container terminals. The criteria set out in the Guidelines on Wholesale Conversion of Industrial Buildings were met. The proposed development was able to comply with the four key tests set out in the TPB PG-No. 25D. Given the applicant's commercial decision that the application site would not be used for storage from April 2013 onwards, the tenants had to be relocated and there were sufficient alternative locations to accommodate them. In the s.16 application stage, TD already confirmed that the proposed development would not cause any significant adverse impact relating to traffic congestion and loading/unloading.

19. Mr. Adrian Yeo, the applicant's representative, supplemented the following main points:

- (a) the vacancy rate of buildings for cargo storage in Tsuen Wan and Kwai Tsing area was generally high;

- (b) the high occupancy rate of the existing building was due to the deliberately suppressed low rental which was only about half of the market rate. The building was in poor conditions and would not be sustainable in the long term;
- (c) it was their intention to convert the building into more profitable office use so that it would be justifiable for them to make a larger amount of investment for the necessary upgrading and improvement works of the building. The proposed conversion could also meet the strong demand for office floor space in the Tsuen Wan area and would be commercially attractive to the prospective tenants. The renovated office would not only increase its value but would also enhance the amenity of the surrounding environment and would create more higher-end skilled employment;
- (d) given the intention to renovate the existing building and to convert it into other uses, the tenancy agreements signed with existing tenants were either on short-term basis or would expire in mid-2013; and
- (e) the proposal was in line with the Government's policy on revitalisation of industrial buildings. It was hoped that the Board would allow the conversion of the building into office use so as to maximise its potential value.

20. As the applicants' representatives had finished the presentation, the Chairman invited questions from Members.

21. A Member raised the following questions:

- (a) if the criteria set out in the TPB PG-No. 25D were complied with, would it mean that there were sufficient justifications for the conversion of the industrial building into office use?

- (b) given that the subject building was located close to the container terminals, why was the rent set at such a low level?
- (c) why should only this industrial building but not other industrial buildings in the area be allowed for conversion into office use?

22. In response to question (a) above, Mr. Wilson Chan said that the TPB PG-No. 25D merely laid down the general principles relevant for the consideration of the applications for conversion of industrial buildings to office use. It should not be interpreted that once the guidelines had been complied with, the industrial buildings had to be allowed for conversion into office use from planning point of view. Other relevant planning considerations should also be taken into account, for example in the subject case, whether the site should be retained for logistics use on planning grounds.

23. Mr. Wilson Chan further supplemented the following main points in response to some points made by the applicant's representatives:

- (a) regarding the 20-minute Drivetime Analysis, C for T commented that the applicant only estimated the journey times at apparently the less busy times of a day. The applicant should instead estimate the journey times at different times of the day including the busier times (para. 5.2.6(b)(iii) of the TPB Paper);
- (b) by checking the Occupation Permits issued by the Buildings Department, it was found that some industrial buildings covered by the survey were not classified as warehouses or workshops. One of the examples was Ever Gain Plaza in Kwai Chung which was an industrial-office building;
- (c) in general, logistics industry had a large floor space requirement. However, the 20-minute Drivetime Analysis included units with floor space ranging from about 180m<sup>2</sup> to 8,000m<sup>2</sup>. It was doubtful whether those small units of around 180m<sup>2</sup> would be suitable for the operation of the logistics industry;

- (d) the existing building, with a floor space of about 1,750m<sup>2</sup> each floor, was fully occupied;
- (e) according to the survey conducted by PlanD, the average rent of the subject building was about HK\$4/ft<sup>2</sup> to HK\$6/ft<sup>2</sup> but that for other warehouses in the vicinity was about HK\$7/ft<sup>2</sup> to HK\$12/ft<sup>2</sup>. Based on the interviews with the management offices and/or property agencies of the adjacent warehouses, only one of them had a vacancy rate of 3% while the rest were all fully occupied; and
- (f) site inspections also revealed that the traffic and pedestrian flows in this area, in particular Wang Lung Street, were very busy.

24. In response, Mr. Ben Cheung said that according to the results of the 20-minute Drivetime Analysis, about 90% of the vacant industrial units were found in Tsuen Wan and Kwai Chung. Their floor space ranged from about 180m<sup>2</sup> to 8,000m<sup>2</sup> which would be suitable for small to medium-sized logistics operators.

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

25. Mr. Tony Wan, the applicant's representative, made the following main points:
- (a) the owner realised that the rental was low two years ago. Owing to the gradual deterioration of the building condition, the owner, after consultation with consultants, intended to upgrade the building for the best alternative use. If the building was remained to be used as warehouse, the investment in the upgrading might not be cost-effective. In view of the Government's policy on revitalisation of industrial buildings, the owner wished to convert the building into office use so as to optimise its use;
  - (b) as the existing tenants would need to be relocated in the near future due to the renovation work, the owner preferred to keep the existing tenants rather than raising the rent or leaving the units vacant;

- (c) however, if the application was rejected, the owner would consider turning the building into a data centre which was a Column 1 use;
- (d) if the existing building had to be used as data centre, then the owner would not invest so much for upgrading the building; and
- (e) it was hoped that the Board would support the application so that the owner could invest more in upgrading the building.

26. In response to the Chairman's question on the low rental rate, Mr. Tong Wan said that there should be no problem in increasing the rental of the existing building to HK\$6/ft<sup>2</sup> to HK\$8/ft<sup>2</sup> in the short term. However, the building would be expected to further deteriorate and would not be sustainable in the medium or long term. As such, the owner of the building was looking for an opportunity to revitalise the building instead of increasing the rental at this juncture.

27. A Member raised the following questions/points:

- (a) would the applicant agree that the government policy on revitalisation did not only look at the future use but also the current condition of the building?
- (b) the DEVB's Guidelines on Wholesale Conversion of Industrial Buildings stated that one of the conditions was to obtain planning approval. It meant that the Board would not just follow the said Guidelines but would have its own considerations on planning grounds in deciding whether an approval should be granted or not, and one of the considerations in the subject case would be a trade-off between different uses;
- (c) the applicant claimed that the rent was artificially depressed. What was the meaning of "artificially depressed rent"?

- (d) in suggesting that the applicant intended to turn the building into a data centre, it sounded like a threat to the Board;
- (e) why was there such an assumption that only those buildings with the same size of the subject building could be taken into consideration in the Sequential Assessment?
- (f) any photos to show the internal conditions of the subject building;
- (g) some questions relating to the TPB PG-No. 25D:
  - (i) for Criterion 1 (paragraph 6.1(a)), “*any proposal for the office building should demonstrate that there was a shortfall in the provision of office and other commercial floor to serve the industrial activities in the area, and there were no suitable alternative sites to accommodate the proposed office building in the vicinity*”. But what the applicant intended to do was not to serve the industrial activities in the area; and
  - (ii) for Criterion 3 (paragraph 6.1(c)), “*favourable consideration might be given to proposed office development on sites within the part of an industrial area requiring renewal or restructuring, and the proposed development would induce significant improvement to the general amenity and environment of the area, and would alleviate existing interface problems by providing an environmental buffer between existing industrial and residential or other environmentally sensitive uses, such as school and community facilities.*” In the subject application, it was noted that only the building façade would be improved and no proposal on how the amenity of the surrounding area would be improved; and
- (h) how many objections, among the public comments received, were submitted by the tenants/workers of the existing building?

28. In response, Mr. Ben Cheung said that as the applicant intended to lease the whole building to a single tenant, the assumption on the same size of the subject building was adopted in the Sequential Assessment. It was agreed that the proposal needed planning approval from the Board, but the Board's attention was drawn to the fact that the proposal complied with the four main planning criteria set out in the TPB PG-No. 25D. On the issue of enhancement of the amenity in the surrounding environment, the CTP/UD&L had no adverse comments on the application.

29. Referring to some photos showing the internal conditions of the building, Mr. Simon Leung said that the subject building, among other problems, had serious water seepage problem. Mr. Adrian Yeo, the applicant representative, added that the subject building also suffered from the problem of unstable electricity supply. All these problems contributed to the lower than market rental of the building.

30. Ms. Cindy Tsang, the applicant's representative, supplemented the following main points in response to the Member's questions:

- (a) the proposal was intended to be a revitalisation project, not just a wholesale conversion to office use. Given that revitalisation was one of the objectives, there were justifications for the applicant to spend more resources on upgrading and improving the building to provide office floor space and at the same time to bring in higher-end skilled labour into this area;
- (b) while the Board's approval was necessary for the subject application, it was believed that the Board would take a balanced consideration in making a decision;
- (c) based on the current conditions of the building, it was considered that a higher rent at HK\$8/ft<sup>2</sup> could be charged. The current rent at HK\$4/ft<sup>2</sup> was lower than the market rate;

- (d) developing a data centre at the application site was one of the options under consideration by the applicant. The disclosure of such an intention to the Board should not be interpreted as a threat to the Board; and
- (e) on the assumption adopted in the Sequential Assessment, it was believed that office users would prefer larger floor space similar to the existing building that could be provided in other buildings.

31. In response to the Member's question in connection with the public comments received, Mr. Wilson Chan said that there were two publication periods under the review application. During the first publication period, a total of 77 public comments were received. The commenters included one tenant, 66 workers, two DC members and eight trading companies. During the second publication period, a total of 10 public comments were received. The commenters included one tenant, seven workers, one DC member and one individual.

32. Mr. K.K. Ling, Director of Planning, had the following questions:

- (a) whether the logistics use or office use was more mobile;
- (b) whether the purposely built industrial buildings, e.g. godown, were only a minority in the overall stock of industrial buildings; and
- (c) in the past 5 to 10 years, whether there was a net gain or net loss in the total number of purposely built industrial buildings.

33. In response, Ms. Cindy Tsang said that the existing building at the application site was primarily used for storage of dry and non-perishable goods. Such logistics use was highly mobile and could be located in many different places. For industrial-related office uses, they should be located near to the industrial activities. Mr. Tony Wan pointed out that the mobility of logistics industry was higher than office because movement of goods was more convenient than movement of people. Therefore, logistics operations could be located further away. On the contrary, offices should be located to

serve the local needs within the same district.

34. Mr. Tony Wan said that many industrial buildings were not designed for logistics uses, and hence might not be suitable to be used as godowns. The supply of godowns would depend on Government's allocation of new land for such purpose as well as the global economic situation. In fact, the subject building was not a purposely built godown as ramps were not provided on each floor and the loading/unloading facilities were also insufficient. According to the latest records, no purposely built godown had been demolished in the area in recent years while there was a new purposely built godown in Tsing Yi. There was a net gain of godown buildings in the Tsuen Wan and Kwai Tsing areas.

35. In response to a Member's question on whether there was shortage or oversupply of industrial land in the Tsuen Wan and Kwai Tsing areas, Mr. Simon Lam said that the supply of warehouse floor space in Tsuen Wan and Kwai Tsing was about 123,000m<sup>2</sup> in 2012 and 56,000m<sup>2</sup> in 2013. In the past nine years, the average take-up rate of warehouse floor space per year was only about 9,000m<sup>2</sup> in Kwai Tsing and 2,000m<sup>2</sup> in Tsuen Wan respectively. In the coming two years, the supply would be able to meet the demand. However, there was a shortage of office buildings in the area, with only four office buildings in Tsuen Wan and four office buildings in Kwai Tsing. This accounted for less than 2% of the total stock of office supply in Hong Kong. The rental for office floor space in Tsuen Wan had increased by 40% in 2011 and 15% in 2012, representing a strong demand for office floor space in this area. The vacancy rate in Tsuen Wan was about 5% which was similar to that in Central and Kowloon East. This showed a high demand for office floor space in the Tsuen Wan and Kwai Tsing areas.

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

## Deliberation Session

### *No Planning Justifications*

37. A Member considered that there were no planning merits and justifications for the proposed conversion of the building into office use. The proposal was largely stemmed from a commercial decision of the applicant. The poor conditions of the buildings such as water seepage problem and the possible conversion of the building into a data centre upon rejection of the application were not relevant planning considerations. The Member also opined that if the building had been upgraded and improved, a much higher rent at market rate could be charged. Given the strategic location of the site which was suitable for industrial use, the application for office use should not be approved.

### *TPB PG-No. 25D*

38. A Member considered that the subject application failed to fully comply with the TPB PG-No. 25D. The Member noted the proposed conversion into office use might not serve the purpose to provide office space for the industrial activities in the area. On the amenity issue, this Member pointed out that only the façade of the building would be enhanced and the applicant failed to demonstrate how the proposed development would help the renewal and restructuring of the industrial area and how the proposed development would induce significant improvement to the amenity of the area. This Member therefore did not support the application.

39. Another Member said that the application did not comply with the TPB PG-No. 25D nor the revitalisation policy. The Member pointed out that some of the information presented at the meeting such as the Sequential Assessment had been tailor-made to support the application, lacking of the necessary objective and impartial assessment. Noting that the concerns raised by Members at the meeting had not been properly addressed by the representatives of the applicant, this Member considered that the application should not be supported.

### *Logistics Use vs. Office Use*

40. A Member opined that the key issue of the case was whether there was enough floor space for godown or industrial use in the area. This Member noted that RVD and

STH held a different view from the applicant on the supply of godown floor space, and C for T had adverse comments on the unrealistic assumptions adopted in the 20-minute Drivetime Analysis. The Member opined that the façade of the existing building looked good as compared with other buildings in the area and the applicant's submission to further enhance the façade for improving the amenity of the surrounding area was not convincing. This Member considered that there were insufficient justifications for the proposed office use and thus the application could not be approved.

41. A Member said that with reference to some overseas examples, the logistics hub could be located at a more distant location as mobility of goods was higher than mobility of people. Office use should be located in the urban area in close proximity to the work place and residential development. This Member considered that office decentralisation should take place in Kwai Tsing and Tsuen Wan just like Kowloon Bay where the industrial buildings and warehouses had undergone transformation. The Member suggested that a comprehensive review on the land use in these areas should be conducted. For the subject application, there were however insufficient justifications in supporting the proposed office use.

42. Mr. K.K. Ling said that in view of its close proximity to the containers terminals and airport, the application site was considered suitable for logistics industry. Mr. Ling opined that logistics use should be less mobile than office use due to its locational requirements. With the advent of the mass transit system, office decentralisation was currently taking place. The subject building was a purposely designed warehouse. This type of buildings was the minority type in the overall stock of industrial buildings. As such, the Board should be prudent in considering the conversion of this type of building for office use. A study on the industrial land use was being undertaken by PlanD. Pending the results of the study, the subject building should be retained as a warehouse.

### *Conclusion*

43. The Chairman summarised Members' views that the application should be rejected on the grounds that the subject building was a purposely built industrial building which should be utilised properly to support the logistics industry in Hong Kong; and there

was a need for this type of facility from the planning point of view. Besides, the applicant failed to properly address the concerns of the MPC and the Board.

44. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the TPB Paper and considered that they were appropriate. The reasons were:

- (a) the subject building, a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, was considered well positioned to provide warehouse floor space to support the logistics industry in Hong Kong; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “Industrial” zones of Tsuen Wan area. The cumulative effect of approving such applications would result in a cumulative loss of industrial floor space for logistics uses in the area.

[The meeting was adjourned for a short break of 5 minutes.]

[The Chairman and Mr. Jeff Lam left the meeting temporarily, Professor K.C. Chau left the meeting, Ms. Julia M.K. Lau arrived to join the meeting, and the Vice-chairman took over the chairmanship temporarily at this point.]

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Representations and Comments related to On Chun Street site,  
Ma On Shan in the Draft Ma On Shan Outline Zoning Plan No. S/MOS/17  
(TPB Paper No. 9271)

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[The hearing was conducted in Cantonese and English.]

**Group 2 – R6(part), R7(part) and R8 to R1079  
C3 to C61**

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

Mr. Dominic K.K. Lam - his spouse owned two flats at Marbella which was located immediately adjacent to the representation site of Group 2 representations mainly submitted by the Marbella Owners' Committee

Dr. W.K. Yau - had tendered advice to the Ma On Shan residents on the subject matter under consideration

46. Members noted that Mr. Dominic K.K. Lam had indicated that he would not attend the meeting. Members also noted that Dr. W.K. Yau had not yet arrived to join the meeting.

#### Presentation and Question Session

47. The Vice-chairman said that sufficient notice had been given to invite all the representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

48. The following representatives of the Planning Department (PlanD) and the representers, commenters and their representatives were invited to the meeting at this point:

Ms. Jacinta Woo - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

Mr. Anthony Luk - Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), PlanD

R7 – Designing Hong Kong Limited

C10 – Designing Hong Kong Limited

Mr. Paul Zimmerman ] Representers' Representatives and  
Ms. Chan Kam Lam ] Commenters' Representatives

R8 – Marbella Owners' Committee

R193 – Suen Yung Chun

R557 – Lam Shuk Yin

R661 – So, Alfred

R662 – So, Amette

R663 – Lee, Lucy

R664 – So, Alex

R1020 – Li Yuk Ha, Rita

R1033 – Lau Chui Ying

Mr. Yung Ming Chau - Representers' Representative

R9 – Yeung Chi Hin

Mr. Yeung Chi Hin - Representer

R12 – Yeung Man Yui

Mr. Yeung Man Yui - Representer

Ms. Lo Wai - Representer's Representative

R49 – Wong Yick Fai

Mr. Wong Yick Fai - Representer

R99 – Yau Man Yu

Mr. Yau Man Yu - Representer

R124 – Luk Wai Fun

C25 – Luk Wai Fun

Ms. Luk Wai Fun - Representer and Commenter

R174 – Wong Wai Sau

Ms. Wong Wai Sau - Representor

R311 – Si, Gangyan

Mr. Su Ning - Representor's Representative

R555 – Chan Sui Man

Mr. Chan Sui Man - Representor

R566 – Zhang Rui

Ms. Zhang Rui - Representor

R618 – Cheung, Raymond and Tam Mei Fong

R632 – Tam Mei Fong

Mr. Raymond Cheung - Representor and Representor's Representative

R734 – Luk Wing Fat

Mr. Luk Wing Fat - Representor

R848 – Yu Shek Hing

Mr. Yu Shek Hing - Representor

R915 – Lee Shuk Han

R1072 – Li Suk Han

C18 – Li Suk Han

Ms. Li Suk Han - Representor and Commentor

R983 – Fu Yeuk Ching

C38 – Foo Yok Ching

Ms. Foo Yok Ching - Representor and Commentor

R988 – Chik Chi Kam

Mr. Chik Chi Kam - Representer

R1039 – Wong Lung Sheung

C31 – Wong Lung Sheung

Mr. Wong Lung Sheung - Representer and Commenter

C32 – Yeung Man Tim

Mr. Yeung Man Tim - Commenter

C43 – Lee Ka Fai

Mr. Lee Ka Fai - Commenter

49. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited PlanD to brief Members on the background to the representations.

50. With the aid of a Powerpoint presentation, Mr. Anthony Luk, STP/STN, made the following main points as detailed in the Paper:

Background

- (a) on 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) to include amendments relating to rezoning of the sites at Whitehead for residential and recreational development (Items A1 to A6) and a site at On Chun Street for residential development (Items B1 to B3). During the two-month exhibition period, a total of 1,079 representations were received. On 18.5.2012, the representations were published for three weeks for comments, and 61 comments were received. Amongst which, 1,074 representations site (i.e. R6(part), R7(part) and R8 to R1079) and 59 comments (i.e. C3 to C61) were related to the On Chun Street site;

Representations and Comments

- (b) R6(part) supported the rezoning of two strips of land to 'Road' (Items 2 and 3);
- (c) R6(part), R7(part) and R8 to R1,079 opposing the rezoning of the On Chun Street site to "Residential (Group B) 3" ("R(B)3") (Item B1) for residential development;
- (d) 59 comments (C3 to C61) were received echoing the opposing views of the representations in relation to the On Chun Street site;
- (e) the main grounds of adverse representations were that the On Chun Street site was small, which could only accommodate 228 flats; the proposed residential development would bring adverse environmental, traffic, sewerage, air ventilation and visual impacts on the surrounding development; the site should be used for provision of community facilities in need; there were underground cavities below the site, which would increase the construction and maintenance cost and endanger the surrounding development; and the public had not been consulted before the rezoning proposal was gazetted;
- (f) on 31.8.2012, the Town Planning Board (the Board), after considering the grounds of representations, decided to defer a decision of the representations pending a review of all the undeveloped "Government, Institution or Community" ("G/IC") sites in the area by relevant government departments to facilitate the Board to consider whether there was alternative site, or the subject representation site was the most suitable one readily available for the housing development, taking into account all relevant considerations;
- (g) the 1,074 representations and 59 comments were related to the rezoning of the On Chun Street site. The representers and commenters objected to the rezoning of the On Chun Street site from "G/IC" (building height

restriction (BHR) of 8 storeys) to “R(B)3” (plot ratio (PR) of 3.3 and BHR of 60mPD);

- (h) the On Chun Street site, having a site area of 0.48ha, was proposed to be developed for residential use at a PR of 3.3 (or a gross floor area of about 15,992m<sup>2</sup>) and BH of 60mPD to provide 228 flats. A 10m-wide non-building area was designated fronting the Ma On Shan Promenade;

#### Review of Undeveloped “G/IC” sites in Ma On Shan

- (i) the suitability of the undeveloped “G/IC” sites in Ma On Shan for residential development had been assessed. The assessment indicated that two additional sites could be considered for residential development, namely Site A at Hang Kwong Street and Site B at Ma Kam Street;
- (j) the Social Welfare Department (SWD) indicated that land would need to be identified to accommodate a range of social welfare facilities to serve the elderly, infants and youth (about 4,000m<sup>2</sup> gross floor area (GFA));
- (k) a local non-profit making organisation, with the policy support from SWD, indicated their interest in developing an integrated welfare building to serve the elderly on Site A (about 5,400m<sup>2</sup> GFA);
- (l) if Site B was released for residential development, the originally reserved community hall might need to be reprovisioned at the On Chun Street site or the reserved indoor recreation centre (IRC) site in Area 103, i.e. the On Luk Street site;
- (m) Site A was used by Water Supplies Department as a maintenance contractor’s yard under a temporary Government land allocation till 30.9.2015. It was located in a cluster of low-rise government, institution and community (GIC) facilities with St. Francis Church to the immediate southeast and an electricity substation to the immediate northeast;

- (n) Site B was used by Drainage Services Department as temporary works area under a temporary Government land allocation till 31.12.2015. To the west and south of the site was a cluster of low-rise GIC facilities with Ma On Shan Health Centre to the immediate east and a school to the immediate south. It was 287m from the MTR Ma On Shan Station and was well served by pedestrian linkages connected to the MTR station/town centre and other parts of Ma On Shan;
- (o) if residential developments were pursued for Site A and Site B, the following development parameters could be considered:

	<b>Site A</b>	<b>Site B</b>
Location	Hang Kwong Street	Ma Kam Street
Gross Site Area	3,063m <sup>2</sup>	3,100m <sup>2</sup>
Net Site Area	2,700m <sup>2</sup>	3,100m <sup>2</sup>
Proposed Plot Ratio	3.3	5
Proposed Gross Floor Area	8,910m <sup>2</sup>	15,500m <sup>2</sup>
Proposed Building Height Restriction	50mPD (about 12 storeys)	75mPD (about 18 storeys)
Estimated No. of Flats	126	238

- (p) the photomontages showed that when viewed from the nearby vantage points, the proposed developments at the two sites were visually compatible with their surrounding developments;

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

#### Departmental Views

- (q) the departmental views on Site A and Site B were:
- (i) the subject sites were not located within the air paths for the prevailing wind and would not block major air flow in Ma On

Shan;

- (ii) given the small scale of the development, there would be no significant impacts on traffic and infrastructural provision aspects. Commissioner for Transport, Director of Drainage Services and Director of Water Supplies had no in-principle objection to the proposed residential developments at these two sites;
- (iii) subject to the implementation of noise mitigation measures and the resolution of interface with the adjacent Electricity Sub-station (ESS) for Site A, there would be no significant environmental impacts. Director of Environmental Protection had no in-principle objection to the proposed residential developments at these two sites; and
- (iv) the Director of Leisure, Cultural and Cultural Services had no objection to the proposed co-location of the community hall and indoor recreation centre in the reserved site at Area 103. Concerned government departments, including District Officer (Sha Tin) (DO(ST)) and Director of Social Welfare had no in-principle objection to the proposed residential developments at these two sites;

Consultation with Sha Tin District Council (STDC)

- (r) the Development and Housing Committee of STDC was consulted on the proposed changes in land uses of Sites A and B, and the possible rearrangement of the GIC facilities. The STDC passed a motion that in view of the Government's proposal to cope with population growth and the increasing demand for land resources, the Development and Housing Committee of the STDC supported the Government's proposed use of the sites at Hang Kwong Street, On Chun Street and Ma Kam Street in Ma On Shan. However, due attention should be paid to the provision of related supporting facilities under the planning proposal to meet the

needs of existing and future residents. Besides, the Government should consult and solicit the opinion of this Committee before the design option was finalised;

#### Planning Considerations and Assessments

- (s) the planning considerations and assessments were detailed in paragraph 5 of the Paper and summarised below:
  - (i) all three sites (i.e. On Chun Street site, Site A and Site B) could be considered for residential use subject to the provision of social welfare facilities and relocation of community hall;
  - (ii) among the three sites, the On Chun Street site was situated in a waterfront location amidst other residential developments while Site A and Site B were smaller in size, located in a low-rise GIC cluster and subject to rail/traffic noise and interface with ESS. Hence, it might be difficult for Site A and Site B to achieve a desirable layout/form of residential development;
  - (iii) DO(ST) had indicated that, to ensure early implementation of the community hall, it would be beneficial to co-locate the proposed community hall development at the reserved IRC site in Area 103. To allow flexibility for provision of an indoor heated swimming pool as requested by the STDC, it was proposed to relax the building height to 8 storeys;
  - (iv) if the Board decided to revert the zoning of the On Chun Street site to “G/IC”, the On Chun Street site could be used to accommodate the social welfare facilities required by SWD and the local non-profit marking organisation, and other facilities to be identified by government departments;

- (v) if Site A and Site B were rezoned for residential uses and the On Chun Street site was used to accommodate the required social welfare facilities, there would be a potential flat gain of 136 units compared with the original proposal of developing On Chun Street site alone for residential purpose. This option might be beneficial from housing supply point of view; and
- (vi) upon the reshuffling of these land uses, two sites could be spared for residential development while providing the GIC facilities required by the local community at the same time. This overall arrangement was also acceptable to the STDC;

PlanD's views

- (t) if the Board, after balancing the considerations of site utilisation, housing supply and grounds of representations, considered that amendments to the OZP were necessary to meet the representations, the corresponding amendments to the land use zonings and BHR on the Plan as well as the amendments to the Notes of "R(B)3" zone and incorporation of Notes for "Residential (Group B) 4" ("R(B)4") zone; and
- (u) the amendments were detailed in Attachment III of the Paper. The amendments would be exhibited under section 6C(2) of the Ordinance.

51. Members noted that an email dated 1.2.2013 from Mr. Lee Tsan Kui, Dennis, an owner and resident of The Waterside objecting to the rezoning of the "G/IC" site at Hang Kwong Street was tabled at the meeting.

52. The Vice-chairman then invited the representers, commenters and their representatives to elaborate on their submissions. Mr. Yeung Man Yui (R12) requested for making his presentation first as he had to leave the meeting early. With no objection from the attendees, the Vice-chairman allowed Mr. Yeung to make his presentation first.

R12 – Yeung Man Yui

(Mr. Yeung Man Yui – representer)

53. Mr. Yeung Man Yui made the following main points:

- (a) he was a member of STDC and the Chairman of the Development and Housing Committee of STDC;
- (b) he thanked the Board for deferring making a decision on the representations at the meeting on 31.8.2012;
- (c) after the meeting on 31.8.2012, PlanD had liaised closely with STDC in working out the new proposal. The rezoning of Site A and Site B for residential use, the reverting of the On Chun Street site for GIC uses as well as the reshuffling of the GIC facilities (including the relocation of the community hall to Area 103) were fully supported by STDC. They represented the views of the local residents; and
- (d) it was hoped that the Board would take into the local views in approving the new proposal.

R8 – Marbella Owners’ Committee

R193 – Suen Yung Chun

R557 – Lam Shuk Yin

R661 – So, Alfred

R662 – So, Amette

R663 – Lee, Lucy

R664 – So, Alex

R1020 – Li Yuk Ha, Rita

R1033 – Lau Chui Ying

(Mr. Yung Ming Chau – representers’ representative)

54. Mr. Yung Ming Chau made the following main points:

- (a) he lived in Ma On Shan and was also a member of the STDC and a member of the Development and Housing Committee of STDC;
- (b) on 31.10.2012, a meeting with the Owners' Committee of Marbella was held. The meeting was attended by about 100 residents and more than 30 reply slips expressing their views on the new proposal were also received. The residents generally supported the use of the On Chun Street site for social welfare facilities by SWD and non-profit making organisation, and requested the Board to revert the zoning of On Chun Street site to "G/IC" with a building height restriction of 8 storeys and they hoped that the design of the development at the On Chun Street site in future would take into account the needs and views of the nearby residents;
- (c) according to their understanding, the social welfare facilities to be provided in the On Chun Street site included (i) a special child care centre and early education and training centre; (ii) an office for the youth social work outreaching team; and (iii) an elderly home and neighbourhood elderly centre;
- (d) the On Chun Street site, as compared with Site A and Site B, was considered more suitable for the required social welfare facilities, in particular for the infant and elderly facilities, given its quieter environment than Site A and Site B which were subject to traffic noise impact;
- (e) the good planning of Ma On Shan was appreciated as this new town, with a total population of over 200,000, was well supported by a range of community facilities and infrastructure. However, there was the problem of juvenile delinquency in the district. As quite a number of youths would gather at the open space near On Chun Street site, the provision of an office for the youth social work outreaching team at the On Chun Street site was considered appropriate to tackle the problem;

- (f) they also requested that SWD, in preparing the detailed design of the social welfare complex at On Chun Street site, would consult the views of the local residents;
- (g) some residents had also expressed concerns about insufficient bicycle parking and illegal parking problem in this area. Relevant government departments were requested to look into this matter with a view to working out a viable resolution; and
- (h) it was hoped that the Board would accept the proposal of reverting the rezoning of the On Chun Street site to “G/IC”.

R9 – Yeung Chi Hin

(Mr. Yeung Chi Hin – representer)

55. Mr. Yeung Chi Hin said that PlanD’s new proposal was generally supported. Mr. Yeung asked why a PR of 3.3 but not a higher PR was imposed for Site A.

R49 – Wong Yick Fai

(Mr. Wong Yick Fai – representer)

56. Mr. Wong Yick Fai said that he had no comment to make.

R99 – Yau Man Yu

(Mr. Yau Man Yu – representer)

57. Mr. Yau Man Yu thanked the Board and PlanD for listening to their views. He said that all the “G/IC” zones, not only the On Chun Street site, should be subject to review to ensure that they were put to their optimal uses in meeting the needs of Hong Kong.

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

R124 – Luk Wai Fun

C25 – Luk Wai Fun

(Ms. Luk Wai Fun – representer and commenter)

58. Ms. Luk Wai Fun said that the rezoning of the On Chun Street site to “G/IC” was supported.

R174 – Wong Wai Sau

(Ms. Wong Wai Sau – representer)

59. Ms. Wong Wai Sau thanked the Board for listening to their views and said that the rezoning of the On Chun Street site to “G/IC” was supported.

R555 – Chan Sui Man

(Mr. Chan Sui Man – representer)

60. Mr. Chan Sui Man thanked the Board and agreed that the On Chun Street site should be rezoned to “G/IC”.

R734 – Luk Wing Fat

(Mr. Luk Wing Fat – representer)

61. Mr. Luk Wing Fat said that the new proposal was fully supported by the Owners’ Committee of The Waterside. The owners had proposed some GIC uses for the On Chun Street site which included restaurants, bicycle park, community hall, water sports centre, indoor swimming pool, arts gallery and performance venue, elderly recreation centre but they did not support to use it for residential development. With reference to the email dated 1.2.2013 from Mr. Lee, which was tabled at the meeting, Mr. Luk pointed out that there was no such a Mr. Lee in the Owners’ Committee of The Waterside. The Vice-chairman clarified that the email was signed by an owner and resident of The Waterside, and not on behalf of the Owners’ Committee of The Waterside.

R848 – Yu Shek Hing

(Mr. Yu Shek Hing – representer)

62. Mr. Yu Shek Hing said that the rezoning of the On Chun Street site to “G/IC” was supported but the air ventilation problem should be addressed in the detailed design stage.

R988 – Chik Chi Kam

(Mr. Chik Chi Kam – representer)

63. Mr. Chik Chi Kam said that the rezoning of the On Chun Street site to “G/IC” was supported. He thanked the Board for listening to the local residents.

R1039 – Wong Lung Sheung

C31 – Wong Lung Sheung

(Mr. Wong Lung Sheung – representer and commenter)

64. Mr. Wong Lung Sheung thanked the Board for listening to them at the meeting on 31.10.2012. The On Chun Street site was a waterfront site. The site should be retained for GIC use but not for high-rise development. The new proposal demonstrated that there were sufficient justifications raised by the owners of Marbella objecting to the residential use at the site. Besides, the new proposal was supported by STDC and majority of Ma On Shan residents. While the urgent need to identify more land for residential development was noted, any rezoning proposal should be assessed carefully and the public interest should be protected. This incident showed that the local views should be sought prior to rezoning the land for residential use. For the On Chun Street site, it was hoped that the local residents would be consulted on the detailed design of the GIC facilities and the development would be compatible with the surrounding environment. Besides, the provision of a basement carpark should be considered so that the illegal parking problem in the area could be resolved.

R915 – Lee Shuk Han

R1072 – Li Suk Han

C18 – Li Suk Han

(Ms. Li Suk Han – representer and commenter)

65. Ms. Li Suk Han said that there was traffic problem at On Chun Street. Relevant government departments were requested to review and improve the traffic condition of the area.

R618 – Cheung, Raymond and Tam Mei Fong

R632 – Tam Mei Fong

(Mr. Raymond Cheung – representer and representer’s representative)

66. Mr. Raymond Cheung made the following main points:

- (a) the rezoning of the On Chun Site to “G/IC” was supported;
- (b) the On Chun Street site was located in-between a hotel, Marbella and Kam Fung Court. Once the site was developed, the narrow roads sandwiched between Marbella and the future development would be very dark and there was safety concern for local people using the road;
- (c) the On Chun Street site was very unique and it commanded the view of Tolo Harbour and Tai Po Waterfront Park in which a historic site was located. It was suggested that a viewing platform to the Tai Po Waterfront Park should be built at the site; and
- (d) the On Chun Street site could be linked up with a small park nearby and developed into a waterfront promenade.

R7 – Designing Hong Kong Limited

C10 – Designing Hong Kong Limited

(Mr. Paul Zimmerman – representer’s representative and commenter’s representative)

67. Mr. Paul Zimmerman made the following main points:

- (a) the proposed amendments were supported;
- (b) the history of the site should be respected when the On Chun Street site

was developed by SWD. In working out the detailed proposals, the SWD should work closely with STDC and the local residents in order to secure the optimal use of the waterfront site and the access for public use of the waterfront site;

- (c) for Site A and Site B, appropriate clauses should be included in the conditions of sales to avoid podium structures at the sites;
- (d) in Ma On Shan, some developments were designed with podium while some development developments were designed without podium. In general, podium could facilitate circulation of pedestrians but it might affect the permeability; and
- (e) it would be more efficient if the local residents could be consulted at an earlier stage when the amendments were proposed to the OZP.

68. As the representers, commenters and their representatives had finished their presentations, the Vice-chairman invited questions from Members.

69. The Vice-chairman asked why a PR of 3.3 but not a higher PR was proposed for Site A. In response, Ms. Jacinta Woo said that the PlanD had to balance the need to maximise the utilisation of site and the flat production to meet the housing demand, and the relevant planning considerations such as site constraints, urban design and infrastructure provision. In formulating the optimal plot ratio of 3.3 for Site A, due consideration had been given to the development constraints of the site, in particular the relatively small size of the site locating next to Sai Sha Road, which was subject to traffic noise impacts and close to the air ventilation corridor. The building height of 12 storeys was considered compatible with the GIC developments in the surroundings which were about five to eight storeys. In this regard, the development intensity of Site A at a plot ratio of 3.3 was optimal and a building height of 12 storeys was compatible with the surrounding developments.

70. As Members had no further question to raise, the Vice-chairman said that the hearing procedures had been completed and the Board would deliberate on the

representations in the absence of the representers, commenters and their representatives. The representers and commenters would be informed of the Board's decision in due course. The Vice-chairman thanked the representers, commenters and their representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

71. The Vice-chairman invited Members to consider the representations taking into consideration all the written submissions and the oral representations and materials presented.

#### *Local Views*

72. The Vice-chairman said that the issues concerning the On Chun Street site had been thoroughly discussed in the previous Board meeting. The Vice-chairman drew Members' attention that the subject site was one of the first batch "G/IC" sites proposed by the Government for rezoning for residential development to meet the housing needs of the community. At the previous Board meeting, all representers/commenters objected to the rezoning of the On Chun Street site for residential development. At this meeting, all representers/commenters unanimously supported the reverting of the zoning of the On Chun Street site to "G/IC" and supported the rezoning of Site A and Site B for housing development. Since the new proposal was welcomed by the local residents, the flat production would have a net gain of 136 units (from 228 units to 364 units), and the reshuffling of land uses would achieve a better consolidation and arrangement on the provision of GIC facilities, the Vice-chairman considered that this could be a win-win situation. However, as there were other "G/IC" sites to be rezoned for housing development to meet the public aspirations for more housing supply, there was a need to spell out the unique planning circumstances of the subject case in order not to arouse unnecessary misunderstanding nor to create adverse implications on future rezoning of other "G/IC" sites.

73. In response to the Vice-chairman's comments, the Secretary said that as discussed in the previous Board meeting, the representers and commenters objected to the rezoning of the On Chun Street site for residential development mainly on the grounds that

the proposed residential development would generate visual impact and block the sea view of flats in Marbella; the proposed development would generate adverse impact on air ventilation; and the site should be retained for other GIC uses as there was inadequate provision of GIC facilities in the area. Members at the previous meeting noted that PlanD, in consultation with relevant government departments, had confirmed that the proposed medium-density residential development at On Chun Street site was compatible with the surrounding land uses and it would not generate adverse visual impact to the surrounding area. The sea views of buildings could not be guaranteed in the context of Hong Kong. On air ventilation, the proposed medium-density residential development at the site located at the waterfront and adjacent to a wind corridor would not affect wind circulation in the area, as demonstrated in the air ventilation assessment by expert evaluation. The On Chun Street site was suitable for residential development from land use planning viewpoint.

74. The Secretary continued to say that on the provision of GIC facilities, the Board agreed at the previous meeting that a review of the undeveloped “G/IC” sites in the area should be conducted to see whether there was an opportunity to consolidate the provision of some GIC facilities in order to optimise the use of scarce land resources. PlanD completed the review and found that all three sites (i.e. On Chun Street site, Site A and Site B) could be considered for residential use subject to the provision of social welfare facilities and relocation of community hall. However, if Site A and Site B were rezoned for residential uses and the On Chun Street site was used to accommodate the required social welfare facilities, there would be a potential flat gain of 136 units compared with the original proposal of developing On Chun Street site alone for residential purpose. This option had the merits of optimising the land resources as well as an increase in flat production.

75. A Member said that PlanD’s current proposal would be a fine balance of the relevant planning considerations in meeting the housing needs of the larger community and at the same time able to address the concerns of the local residents. However, the Board should be prudent and clearly explain the rationale of its deliberation and decision on this unique case so as to properly manage public expectations in future rezoning exercises of different planning circumstances.

76. A Member said that public engagement with the local residents was an important component in the planning process. Notwithstanding this, the local views should not be the only overriding consideration in making a planning decision on a rezoning proposal. Another Member added that the Board should take into account all relevant planning considerations in making a decision on a rezoning proposal. Any rezoning proposal should be considered on its own merits by giving due consideration to relevant planning principles and considerations. Members generally agreed.

*On Chun Street Site*

77. In response to a Member's question, the Secretary said that the imposition of a building height restriction of 8 storeys on the On Chun Street site was considered appropriate and compatible with the surrounding environment, particularly given its location at the waterfront.

*Site A and Site B*

78. Referring to Plan Ha-7 of the Paper, a Member was concerned that Site A was located next to an ESS. The ESS might have undesirable impact on the residential development at Site A. The interface issue should be taken account of at the detailed design stage. While Site B was located in the middle of a cluster of compatible low-rise GIC facilities, this Member considered that there were sufficient justifications to support the rezoning of Site B into residential use.

79. In response to another Member's question on the potential rail/traffic noise impacts on Site A and Site B, the Secretary said that upon departmental consultation, the relevant government departments, including the Environmental Protection Department, had no objection on environmental ground to the proposed rezoning of Site A and Site B from GIC uses to residential developments. The Director of Environmental Protection advised that subject to proper implementation of noise mitigation measures, the rail/traffic noise impact on these sites could be effectively mitigated. Mr. C.W. Tse, Deputy Director of Environmental Protection, supplemented that environmental assessment including a noise impact assessment would be required for the two sites at the detailed design stage to ensure the development at both sites would fully comply with the relevant environmental regulations. According to past experience, the potential noise impacts at

similar sites due to the existing railway could be effectively mitigated at the receiving end by appropriate mitigation measures including building design, layout disposition and installation of noise mitigation measures.

80. Members noted that Site A and Site B were now used as temporary works areas by government departments until 2015. As such, they would not be immediately available for residential developments unless the temporary uses could be terminated.

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

### *Conclusion*

81. The Vice-chairman concluded that Members agreed to meet the representations by rezoning the On Chun Street site from “R(B)3” to “G/IC”, rezoning Site A and Site B from “G/IC” to “R(B)3” and “R(B)4” respectively, and amending the BHR for Area 103 (the On Luk Street site) from 2 storeys to 8 storeys, as detailed in Attachments III, IIIa, IIIb and IIIc of the Paper. The proposed amendments to the draft Ma On Shan OZP No. S/MOS/17 were suitable for publication for further representation in accordance with the provisions of section 6C(2) of the Ordinance.

### Representations No. R6(part), R7(part) and R8 to R1079

82. After further deliberation, the Board noted the supportive view of R6(part) to rezone two strips of land adjacent to Marbella and Horizon Suite to the area shown as ‘Road’, and decided to uphold R6(part), R7(part) and R8 to R1079 by making the following amendments to the draft Ma On Shan Outline Zoning Plan No. S/MOS/17 as well as the corresponding amendments to its Notes and Explanatory Statement:

- (a) rezoning of a site at On Chun Street from “Residential (Group B)3” (“R(B)3”) to “Government, Institution or Community” (“G/IC”) with amendment to the building height restriction from 60mPD to 8 storeys and deletion of the 10m-wide non-building area;
- (b) rezoning of a site at Hang Kwong Street from “G/IC” to “R(B)3” with

amendment to the building height restriction from 2 storeys to 50mPD;

- (c) rezoning of a site at Ma Kam Street from “G/IC” to “Residential (Group B) 4” (“R(B)4”) with amendment to the building height restriction from 2 storeys to 75mPD; and
- (d) amendment to the building height restriction for a site at On Luk Street from 2 storeys to 8 storeys.

[The Chairman returned to join the meeting at this point.]

### **Agenda Items 5 and 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KLH/440

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 433 s.B ss.5 in D.D. 9, Yuen Leng, Tai Po  
(TPB Paper No. 9272)

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Review of Application No. A/NE-KLH/441

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 433 s.B ss.4 in D.D. 9, Yuen Leng, Tai Po  
(TPB Paper No. 9272)

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

83. The following representative of the Planning Department (PlanD) and the applicants’ representatives were invited to the meeting at this point:

Ms. Jacinta Woo - District Planning Officer/Shu Tin, Tai Po  
and North (DPO/STN), PlanD

Mr. Wong Koon Sang	]	
Ms. Chung Wan Hung	]	Applicants' Representatives
Mr. Chung Wong Tai	]	

84. The Vice-chairman extended a welcome and explained the procedures of the review hearing. Members noted that the two review applications were similar in nature and the application sites were located next to one another, and agreed that they could be considered together. The Vice-chairman then invited DPO/STN to brief Members on the review applications.

85. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, presented the review applications and covered the following main points as detailed in the Paper:

- (a) the applicants sought planning permission for a proposed house (New Territories Exempted House (NTEH) - Small House) on each of the application sites. The site under Application No. A/NE-KLH/440 fell within "Village Type Development" ("V") (about 87%) and "Agricultural" ("AGR") (about 13%) zones whilst the site under Application No. A/NE-KLH/441 fell entirely within "AGR" zone on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11;
- (b) the applications were rejected by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 5.10.2012 and the reasons were:
  - (i) the proposed development did not comply with the interim criteria for consideration of application for NTEH/Small House in New Territories in that the proposed Small House located within the water gathering ground (WGG) would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at

this juncture; and

- (ii) there was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas;
- (c) the application sites were two pieces of abandoned farmland. They fell entirely within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai, and were located within the upper indirect WGG. The sites were accessible by a local track leading to Fanling Highway in the west;
- (d) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (e) the planning intension of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (f) the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was relevant to the subject applications;
- (g) previous application – no previous application for NTEH/Small House development at the application sites was received;

- (h) similar applications – there were 13 similar applications within the same “AGR” zone. All of them were approved in 2006 to 2012 mainly on the considerations that the sites fell within the ‘VE’; there was a general shortage of land in meeting the Small House demand; and the proposed Small Houses could be connected to the planned sewerage system in the area;
- (i) the justifications put forth by the applicants in support of the review applications were summarised in paragraph 3 of the Paper and below:
  - (i) the applicants were informed by the village representative of Yuen Leng that a consensus had been reached with the Government, in particular the Drainage Services Department (DSD), that the public sewerage system could be in place in the near future (before 2016). In other words, the proposed Small Houses could be connected to the planned public sewerage system to be laid in the area;
  - (ii) the Board could grant the planning permission subject to approval condition that the proposed Small Houses could only be built after the public sewerage system was completed such that the District Lands Office (DLO) could start processing the Small House applications; and
  - (iii) the applicants’ “environmental septic tanks” were located at Lot 433 s.B ss.6. Besides, the applicants could also use the “drain channel” at Lot 433 s.B RP. Both arrangements had been agreed by the landowner of Lots 433 s.B ss.6 & 433 s.B RP;
- (j) departmental comments – the departmental comments were detailed in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) and the Chief Engineer/Consultants Management (CE/CS), DSD pointed out that since the sewerage scheme of Yuen Leng was degazetted on 29.10.2010, there was no fixed programme for the public

sewerage works at this juncture. Based on the latest information, there was still no committed/implementation programme. The applicants' claim about the public sewerage implementation programme was unfounded. As such, DEP and the Chief Engineer/Development(2) (CE/Dev(2)), Water Supplies Department (WSD) did not support/objected to the review applications and raised concern that the sewage discharge from the proposed houses would have potential to cause water pollution in the WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the review applications as the application sites had high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comments on the review applications;

- (k) public comment – no public comment was received on the review applications; and
- (l) PlanD's views – PlanD did not support the review applications based on the planning considerations and assessments as set out in paragraph 7 of the Paper which were summarised below:
  - (i) the proposed developments were not in line with the planning intention of “AGR” zone;
  - (ii) about 7.59ha (or equivalent to about 303 Small House sites) of land were available within the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages, which could not fully meet the future Small House demand of about 10.08ha (or equivalent to about 403 Small House sites);
  - (iii) the proposed developments did not comply with the Interim Criteria in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture;

- (iv) as regards the applicants' claim that their "environmental septic tanks" to be located at Lot 433 s.B ss.6 and the "drain channel" at Lot 433 s.B RP could be used for sewage treatment/disposal, DEP advised that the proposed septic tanks arrangement was not acceptable and the proposed Small Houses should be connected to the public sewerage system in the area; and
  
- (v) while there was a similar Application No. A/NE-KLH/450 to the immediate west of the sites (Plan R-2), which was approved by RNTPC on 25.1.2013, it should be noted that sympathetic consideration was given to that application as there was a previous approval (No. A/NE-KLH/375); DEP advised that septic tank could be used in the interim before the public sewer was available; and concerned government departments, including DEP and CE/Dev(2), WSD had no objection to the application. However, the current applications did not warrant the same sympathetic considerations as the similar application as there was no previous approval; the proposed Small Houses would not be able to be connected to the planned sewerage system; and the proposed septic tank arrangement was not acceptable. The concerned government departments, including DEP and CE/Dev(2), WSD, did not support the current applications.

86. The Vice-chairman then invited the applicants' representatives to elaborate on the review applications.

87. Mr. Wong Koon Sang, the applicants' representative, said that being the landowner, he would allow the applicants to locate their "environmental septic tanks" at Lot 433 s.B ss.6 and use the "drain channel" at Lot 433 s.B RP.

88. With the aid of Plan R-2 of the Paper, Ms. Chung Wan Hung, the applicants' representative, made the following main points:

- (a) her son and relative were the applicants of Applications No. A/NE-KLH/441 and 440 respectively;
- (b) she claimed by pointing at Plan R-2 that the applicants' "environmental septic tanks" would be provided at Lot 433 s.B ss.6, which was agreed by the landowner, Mr. Wong Koon Sang. The "environmental septic tanks" were located entirely within the "V" zone;
- (c) a similar Application No. A/NE-KLH/450 was approved by the RNTPC previously mainly on the consideration that there was a previous approval (No. A/NE-KLH/375) and subject to the condition that septic tank could be used in the interim before the public sewer was available;
- (d) according to her understanding, the public sewerage system in the area could be completed by 2016. For the subject applications, the Board could grant the planning permissions subject to an approval condition that the proposed Small Houses could only be built after the public sewerage system was completed such that the District Lands Office (DLO) could start processing the Small House applications. Otherwise, if the planning permissions were granted after the public sewerage system was completed and taking into account the long processing time normally required for Small House applications by DLO, the whole development process for the two Small Houses would take more than 10 years;
- (e) there were insufficient land available within the "V" zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages to meet the Small House demand. The application sites, which were private land, were suitable to be used for Small House development;
- (f) although DAFC considered that the application sites had high potential for agricultural rehabilitation, the impact and economic gain from rehabilitation would not be significant given the small size of the sites.

Noting that there were already many houses in the surroundings, it would be more beneficial to use the sites for Small Houses to help increase the housing supply; and

- (g) 13 similar applications were all approved by the Board, even though many of them fell entirely within the “AGR” zone. She could not understand why the subject applications which were not entirely within the “AGR” zone could not be approved.

89. As the applicants’ representatives had finished their presentations, the Vice-chairman invited questions from Members.

90. In response to the Vice-chairman’s enquiry on the status of the planned public sewerage system in the area and its implementation programme, Ms. Jacinta Woo said that there was a proposed sewerage scheme for Yuen Leng under which sewerage connection point would be provided in the vicinity of the application sites. However, the sewerage scheme for Yuen Leng was degazetted in October 2010 due to local objections. According to the latest advice of DSD, there was still not yet any implementation programme for the planned public sewerage system in the area. Ms. Chung Wan Hung pointed out that the alignment of the proposed public sewer for the area was shown on the Plan R-2 of the Paper. Ms. Jacinta Woo clarified that Plan R-2 had indicated the previously proposed public sewer for Yuen Leng that had already been degazetted on 29.10.2010.

91. Noting that a similar application (No. A/NE-KLH/450) was approved after the degazettal of the proposed sewerage scheme for Yuen Leng in the vicinity, a Member enquired if there were any special considerations for approving that application. Ms. Jacinta Woo said that Application No. A/NE-KLH/450 was approved by the RNTPC on 25.1.2013 though there was no fixed programme for implementation of the public sewerage system. Sympathetic consideration was given to the application as there was a previous approval (No. A/NE-KLH/375) which was granted at the time when the public sewerage system was gazetted. Taking into account the special circumstances of the case, concerned government departments, including DEP and CE/Dev(2) of WSD, had no objection to the application, and DEP advised that septic tank could be used in the interim

before the public sewer was available.

92. Another Member further asked whether Application No. A/NE-KLH/450 could be differentiated from the subject applications. Ms. Jacinta Woo explained that Application No. A/NE-KLN/450 was the subject of a previous approval (No. A/NE-KLN/375) which was approved by the RNTPC on 10.10.2008. The planning permission was valid for a period of four years until 10.10.2012. As the processing of Small House application had not been completed and the planning permission was lapsed, a new application was submitted by applicant. Against this background, sympathetic consideration was given by the RNTPC in approving the application at the same site on 25.1.2013.

93. A Member asked why the proposed sewerage scheme for Yuen Leng was degazetted and whether the concerned issues had been resolved. Ms. Jacinta Woo said that according to DSD, the degazetted of the sewerage scheme for Yuen Leng was due to local objections probably concerning land resumption problem. According to the latest information provided by DSD, there was still not yet any implementation programme for the planned public sewerage system in the area.

94. In response to a Member's question, Ms. Jacinta Woo said that DEP had provided different comments on the subject two applications. For Application No. A/NE-KLH/440, while the application site fell partly within the "V" zone, DEP considered that the arrangement of septic tank was unacceptable and the application could not be supported. For Application No. A/NE-KLH/441, while the application site fell outside the "V" zone, DEP advised that as there was still not yet any committed/implementation programme for the planned public sewerage system in the area, the sewage discharge from the proposed house would have potential to cause water pollution to the WGG and the application could not be supported.

95. A Member asked whether the septic tank was located within the "V" zone was a relevant consideration. Mr. C.W. Tse, Deputy Director of Environmental Protection, advised that as the application sites fell within WGG, according to the prevailing policy, Small House applications would not be supported if there was no public sewage connection. Whether the septic tank was located within the "V" zone was not a relevant

consideration. As DSD advised that there was no concrete programme on the implementation of the public sewerage system in the area, the two applications could not be supported.

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

[The Chairman resumed the chairmanship at this point.]

#### Deliberation Session

97. A Member said that the main issues of the applications were that the proposed development was located within the WGG, there was no programme on the public sewerage system serving the application sites and the proposed septic tank arrangement was considered unacceptable by the Environmental Protection Department. The similar application (No. A/NE-KLH/450) which was recently approved by RNTPC on sympathetic consideration on the ground of obtaining a previous approval at the same site (No. A/NE-KLH/375) was not relevant for the subject applications. This Member considered that there was insufficient justification for a departure from RNTPC's decision on the subject applications.

98. The Chairman concluded and Members agreed that the subject applications should be rejected on the grounds that the proposed development did not comply with the interim criteria for consideration of application for NTEH/Small House in New Territories in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture; and there was no information to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.

99. After deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture; and
- (b) there was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/406

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone, Government Land in D.D.15, Shan Liu Village, Tai Po

(TPB Paper No. 9274)

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

100. Ms. Jacinta Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Planning Department (PlanD) was invited to the meeting at this point. Members noted that the applicant had indicated that he would not attend the meeting. The Board agreed that the review hearing should proceed in the absence of the applicant. The Chairman then invited DPO/STN to brief Members on the review application.

101. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed house (New Territories Exempted House (NTEH) - Small House) at the application site which fell within an area zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) on 5.10.2012, the application was rejected by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
  - (ii) the proposed development did not comply with the interim criteria for consideration of application for NTEH/Small House in New Territories as the site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognized villages;
  - (iii) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and

- (iv) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground (WGG) would be able to be connected to the public sewerage system and would not cause adverse impact on the water quality in the area;
- (c) the application site was vacant and covered with weeds and some scattered young trees. It fell outside the “V” zone and the ‘VE’ of any recognised villages but was located within the lower indirect WGG. The site was accessible via a local track leading from Shan Liu Road off Ting Kok Road;
- (d) the planning intention of the “GB” zone was primarily for defining the limits and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was general presumption against development within this zone;
- (e) the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) and the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ were relevant to the subject application;
- (f) previous application – no previous application for NTEH/Small House development at the application site was received;
- (g) similar applications – 17 similar applications for Small House development in the area were received. 14 of them were rejected while three were approved;
- (h) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and below:

- (i) the majority of land within the existing “V” zone in Shan Liu had been wrongly planned on hill slopes or woodlands resulting in very limited land available for construction of Small Houses;
  - (ii) in order to prevent water pollution in the WGG, the Drainage Services Department (DSD) had already constructed trunk sewer for Shan Liu Village such that waste water and sewage generated from the Small Houses could be connected to the public sewers. The public sewerage system was expected to be completed in 2013; and
  - (iii) because of improper planning, the legitimate rights of the villagers were unreasonably deprived of. It was unfair to require all planning applications for Small Houses in Shan Liu to fully comply with the relevant criteria and planning guidelines before approval could be granted;
- (i) the departmental comments were detailed in paragraph 6 of the Paper. The relevant government departments had no further views/comments on the review application and maintained their previous views on the s.16 application. The District Lands Officer/Tai Po, Lands Department did not support the review application as the application site was located outside the “V” zone and the ‘VE’ of Shan Liu. The Director of Environmental Protection Department and the Chief Engineer/Mainland North, DSD had no objection to the review application. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the review application as the application site was located within the lower indirect WGG and would cause adverse impact on the water quality in the area. The Director of Agriculture, Fisheries and Conservation had no strong view against the review application. The Chief Town Planner/Urban Design and Landscape, PlanD objected to the review application as approval of the application might set an undesirable precedent to other similar applications in the area and result in urban sprawl and degradation of the existing upland countryside

landscape quality;

- (j) public comments – three public comments on the review application were received. All commenters (including WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation) objected to the review application mainly on the grounds that the proposed development might cause adverse water quality and landscape impacts to the area, and some suspected site formation works might have been conducted in the village; and
  
- (k) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 8 of the Paper which were summarised below:
  - (i) the proposed development was not in line with the planning intention of the “GB” zone;
  
  - (ii) the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages;
  
  - (iii) there was no information provided in the submission to demonstrate that the site formation works would not have significant adverse landscape impact on the surrounding areas. The application did not comply with the TPB PG-No. 10;
  
  - (iv) the applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality within the lower indirect WGG; and
  
  - (v) regarding the commenter’s concern on site formation works in the village, the application site was adjacent to the works area for the village sewerage works and the works area had been cleared and reinstated.

102. As Members had no question on the application, the Chairman thanked DPO/STN for attending the meeting. Ms. Jacinta Woo left the meeting at this point.

#### Deliberation Session

103. Members agreed that the review application should be rejected as the proposed development was not in line with the planning intention of the “GB” zone, the application did not comply with the Interim Criteria and the TPB-PG No. 10, and the applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality within the lower indirect WGG.

104. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 9.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (c) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development would affect the existing natural landscape on the surrounding environment; and

- (d) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would be able to be connected to the public sewerage system and would not cause adverse impact on the water quality in the area.

105. The meeting was adjourned for lunch break at 1:00 p.m.

106. The meeting was resumed at 2:40 p.m.

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

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-Chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Professor P.P. Ho

Mr. Lincoln L.H. Huang

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. H.F. Leung

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Deputy Director of Environmental Protection  
Mr. C.W. Tse

Director of Lands  
Ms. Bernadette Linn  
Deputy Director of Lands (General)  
Mr. Jeff Lam

Director of Planning  
Mr. K.K. Ling

**Tuen Mun and Yuen Long District**

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM/419

Proposed Columbarium and Residential Institution (Quarters)

in Redevelopment Proposal of Gig Lok Monastery

in “Government, Institution or Community” zone,

Lot 2011 (Part) in D.D. 132 and Adjoining Government Land,

Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun

(TPB Paper No. 9275)

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[The meeting was conducted in Cantonese.]

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

Dr. C.P. Lau	owned a flat at Tuen Mun
Mr. Rock C.N. Chen	his father owned textile companies near Tai Hing at Tuen Mun
Ms. Janice W.M. Lai	had business dealings with Knight Frank Petty Ltd, consultant of the applicant
Professor S.C. Wong	one of the consultants of the applicant had previously given donations to the functions organized by The University of Hong Kong

109. As the flat owned by Dr. C.P. Lau and the textile companies owned by Mr. Rock C.N. Chen’s father were located far away from the application site and would not be affected by the subject application, and the interests of Ms. Janice W.M. Lai and Professor S.C. Wong were not related to the application, Members agreed that the interests of Dr. Lau, Mr. Chen, Ms. Lau and Professor Wong were indirect and these Members should be allowed to stay at the meeting for this item. Members noted that Dr. C.P. Lau had not yet arrived and Mr.

Rock C.N. Chen and Ms. Janice W.M. Lai had tendered apologies for being not able to attend the meeting.

Presentation and Question Session

110. The Secretary informed the meeting that a petition from the Incorporated Owners of Parkland Villas against the application was received. The petition letter was tabled at the meeting for Members' reference.

111. The following representatives of the Planning Department (PlanD), the Hong Kong Police Force (HKPF) and the Transport Department (TD) and representatives of the applicant were invited to the meeting at this point:

Mr. W.S. Lau	District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
Mr. C.C. Lau	Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), PlanD
Mr. Ricky Ho Wai Kee	Senior Engineer/Housing & Planning/New Territories West (SE/H&P/NTW), TD
Mr. Philip Boughton Massey	Assistant Divisional Commander (Adm) (Tuen Mun Division), HKPF
Mr. Chung Tin Chee	HKPF
Mr. Cheung Kam Wing	HKPF
Mr. Kim Chan	)
Miss Kerry Lee	) Applicant's Representatives
Miss Anita Wong	)
Mr. Calvin Chiu	)
Mr. Daniel Kong	)

Mr. Kim Chin )  
Mr. Ted Lam )  
Mr. Alnwich Chan )  
Mr. Robert Wee ) Applicant's Representatives  
Mr. Kwan Chi Yuen, Simon )  
Ms. Yip Lai Yin )  
Mr. Chan Sek Chuen )  
Mr. Lee On Wah )  
Mr. Eric Wong Chung Him )

112. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited representatives of PlanD to brief Members on the review application.

[Dr. W.K. Yau and Ms. Bernadette Linn arrived to join the meeting at this point.]

113. With the aid of a Powerpoint presentation, Mr. C.C. Lau, STP/TMYL, made the following main points on the review application as detailed in the Paper:

- (a) the applicant sought planning permission for columbarium use of 4,900 niches and residential institution (quarters) use included in a redevelopment scheme of Gig Lok Monastery (GLM) at the application site zoned "Government, Institution or Community" ("G/IC") on the Tuen Mun Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 16.3.2012 for the following reasons:
  - (i) the proposed development with 4,900 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily

addressed and the access arrangement was not acceptable to both the Commissioner for Transport (C for T) and the Commissioner of Police (C of P);

- (ii) the proposed development did not comply with the TPB Guidelines No. 16 in that the submission failed to demonstrate that the proposed development would not cause the surrounding areas to be susceptible to adverse environmental impacts and nuisances;
  - (iii) the application site fell within the Consultation Zone of Tuen Mun Water Treatment Works which was a Potentially Hazardous Installations (PHI). The PHI Hazard Assessment submitted by the applicant was not acceptable to the Director of Environmental Protection (DEP) as the applicant failed to demonstrate that the proposed development would comply with the risk guidelines stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG); and
  - (iv) the approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative effect of approving such applications would aggravate the traffic congestion and environmental nuisances in the district;
- (c) the applicant had proposed amendments to the redevelopment scheme in the further information submitted in support of the review application. There was no change to the number of niches in the proposed columbarium. The justifications put forward by the applicant in support of the review application were summarized as follows:
- (i) the road and parking layout were revised to provide adequate on-site parking and loading/unloading provisions, and additional space for internal vehicular and pedestrian movements;

- (ii) in addition to the various traffic management schemes proposed at the s.16 stage, which included, (i) visit-by-appointments; (ii) encouraging visitors not to visit the columbarium during the Ching Ming and Chung Yeung Festival periods; (iii) issuing notice to niche owners to encourage visitors to use public transport; (iv) arranging staff to control the internal traffic; and (v) provision of barrier free access within the site, the following measures were also proposed: (i) issuing notice to niche owners that the monastery would not offer any car-parking spaces during Ching Ming and Chung Yeung Festival periods and all private car users must use the nearby car parks; (ii) closure of the G/F access to the canteen and memorial halls during the Ching Ming and Chung Yeung Festival periods to prevent pedestrian crossing the internal driveway; and (iii) hiring suitably trained workers from security company to direct traffic at the drop-off/pick-up areas;
- (iii) the junction capacity calculation of Tuen Fu Road/Tuen On Lane had been updated and it was demonstrated that the junction had sufficient capacity to accommodate the traffic generated by the proposed development during the Ching Ming Festival peak hours. Thus, traffic congestion at this road junction was not anticipated;
- (iv) the landscape proposal had been revised with the provision of 15 additional new trees (i.e. from 22 to 37 trees), deletion of a collapsed tree, felling of four trees, inclusion of design concept and landscape treatment, and provision of green roof;
- (v) the PHI Hazard Assessment had been revised and the individual risk level of the proposed development was acceptable and the additional societal risk and potential loss of life incurred were not significant. With the recommended mitigation measures in place, the risk impact would be further minimized. The PHI Hazard Assessment was accepted by DEP; and

- (vi) the results of the Risk Assessment had concluded that the risk level of the underground high pressure pipeline was acceptable. The recommended mitigation measures would be strictly implemented;

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

- (d) the site was not the subject of any valid previous application. There were no similar applications within the same “G/IC” zone;
- (e) there were seven similar applications for columbarium use within the Tuen Mun area. Application No. A/TM/259 (Tsing Chung Sin Yuen) was approved on 18.2.2000 and Applications No A/TM/255 (Fillial Park) and 387 (Shin Yuen) were approved with conditions on 28.1.2000 and 21.8.2009 respectively. They were approved on the considerations that the surrounding areas were predominated by religious uses and other GIC facilities without adjoining major residential development and columbarium use was not incompatible with the surrounding area; and there were no significant adverse visual or environmental impacts on the surrounding areas. Application No. A/TM/387 (Shin Yuen) was revoked on 17.5.2012 due to non-compliance of the approval condition on the provision of fire service installations and Application No. A/TM/437 (Shin Yuen) on the same site was approved with conditions on 20.7.2012. Application No. A/TM/415 (Shan Gao) was rejected on 6.1.2012 on the grounds of building safety, fire risks or adverse traffic impact. Application No. A/TM/434 at Tsing Shan Tsuen was rejected on 18.5.2012 for the reasons that the proposed development was not compatible with the adjacent developments; and the applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed and that the proposed columbarium would not result in adverse environmental and landscape impacts on the surrounding areas. Application No. A/TM/398 (Fat Yuen Ching Shea) was approved on 30.11.2012 by the Board on review for the reasons that the locality of the application site was considered suitable for columbarium development and the revised traffic

and crowd management plan submitted by the applicant was accepted by concerned departments. The turning facility at the southern end of an access road (Yeung Tsing Road) would be provided to improve the traffic circulation. Pending completion of the proposed turning facility at Yeung Tsing Road, C of P would consider road closures during festivals. Regarding the mechanism to enforce the implementation of the traffic and crowd management measures, the Department of Justice had confirmed that suitable planning conditions could be imposed to ensure the implementation;

- (f) departmental comments – C for T had no further comment on the application provided that the road and parking layout and traffic management scheme proposed by the applicant would be implemented after the applicant had gone through the process of lease modification and gazettal under the Roads (Works, Use and Compensation) Ordinance. C of P had concern about the safety of visitors and the smooth traffic flow at peak hours. He had reservation if the traffic management measures proposed by the applicant would be effective in ensuring that the visitors would visit the site not by private cars. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that whether the proposed construction of a new footpath fell within the meaning of “works” under the Road (Works Use and Compensation) Ordinance, Cap. 370 was subject to statutory provisions under that Ordinance. It was premature at this stage to advise the likelihood of successful implementation of the applicant’s footpath proposal. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) advised that the proposed footpath widening at the southbound of Tuen On Lane might incur additional tree felling beyond the application boundary. Additional landscape impact beyond the site was anticipated. However, no details of the footpath widening, tree protective measures, tree compensatory and landscape proposal were submitted. He therefore had strong reservation on the application. The District Officer/Tuen Mun advised that the Board should take the potential public reaction into account when deliberating the application;

- (g) public comments - a total of 3,053, 4,198 and 3,398 public comments were received respectively during the statutory publication periods for the review application and subsequent further information. About 66%, 83% and 75% of comments received in the three periods respectively objected to the application. The objections were mainly submitted by the residents of the nearby residential development, Parkland Villas. Other commenters objecting to the application included Tuen Mun District Council (TMDC) members; a Yuen Long District Council (YLDC) member; Incorporated Owners of the nearby residential developments; Alliance for the Concern over Columbarium Policy; the Hong Kong and China Gas Co. Ltd; and a number of local organisations and individuals. The commenters objected to the application mainly on the grounds of incompatibility with the adjacent residential developments; traffic congestion; adverse environmental impacts; nuisances and the risks of the nearby chlorine storage at the Tuen Mun Water Treatment Works and the existing high pressure gas pipelines. Two Legislative Councillors also wrote to the Board to raise concerns of the local residents. The Incorporated Owners of Parkland Villas had made a petition to the Board when the request for deferral was considered on 14.9.2012. They also sent letters to the Chief Executive, the Secretariat of the Board, individual Board Members, and government bureau/departments raising their objections to the application. Those commenters who supported the application considered that the GLM site had been a place for worship and religious activities for more than 50 years. They considered that there was a shortage in provision of columbarium, the monastery was well managed, and it would not cause nuisance to the nearby residents;
- (h) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
- (i) the site fell within an area which was predominated by religious uses such as Ching Leung Nunnery, Tin Chai Benevolent and Ecclesia

Bible College, and other GIC facilities. GLM, together with the quarters for the staff and visiting monks, was generally in line with the planning intention of the “G/IC” zone for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory;

- (ii) the proposed buildings of the monastery and quarters of three storeys above basement would not have significant visual impact, and the proposed columbarium at basement would not be visible to nearby residents and passers-by. The heights of the proposed development were within the building height restriction stipulated in the OZP. CTP/UD&L had no comments from the urban design point of view;
- (iii) the subject site was at the eastern fringe of a large “G/IC” zone and adjoined a residential development, Parkland Villas. Parkland Villas and GLM shared the same access road at Tuen On Lane and their entrances were close to each other. The visitors to the GLM and the residents would have to use the same road and large amount of visitors during the Ching Ming and Chung Yeung Festivals would cause nuisance to the residents. The vehicular entrances of the proposed development and Parkland Villas were located both at the cul-de-sac of Tuen On Lane. Large flow of pedestrians along Tuen On Lane and possible illegal parking/queuing of vehicles waiting to enter the site would also cause nuisance to the residents. It was considered that the site was not suitable for columbarium development unless the nuisance and potential conflicts could be minimized or suitably mitigated;
- (iv) the applicant proposed amendments to the road and parking layout and traffic management scheme of the proposed development. C for T had no further comment on the application provided that the road and parking layout and traffic management scheme proposed by the applicant would be implemented after the applicant had gone through the process of lease modification and gazettal under the

Roads (Works, Use and Compensation) Ordinance. However, in view of the strong local objection to the proposed development, the gazetting for the concerned road works would probably invite a large number of objections and DLO/TM considered that it was premature at this stage to advise the likelihood of successful implementation of the applicant's footpath proposal;

- (v) C of P still had major concern on the disruption of pedestrian and traffic flow along Tuen On Lane and nearby roads. Serious traffic jam was likely to arise especially during festival periods and the traffic congestion could hinder the emergency services of the nearby Fire Station and Ambulance Depot at the junction of Tuen On Lane and Tuen Fu Road and the access to the site by emergency services vehicles. C of P had reservation on the effectiveness of the traffic management schemes proposed by the applicant;
- (vi) CTP/UD&L commented that the mature trees proposed to be felled should be retained by setting back the building of the basement. The provision of tree planting in the applicant's lot was limited and the majority of the proposed landscape planting was located on government land. The proposed footpath widening on the southern side of Tuen On Lane might incur additional tree felling beyond the application boundary. Additional landscape impact beyond the site was anticipated. However, no details of the footpath widening, tree protective measures, tree compensatory and landscape proposal were submitted. CTP/UD&L, PlanD therefore had strong reservation on the application from landscape point of view;
- (vii) approval of the application would set an undesirable precedent for other similar applications within the subject "G/IC" zone. Noting that there were other religious institutions including Ching Leung Nunnery and Tin Chai Benevolent in the vicinity, the cumulative effect of approving such applications would aggravate the traffic congestion in the area and nuisances to the nearby residents; and

(viii) there were strong local objections against the proposed development as noted from the large number of objections received.

114. The Chairman then invited the applicant's representatives to elaborate on the application.

115. With the aid of a Powerpoint presentation, Mr. Kim Chan made the following main points:

- (a) since the application was submitted in May 2011, the applicant had made over 20 major amendments to the proposed scheme to address comments from relevant government departments and the public. Technical comments from relevant government departments had been addressed;
- (b) the major amendments to the proposed scheme included:
  - relocation of the two-level columbarium to the basement;
  - reduction of the gross floor area (GFA) of the living-quarters block;
  - adjustment of the building layout;
  - deletion of on-site burning facilities and ritual papers would be collected for centralized processing elsewhere;
  - all ceremonies would be carried out indoor;
  - no external spot lighting would be provided in the redevelopment scheme;
  - various assessments had been undertaken. They included traffic noise impact assessment; sewerage impact assessment; PHI Hazard Assessment; Risk Assessment for the Underground High Pressure Gas

Pipeline and tree survey and landscape proposals;

- the number of tablets had been reduced from 4,605 to 800;
  - the parking and loading/unloading facilities were rearranged; one additional private car/taxi lay-by would be provided; one light goods vehicle parking space was replaced by two coach parking spaces; the proposed 4.5m internal vehicular road was revised to 6m with 2m footpath provided on single side; the part of the southern walkway of Tuen On Lane would be widened to 4m; the western entrance walkway would be widened to 4m; and a new crossing was proposed at Tuen On Road; and
  - the Hong Kong Road Safety Patrol would be appointed to assist road management during festival periods;
- (c) regarding CTP/UD&L's concerns on the felling of the four existing trees on government land within the site, it should be noted that the applicant was requested by the LandsD to demolish the existing retaining structures surrounding the trees. With the removal of the structures, these trees would have no structural support and need to be felled. These trees could be retained if LandsD granted permission to the applicant to retain the existing structures;
- (d) regarding CTP/UD&L's comments that the provision of tree planting in the private land was limited, it should be noted that the private land within the application site was all occupied by structures, car parks and roads. There was no space for additional tree planting, except the seven trees proposed to be planted in the proposed scheme. The applicant therefore included the government land within the application site in order to plant 19 more trees to compensate for the trees to be felled. The land could be leased to the applicant through short term tenancy (STT). The applicant undertook to plant the trees and be responsible for future maintenance. The applicant would also provide more greening, including rooftop

greening, in the redevelopment scheme;

- (e) CTP/UD&L's comments regarding access points and design of the sitting out area and the landscape design could be addressed by imposing relevant approval conditions;
- (f) regarding CTP/UD&L's concerns on tree felling resulted from the proposed road widening, it should be noted that only about 20m of Tuen On Lane was proposed to be widened by 0.5m to 1m. The area involved was paved and no existing trees would be affected;
- (g) as the scale of the proposed road widening was small, it should be regarded as minor works and no gazetting under the Roads (Works, Use and Compensation) Ordinance was required; and
- (h) it was noted that CTP/UD&L considered that the proposed development was not incompatible with the existing landscape character in the area.

116. With the aid of two videos and a Powerpoint presentation, Mr. Kim Chin made the following main points on the traffic aspect of the proposed development:

- (a) as shown in the video taken during the busiest hours (about 11:00 am to 12:00 noon) on Ching Ming Festival day last year, the traffic at the roundabout near the entrance of GLM was not busy;
- (b) the video taken at the access road leading to Fat Yuen Ching Shea also showed that the traffic to the columbarium on Ching Ming Festival day was not busy. The picking up/dropping off activities of visitors would be completed within one minute. About 3,000 to 4,000 niches were provided at Fat Yuen Ching Shea and this was similar to the number of niches to be provided within the GLM upon redevelopment (i.e. about 4,900 niches and 800 tablets);

- (c) the existing entrance to GLM was 5m in width and served as both vehicular and pedestrian access. This access would be widened to 6.5m and would be used as vehicular access only. A separated pedestrian access of 4m would be provided adjacent to the footpath along Tuen On Lane;
- (d) the footpath area proposed to be widened was paved;
- (e) no car parking space would be provided within the proposed development. However, three loading/unloading spaces and two tour-bus lay-bys would be provided. A roundabout would be provided within the development to allow private cars/taxis/tour buses to turn back and leave the monastery. The columbarium would be located on the basement level and visitors could have direct access to the basement after dropping off within the site. As such, pedestrian and vehicular traffic within the site would be separated;
- (f) the application site was located close to the MTR Station and it was also served by many buses/mini buses/MTR feeder; and
- (g) the applicant had also proposed a pedestrian scheme with signs to be installed in various locations near the monastery to show the way to the monastery. Staff of GLM would also be stationed at various locations to direct visitors to the monastery and to the MTR Station and bus stations when leaving the monastery.

117. Mr. Kim Chan and Ms. Kerry Lee made the following main points on the other traffic management measures and responses to relevant departments' comments:

- (a) notices were issued to niches owners in 2011 about the non-provision of car parking spaces on the site during the festival days and the arrangement that all ritual papers would be collected for centralized processing off-site;

- (b) notices were issued in 2012 about the visit-by-appointment arrangement during festival days and the centralized processing of ritual papers off-site;
- (c) notices would be issued again in February 2013 after the Chinese New Year reminding visitors of the above mentioned arrangements and that religious assemblies would be held during the Ching Ming and Chung Yeung Festival periods and descendants would not need to visit the monastery to pay respect to their ancestors on the Ching Ming and Chung Yeung Festival days;
- (d) the Board had recently granted approval to other columbarium developments in Tuen Mun with the imposition of approval conditions on the implementation of traffic management measures to address the concerns of the HKPF on the traffic impact of the columbarium development. The applicant would accept similar approval conditions and any future licensing control when the licensing system on private columbaria was put into practice;
- (e) the GLM had obtained agreement with the Hong Kong Road Safety Patrol to help direct pedestrian and vehicular traffic at the monastery during Ching Ming and Chung Yeung Festivals;
- (f) regarding LandsD's comments on the encroachment of private land in the road widening proposal, the widening proposal would only affect a section of Tuen On Lane (about 20m) and no private land was involved. Subject to the agreement of relevant department, the applicant would be responsible for the design, implementation and future maintenance of the widened footpath;
- (g) regarding the objections raised in the public comments, the applicant had revised the proposed scheme to address the comments and relevant departments had no comments/further comments on the application on all technical aspects;

- (h) subject to the approval by the Board, the applicant would submit application for necessary approvals to the LandsD to effect the proposed redevelopment;
- (i) the rejection reasons suggested in paragraph 8.1 of the TPB Paper were therefore not valid; and
- (j) each proposed development should be assessed on its individual merits and approval of the subject application would not set an undesirable precedent.

118. In response to the Chairman's questions, Mr. Lee On Wah said that the existing niches in GLM were not provided at the same time, but gradually after GLM was built. Mr. Kim Chan said the columbarium had been gradually expanded to provide 4,900 niches since 1995. Among these 4,900 niches, only 753 niches had been occupied.

119. In response to the Chairman's other question, Mr. Kim Chin said that the traffic impact assessment (TIA) was undertaken based on 753 niches and more than 700 tablets being occupied/placed in the columbarium. The assumption adopted in the TIA was accepted by TD. The condition of Fat Yuen Ching Shea which provided about 3,000 to 4,000 niches was similar to the future condition of the proposed columbarium which would provide 4,900 niches and 800 tablets. As such, the traffic condition of Fat Yuen Ching Shea during Ching Ming Festival last year was used to forecast the future condition of GLM upon redevelopment.

120. In response to the Chairman's question, Mr. Chan Sek Chuen said that he understood that the niches in Fat Yuen Ching Shea were only sold a few years ago after it was redeveloped.

121. In response to a Member's questions on the invitation sent to the Hong Kong Road Safety Patrol and the response of the visit-by-appointment system, Mr. Kim Chan showed GLM's invitation letter to the Hong Kong Road Safety Patrol and the letter from the Hong Kong Road Safety Patrol agreeing to help manage pedestrian and vehicular traffic during Ching Ming and Chung Yeung Festivals. To invite the Hong Kong Road Safety Patrol to help manage the traffic condition was a response to the comment of the HKPF on

the lack of trained staff to handle traffic management measures proposed by the applicant. Mr. Chan said that the visit-by-appointment system was only introduced in 2011 and it was difficult to estimate the response of the visitors. In addition, while the visitors were encouraged to make appointment before visiting the monastery during festival days, it was difficult for GLM not to allow visitors to enter the monastery if no appointments were made before visiting. However, it was noted that the number of visitors to the monastery during the Ching Ming Festivals in 2011 and 2012 had been reduced.

122. In response to a Member's question, Mr. Kim Chan said that in the past, the Hong Kong Road Safety Patrol had helped to manage traffic conditions in many large-scale functions in Hong Kong.

123. Mr. Philip Boughton Massey, HKPF, said that as the Hong Kong Road Safety Patrol was a voluntary group which members were primarily young people, it was doubtful that the applicant's traffic management measures to be undertaken by this voluntary group would be effective, in particular in handling crowd management, illegal parking, picking up/dropping off of visitors and pedestrian crossing matters.

124. Mr. Kim Chan agreed that the Police should be the most competent party to manage traffic condition. However, owing to the limited resources of the Police, the deployment of other patrol group to manage the traffic condition should be considered as an option. In addition, it was believed that the visitors would follow instructions on traffic arrangement when visiting the monastery.

125. The Vice-chairman noted that the pedestrian flows showed in the petition letter submitted by the Incorporation Owners of Parkland Villas were much greater than that shown in the applicant's traffic consultant's videos. He asked how the applicant could ensure the safety of pedestrians, in particular at the roundabout near the entrance of the monastery. Mr. Kim Chin said that the pedestrian flow within the monastery would be managed by its staff and there would be separation between pedestrian and vehicular traffic. The proposed pedestrian entrance would be located near the footpath of Tuen On Lane, which could direct pedestrians into the monastery without any conflict with the vehicular traffic. For the traffic outside the monastery, traffic signs would be installed at various locations near the monastery to show the way to the monastery. Staff of GLM would also

be stationed at various locations to direct visitors to the monastery and to the MTR Station and bus stations when leaving the monastery. Mr. Chin said that turnaround facility would be provided inside the monastery to encourage private cars and taxis to drop off passengers inside the monastery. As such, there was no need for visitors to be dropped off at the roundabout outside the monastery.

126. In response to a Member's question on the assessment of traffic flow, Mr. Cheung Kam Wing, HKPF, said that according to his experience, the peak visiting hours during festival days should be from 11:00 am to about 5:00 pm. He therefore had reservation on the traffic flow assessment as shown by the videos undertaken by the applicant's traffic consultant from 11:00 am to 12:00 noon at Ching Ming Festival last year.

127. Mr. Kim Chin said that traffic survey for the whole day of Ching Ming Festival last year had in fact been undertaken. According to his previous assessments of other columbaria, the ratio of visitors to the number of niches was about 1 to 1. As such, the estimate of about 1,000 visitors to GLM was considered appropriate with the existing number of niches and tablets. It was estimated that the number of visitors to GLM would be increased to about 5,000 upon completion of the redevelopment scheme.

128. In response to the same Member's question, Mr. Robert Wee said that according to the Buildings Department (BD)'s requirement, the provision of toilet facilities was assessed based on the whole monastery, not only the columbarium. In response to another Member's question, Mr. Wee said that the columbarium at the basement level with 641.63m<sup>2</sup> gross floor area (GFA) could accommodate about 600 people at any one time according to BD's requirement.

129. In response to a Member's questions, Mr. Kim Chan said that the size of each niche would be 10 inches x 10 inches and the GFA of the proposed columbarium would be 641.63m<sup>2</sup>. The land that would be affected by the proposed road widening was government land but it was at present occupied by Ching Leung Nunnery.

130. In response to the question of Mr. K.K. Ling, Director of Planning, Mr. W.S. Lau said that the Fu Tei Fire Station was located at the junction of Tuen On Lane and Tuen Fu Road. Emergency vehicles leaving the fire station would turn north or south to Tuen Fu

Road and Castle Peak Road. Mr. Philip Boughton Massey displayed a photograph which showed that four coaches were parked at Tuen Fu Road and had blocked the whole lane. These had affected the emergency vehicles from entering/leaving the fire station. He said that it would be difficult to estimate how much traffic would be increased with the provision of 4,900 niches in the proposed development. Mr. Cheung Kam Wing supplemented that there had been complaints on illegal parking of coaches along Tuen Fu Road during festival days, which might also affect emergency services of the fire station and ambulance depot.

131. In response to the Chairman's question, Mr. Rick Ho Wai Kee, SE/H&P/NTW, said that the TIA submitted by the applicant had made reference to the traffic flow during the last Ching Ming Festival. In estimating the future traffic flow, the TIA had taken into account the provision of new niches in the proposed development which might attract more visitors. The assessment was accepted by TD.

132. In response to the Chairman's questions, Mr. Philip Boughton Massey said that the main concern was that there was only one single-lane access to the application site, which also served Parkland Villas, a high-density residential development accommodating about 10,000 people. Any blockage of the access road would affect provision of emergency services. Mr. Cheung Kam Wing said that temporary prohibition of on-street picking up/dropping off activities would require installation of temporary traffic signs and road markings. However, the Police could not make any temporary road markings. Furthermore, if temporary road closure was adopted, it would affect the residents in the adjacent residential development and visitors to the other sites.

133. Mr. Kim Chin said that railings had been installed in the area to discourage on-street picking up/dropping off activities. This arrangement was similar to that of Fat Yuen Ching Shea at Yeung Tsing Road. In addition, the applicant would provide turnaround and picking up/dropping off facilities within the monastery. Visitors did not have to alight at Tuen On Road and the roundabout outside the site.

134. Mr. Cheung Kam Wing said that the condition at Fat Yuen Ching Shea was different as there was a private road leading from Yeung Tsing Road to Fat Yuen Ching Shea and there was also a large parking area. However, GLM was only accessible through Tuen On Lane, which was also the access of Parkland Villas.

135. Mr. Kim Chan drew Members' attention that the Fire Services Department had no objection to the application.

136. Mr. K.K. Ling said that while at present there were 753 niches being occupied in GLM, the proposed redevelopment to include a columbarium with a total of 4,900 niches should be regarded as a new columbarium development. He asked DPO/TMYL what planning considerations should be taken into account in the planning for a new columbarium and whether the subject site which was located adjacent to a residential development was suitable for columbarium development. In response, Mr. W.S. Lau said that the application site was zoned "G/IC" where temple (regarded as a religious institution) was in line with the planning intention of and permitted as of right under the "G/IC" zone. A small number of niches serving as ancillary use to the temple was also permitted under the zone. As the site was adjacent to a high-density residential development with about 2,000 flats and the residential development shared the same access with the application site, the development of a columbarium with 4,900 niches was considered not compatible with the surrounding uses. The application site and its surrounding areas had a tranquil environment. A large number of visitors going to the columbarium during Ching Ming and Chung Yeung Festivals would create nuisance to the local residents. Any proposed columbarium should have a separate access for its sole use and should not cause adverse traffic impact on the surrounding areas.

137. In response to the questions of Ms. Bernadette Linn, Director of Lands, Mr. Cheung Kam Wing said that it might not be possible to close the road temporarily as it would affect emergency vehicular access and access to the other sites in the area. Huge amount of manpower resources would also be involved to implement road closure in the area. Furthermore, if there was temporary road closure, private cars and coaches would be parked at the adjacent areas and blocking the roads in these adjacent areas. While there were railings installed along Tuen On Lane, people might still alight along the road when there was traffic congestion. The width of the entrance to GLM upon redevelopment would be about 6m only, which was not sufficient for two cars to enter and leave the site at the same time. It was also noted that there was a level difference of 7m at the entrance of GLM and the manoeuvring space was limited. It would be difficult for coaches to enter and leave the site.

138. Mr. Kwan Chi Yuen, Simon said that the ingress/egress of Parkland Villas adjacent to GLM was only for vehicular access. It was not an entrance for pedestrians. Residents would use the entrances at Block 9 and Block 4 near Lingnan University and the fire station respectively for entering and leaving the Parkland Villas. Mr. Lee On Wah said that GLM would encourage visitors to the columbarium not to burn ritual papers at the monastery. All ritual papers would be collected for centralized processing off-site, such as burning facilities at cemetery. Mr. Lee said that there was no restriction regarding the location for descendants to pay respect to their ancestors. As such, the ritual papers for worshipping their ancestors could be burnt anywhere.

139. Mr. Kim Chan said that columbarium was a facility which was much needed by the community. Some of the residents of Parkland Villas were also owners of niches in GLM. The proposed niches in GLM would not be sold all at once, but gradually over years. As for the arrangement of burning ritual papers, there was similar arrangement in Wong Tai Sin Temple. Burning facility had not been provided at GLM since 2011. The applicant had also undertaken that facility for burning ritual papers would not be provided in the monastery upon redevelopment. Mr. Kwan Chi Yuen, Simon said that many people would use the columbarium facilities provided by GLM because of their religion.

140. In response to a Member's question, Mr. Kwan Chi Yuen, Simon said that each week about two to three packs of ritual papers would be collected for centralized processing off-site. Mr. Kwan also pointed out that the Hong Kong Buddhist Association held many large-scale functions and ceremonies each year and the Association also collected the ritual papers for burning at the Hong Kong Buddhist Cemetery at Chai Wan.

141. In response to a Member's question, Mr. Kim Chan said that the proposed felling of four existing trees was due to the demolition of the retaining structures surrounding these trees as required by the LandsD. The applicant had no intention to occupy the government land, but to plant trees on the government land to compensate for the felling of the four existing trees. The applicant would apply for STT or land exchange to allow for the occupation of the concerned government land and to allow the applicant to be responsible for its management and maintenance. It was a common practice of LandsD to grant government land as part of a private development if the land had no useful purpose. Mr. Alnwick Chan said that the concerned government land was land locked with no access. It

would not have any useful purpose if it was not granted to the applicant.

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

#### Deliberation Session

143. Members generally considered that the subject site which was located adjacent to a residential development was considered not suitable for columbarium development. In addition, the applicant had not provided sufficient information to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding road network. Members also doubted if the applicant's traffic management measures to be undertaken by the Hong Kong Road Safety Patrol the members of which were youngsters would be effective, in particular in handling crowd management, illegal parking, picking up/dropping off of visitors and pedestrian crossing matters. Moreover, the Police would not allow the Patrol to direct pedestrian or vehicular traffic on public roads due to safety reasons.

144. Regarding the concerns on PHI of Tuen Mun Water Treatment Works, Mr. C.W. Tse, Deputy Director of Environmental Protection, confirmed that the revised PHI Hazard Assessment submitted by the applicant had addressed the individual risk and societal risk of the PHI associated with the proposed development and demonstrated that the PHI hazard was within the established planning standards.

145. Living in the vicinity of a cemetery, a Member observed that during festival days, there was serious illegal parking problem in the surrounding area of the cemetery. This Member agreed with the Police's concerns on the possible blocking of the roads due to illegal parking in the surrounding area of the application site during festival days. This Member also considered that road closure would affect residents living in the area.

146. Another Member said that there was concern on the shared use of the access road and the roundabout of Parkland Villas and GLM.

147. A Member said that the applicant's representatives had not provided adequate and accurate information to support the proposed development. For example, there was no information on the response of the visit-by-appointment arrangement from the visitors of GLM.

148. In response to the questions of Ms. Bernadette Linn, the Secretary said that the applicant proposed to redevelop GLM with the provision of 4,900 niches. While monastery was permitted within the "G/IC" zone, planning permission was required for the provision of columbarium. If the applicant proceeded with the redevelopment of GLM with the provision of 753 niches which were at present occupied, the applicant still had to demonstrate that the existing 753 niches were in existence before the first publication of the OZP covering the Tuen Mun area.

149. Mr. K.K. Ling said that the Board should consider the applicant's proposal which included a columbarium with 4,900 niches as stated in the applicant's submission.

150. Members generally considered that the subject site being located adjacent to a high-density residential development was not suitable for columbarium use as the visitors to the columbarium would cause nuisance to the residents in the surrounding areas. The Chairman said that the applicant also did not demonstrate any planning merits of the proposed development. There were concerns on adverse traffic impact and nuisance caused to the nearby residents and these concerns had not been adequately addressed by the applicant. The application could not be supported.

151. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the applicant failed to demonstrate any planning merits of the proposed development;

- (b) the proposed development with 4,900 niches would pose adverse traffic impact on the surrounding road network. There was doubt on the implementability of the road layout in particular footpath widening on government land as proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed;
- (c) the applicant failed to demonstrate that the effectiveness of the traffic management scheme to ensure that the proposed development would not create adverse traffic impact on the surrounding area, in particular during festival periods;
- (d) the proposed development, which involved trees felling was considered not acceptable. There was doubt on the implementation of the landscape proposal which involved planting of new trees on government land;
- (e) the applicant failed to demonstrate that the proposed development would not create conflict and cause nuisances to the residents in surrounding areas; and
- (f) approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative effect of approving such applications would aggravate the traffic congestion in the district and nuisances to the nearby residents.

[Professor P.P. Ho and Mr. Stanley Y.F. Wong left the meeting at this point.]

**Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/574

Temporary Community Based Recyclable Collection Centre  
(including Plastics, Paper and Metals) for a Period of 3 Years

in “Residential (Group D)” zone,

Lots 1526 (Part), 1528 RP (Part), 1529 RP (Part), 1531 (Part), 1532 (Part)

and 1533 (Part) in D.D. 121 and Adjoining Government Land,

Shan Ha Tsuen, Yuen Long

(TPB Paper No. 9276)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Session**

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

Mr. W.S. Lau	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD
Mr. Wong Chor Yiu	Applicant
Mr. Francis Lau	) Applicant’s Representatives
Ms. Silvia Chan	)

153. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review application.

154. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, made the following main points on the review as detailed in the Paper:

- (a) the applicant sought planning permission for temporary community based recyclable collection centre (including plastics, paper and metals) for a period of three years at the application site zoned “Residential (Group D)”

("R(D)") on the draft Tong Yan San Tsuen Outline Zoning Plan (OZP);

(b) the application was rejected by the RNTPC on 15.6.2012 for the following reasons:

(i) the development was not in line with the planning intention of the "R(D)" zone, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;

(ii) the application did not comply with the TPB Guidelines No. 13E in that no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and

(iii) setting of an undesirable precedent for similar uses to proliferate into the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;

(c) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:

(i) four containers each of 1m (L) x 1m (W) x 1.14m (H) would be placed at the entrance of the site to collect sorted recyclable materials (aluminum cans, plastic, paper and other recyclable materials) from the community. Banners were hung over the containers and outside

the entrance of the site to notify people in the vicinity that they might dump their sorted recyclable materials at the site; and

- (ii) there was a lack of recycling facilities in the area. The proposed temporary community-based recyclable collection centre could help handle the recycled wastes collected from the local villagers/residents and reduce waste generation;
  
- (d) previous applications - the site was involved in three previous applications submitted by different applicants. Application No. A/YL-TYST/61 for temporary car, lorry and container trailer park for a period of 12 months was approved with conditions on the grounds that the development was not incompatible with the adjacent land uses, which were predominated by open storage yards and vacant land; the proposed development was not expected to cause significant adverse traffic and environmental impact; the temporary use would not frustrate the permanent development of the site; and the approval of the application was an interim arrangement to alleviate the acute shortage of car parking land in the area. Application No. A/YL-TYST/123 for temporary vehicle park for cars, lorries and container trailers for a period of three years was rejected on the grounds that the development was not in line with the planning intention of the “R(D)” zone; the development was not compatible with the residential structures in the vicinity; approving the application would result in a further degradation of the environmental and traffic conditions of the area; there was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impact on the surrounding areas; there was insufficient information in the submission to demonstrate why suitable sites within the “Undermined” zone between Shan Ha Tsuen and Kung Um Road could not be made available for the development. Application No. A/YL-TYST/163 for temporary open storage of finished toy products and general dry storage for a period of one year was rejected on similar grounds;

- (e) similar applications - ten similar applications for temporary open storage uses were approved. However, three of these applications were revoked subsequently due to non-compliance with approval conditions. 31 similar applications were rejected mainly on the grounds that the developments were not in line with the planning intention of the area and were incompatible with the surrounding land uses; there was insufficient information in the submissions to demonstrate that the developments would not cause adverse environmental, drainage and/or landscape/visual impacts on the surrounding areas; and approval of the applications would set undesirable precedent for other similar applications;
- (f) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the northeast and south and in the vicinity of the site, and environmental nuisance was expected. Other relevant departments had no comment on/objection to the application;
- (g) public comments - no public comment was received on the review application;
- (h) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
  - (i) the development was not in line with the planning intention of the “R(D)” zone, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. It was incompatible with the residential structures in the surrounding areas, in particular those to its northeast and south;

- (ii) the application site fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions;
- (iii) the application did not comply with the TPB Guidelines No. 13E in that the DEP did not support the application as there were sensitive receivers of residential uses to the northeast and south and in the vicinity of the site, and environmental nuisance was expected. The applicant had failed to demonstrate that the development would not generate adverse environment impact on the surrounding areas;
- (iv) although the use applied for was a temporary community based recyclable collection centre, the appearance and nature of the development as well as the mode of operation were akin to an open storage yard; and
- (v) all the previous application on the site and similar applications in the area were approved prior to the classification of the sites into the current 4 categories under the TPB Guidelines for Application for Open Storage and Port Back-Up Uses. No further similar application had been approved within the same “R(D)” zone since then. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(D)” zone, causing degradation to the surrounding environment.

155. The Chairman then invited the applicant’s representatives to elaborate on the application.

156. With the aid of a Powerpoint presentation, Mr. Francis Lau made the following main points:

- (a) the proposed use was a community-based recyclable collection centre to handle wastes generated in the neighbourhood at the source. This was in support of the government policy on reuse and waste recycling;
- (b) containers were provided in the site to collect waste from residents in the surrounding area. The applicant had also printed pamphlets to encourage people to bring their wastes to applicant's site for recycling;
- (c) the site had been surrounded by non-residential uses since 1992 when the first statutory plan covering the area was exhibited. The site was also separated from other sites by a water channel to the east and a road to the west. Residential development was not expected to be developed in the area in the near future;
- (d) there were existing waste recyclable centres in residential neighbourhood in the urban area, including Tai Koo Place and San Po Kong. These recyclable centres were located adjacent to restaurants and school. Compressing machines were also installed in these waste recyclable centres. These existing recyclable centres were not regarded as incompatible with the surrounding residential and school uses;
- (e) being located in the "R(D)" zone, the subject recyclable centre provided a convenient collection point for wastes generated in the neighbourhood. It would be meaningless if a community-based recyclable centre was located far away from the residential area. The increase in travel distance to the recyclable centre from the residential neighbourhood would also increase nuisance;
- (f) the recyclable centre was a modern facility and it helped to reduce wastes at source and relieve burden on landfill;

- (g) as it would be adequate to provide one waste recyclable centre to serve one district, it would not create an undesirable precedent if approval was granted to the subject recyclable centre;
- (h) the subject recyclable centre was small to medium in scale and was for collecting, sorting and temporarily storing of recyclable items. The items collected were clean materials and minimal operations were to be undertaken on site. Therefore, the centre would not generate any significant adverse noise and visual impacts or water pollution to the surrounding area;
- (i) the operation hours were restricted to 9:00 am to 6:00 pm from Mondays to Saturdays. No heavy vehicle exceeding 10 tonnes were allowed to enter/exit the site;
- (j) most of the relevant government departments had no comment on or objection to the application, except DEP and PlanD;
- (k) regarding DEP's concern on the presence of sensitive receivers in the vicinity, the machines installed at the recyclable centre were for compressing the waste paper collected. No excessive noise would be created as there were a shed over the machine and containers on both sides of the machine to screen off the noise. The compressing machines were located on the eastern portion of the site, which were about 50m and 70m away from the residential dwellings to the northeast and to the south respectively. The solid fencing along the site boundary helped to reduce the possible noise generated. The site was hard paved and there would not be dust pollution;
- (l) landscape proposal to enhance the screening and greening effect had been submitted. CTP/UD&L had no objection to the application;
- (m) drainage proposal had been submitted and the Drainage Services Department had no objection to the application provided that there was no

adverse drainage impact on the subject areas;

- (n) adequate fire services installations would be provided on the site subject to planning approval. The Fire Services Department had no objection to the applied use;
- (o) the applicant had explained the concept and operation of the subject recyclable centre to villagers, village representatives and District Councillors. Mr. Tang Hing Yip (a Yuen Long District Councillor), Mr. Law Chun Chung, Mr. Tang Kin Kwok and Mr. Lam Yu Tung (village representatives of Tong Yan San Tsuen) and five local residents of Tong Yan San Tuen supported the subject application for the reasons that there was a lack of recycling facilities in the district; the proposed recyclable centre helped to collect and sort recyclable goods; the proposal was a response to the government policy on encouraging waste reduction and recycling; and it was a contribution to the district. Mr. Lam Yu Tung had previously sent an objection letter against the application, but now he supported the application;
- (p) no objection was received by the District Office on the subject application. Two public comments received during the publication of the subject application were related to land dispute, not the applied use. The other two comments were related to environmental issue, which had been addressed by the applicant; and
- (q) the Board was requested to approve the application in response to the aspiration of the local residents and the government policy on waste reduction and recycling.

157. In response to a Member's question, Mr. W.S. Lau said that the sensitive receivers referred to in DEP's comments were residential dwellings. Mr. Lau also showed a photograph of the application site which indicated that other than waste paper, the subject recyclable centre also collected waste metal and the waste metal was stored in the open area. The processing of the waste metal in the open area would generate noise impact on the

surrounding area.

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

#### Deliberation Session

159. A Member said that the subject use was in fact an industrial collection centre, rather than a community recyclable centre as claimed by the applicant. Such use would generate adverse environmental impact on the surrounding area.

160. After deliberation, the Chairman concluded Members' view that the application site should not be approved as it was not in line with the planning intention of the "R(D)" zone and the TPB Guidelines No. 13E.

161. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the "R(D)" zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that no relevant technical assessments had been included in the

submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[Mr. Timothy K.W. Ma left the meeting at this point.]

**Agenda Item 10**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TYST/610

Temporary Open Storage of Recycled Goods (Used Electronic Appliances)  
with Ancillary Workshop and Site Office for a Period of 3 Years  
in “Undetermined” zone,

Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part),  
327 S.D (Part), 328 (Part), 334 (Part) and 335 (Part) in D.D.119,  
Shan Ha Tsuen, Yuen Long, New Territories

(TPB Paper No. 9277)

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[The meeting was conducted in Cantonese.]

**Agenda Item 11**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TYST/613

Temporary Open Storage of Construction Materials, Machinery and Scrap Metal  
with Ancillary Site Office for a Period of 3 Years

in “Undetermined” and “Village Type Development” zones,

Lots 322 S.A (Part), 323 (Part), 324 (Part) and 1421 (Part) in D.D. 119,

Tong Yan San Tsuen, Yuen Long, New Territories

(TPB Paper No. 9278)

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[The meeting was conducted in Cantonese.]

162. As the two review applications were similar in nature and the application sites were located in close proximity to each other, the Chairman suggested and Members agreed that the two reviews should be considered together.

**Presentation and Question Session**

163. The following representatives of the Planning Department (PlanD) and Transport Department (TD) and representatives of the applicants were invited to the meeting at this point:

Mr. W.S. Lau	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD
Mr. James Wong Him Yau	Senior Engineer/North West (SE/NW), TD
Mr. Francis Lau	) Applicants' Representatives
Ms. Silvia Chan	)

164. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review applications.

165. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, made the following main points on the reviews as detailed in the Papers:

Application No. A/YL-TYST/610

- (a) the applicant sought planning permission for temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site office for a period of three years at a site zoned “Undetermined” (“U”) on the draft Tong Yan San Tsuen Outline Zoning Plan (OZP);
- (b) on 5.10.2012, the application was approved with conditions on a temporary basis for a period of three years until 5.10.2015 by the RNTPC;
- (c) on 9.11.2012, the applicant applied for a review of RNTPC’s decision to impose condition (e) prohibiting the entry/exit of heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance to/from the site at any time during the planning approval period;
- (d) the applicant had not submitted any written submission in support of the review application ;
- (e) previous applications - the site was the subject of four previously approved applications for temporary open storage of marble (Applications No. A/YL-TYST/178, A/YL-TYST/243, A/YL-TYST/320, A/YL-TYST/448 covering the same site, submitted by a different applicant;
- (f) similar applications - 156 similar applications were approved with conditions. However, 46 of these applications were revoked subsequently due to non-compliance with approval conditions. Starting from 2006, 80 applications were imposed with conditions that prohibited the use of heavy goods vehicles (and some also prohibited the use of medium goods vehicles) as environmental mitigation measures. 31 similar applications

were rejected;

- (g) departmental comments – the Commissioner for Transport (C for T) advised that the local access track was narrow and the road width would not be sufficient for turning of long vehicles, like medium and heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, particularly at the turning points of the access track. The DEP advised that there were sensitive receivers of residential uses to the northwest of and within 100m of the site and within 50m of the access road, including Shan Ha Road, to and from the site. As the heavy vehicle traffic so generated might cause environmental nuisances to the sensitive receivers, he had reservation on the application;
- (h) public comments - one comment received from a Yuen Long District Council Member raised objection to the review application on the grounds of noise nuisance to the neighbouring residential dwellings and the potential damage to the local access track due to increase in traffic flow of heavy goods vehicles;
- (i) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
  - (i) the application site fell within Category 1 area which was considered suitable for open storage and port back-up uses under the TPB Guidelines No. 13E and the application was approved with conditions on a temporary basis for three years;
  - (ii) the applicant requested for a review of RNTPC's decision to impose condition (e) prohibiting the entry/exit of heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance to/from the site at any time during the planning approval period. However, the applicant had not made any submission to support the application;

- (iii) to address DEP's concerns, the applicant clarified during the s.16 stage that 24-tonnes goods vehicles would be used for transporting recycled goods. C for T confirmed that goods vehicle of 24 tonnes was classified as medium goods vehicle, while goods vehicle exceeding 24 tonnes was classified as heavy goods vehicle. Therefore, using 24-tonnes goods vehicle for logistics would not violate the approval condition (e);
  
- (iv) C for T considered that the vehicular access track leading to the site was narrow and the width of the track would not be sufficient for the manoeuvring of long vehicles, such as heavy goods vehicles exceeding 24 tonnes including container tractors/trailers at the turning points of the access track. DEP had reservation on the review application due to the potential environmental nuisances arising from heavy vehicle traffic generated from the site; and there were sensitive receivers of residential uses to the northwest of and within 100m of the site and within 50m of the access road, including Shan Ha Road, to and from the site. The applicant failed to demonstrate in the s.17 review stage that the use of heavy goods vehicles exceeding 24 tonnes would not generate adverse environmental and traffic impacts on the surrounding area;
  
- (v) there was a public comment objecting to the review application on the grounds of noise nuisance to the nearby residential dwellings and the potential damage to the local access track due to increase in traffic flow of heavy goods vehicles;

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- (j) the applicant sought planning permission for temporary open storage of construction materials, machinery and scrap metal with ancillary site office for a period of three years at a site zoned "U" and "Village Type Development" ("V") on the draft Tong Yan San Tsuen OZP;

- (k) on 5.10.2012, the application was approved with conditions on a temporary basis for a period of three years until 5.10.2015 by the RNTPC;
- (l) on 5.11.2012, the applicant applied for a review of RNTPC's decision to impose condition (e) prohibiting the entry/exit of heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance to/from the site at any time during the planning approval period;
- (m) the applicant had not submitted any written submission in support of the review application ;
- (n) previous applications - the site was involved in five previously approved applications for temporary open storage uses (Applications No. A/YL-TYST/208, A/YL-TYST/250, A/YL-TYST/352, A/YL-TYST/486, A/YL-TYST/539) covering slightly different site boundaries submitted by different applicants;
- (o) similar applications – 156 similar applications were approved with conditions. However, 44 of these applications were revoked subsequently due to non-compliance with approval conditions. Starting from 2006, 80 applications were imposed with conditions that prohibited the use of heavy goods vehicles (and some also prohibited the use of medium goods vehicles) as environmental mitigation measures. 31 similar applications were rejected;
- (p) departmental comments – C for T advised that the local access track was narrow and the road width would not be sufficient for turning of long vehicles, like medium and heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, particularly at the turning points of the access track. DEP did not support the application as there were sensitive receivers of residential uses to the northeast and southwest of the site, and environmental nuisance was expected;

- (q) public comments - one comment received from a Yuen Long District Council Member raised objection to the review application on the grounds of noise nuisance to the neighbouring residential dwellings and the potential damage to the local access track due to increase in traffic flow of heavy goods vehicles;
  
- (r) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
  - (i) the subject site fell largely within Category 1 areas (i.e. about 89.3% of the site in the “U” zone) and partly within Category 4 areas (i.e. about 10.7% of the site in the “V” zone). Category 1 areas were considered suitable for open storage and port back-up uses. Favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions;
  
  - (ii) the application was approved by the RNTPC mainly on considerations that most of the site was zoned “U” on the OZP and the applied use was not in conflict with the planning intention of the “U” zone, which was generally intended for open storage use but was designated with this zoning mainly due to the concerns of the capacity of Kung Um Road; the development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouses and workshops; the applied use generally complied with TPB Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions; and there were similar applications in this part of the “U” zone, which had been approved with conditions;

- (iii) DEP did not support the application at the s.16 stage as there were sensitive receivers of residential uses to the northeast and southwest of the site and environmental nuisance was expected. In order to mitigate the potential environmental nuisance, the applicant proposed to prohibit the use of heavy goods vehicle exceeding 24 tonnes or container vehicle for operation of the site. To address the environmental concerns raised by DEP, approval condition (e) prohibiting the use of heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, was recommended based on the applicant's proposal during the s.16 application;
  
- (iv) from the environmental point of view, DEP maintained his previous view of not supporting the review application as there were sensitive receivers of residential uses to the southwest and northeast of the site (about 40m and 30m away respectively) and environmental nuisances was expected. C for T considered that the vehicular access track leading to the site was narrow and the width of the track would not be sufficient for the manoeuvring of long vehicles, such as heavy goods vehicles exceeding 24 tonnes including container tractors/trailers at the turning points of the access track. The applicant failed to demonstrate in the s.17 review stage that the use of heavy goods vehicles exceeding 24 tonnes would not generate adverse environmental and traffic impacts on the surrounding area; and
  
- (v) there was a public comment objecting to the review application on the grounds of noise nuisance to the nearby residential dwellings and the potential damage to the local access track due to increase in traffic flow of heavy goods vehicles.

166. The Chairman then invited the applicants' representatives to elaborate on the applications.

167. With the aid of a Powerpoint presentation, Mr. Francis Lau made the following main points:

- (a) the application site of A/YL-TYST/610 was the subject of four previous approvals, but none of which was subject to approval condition prohibiting the use of heavy goods vehicles exceeding 24 tonnes entering/exiting the site. The applicant had all along used heavy vehicles for operation and the restriction on use of heavy vehicles would affect the operation of the open storage use at the site;
- (b) all the land in this area was owned by the local villagers of Shan Ha Village. The local villagers rented out their land for open storage uses to make a living. As such, the villagers would not have any objection to the open storage uses in the area;
- (c) the surrounding areas were mostly occupied by existing open storage uses, including the open storage of containers. This demonstrated that the use of heavy vehicles including container vehicles was allowed in this area. It was not reasonable to prohibit the use of heavy vehicles at the application sites since there was no change in planning circumstances. The Government should be requested to explain whether there was a change in policy; and
- (d) the road leading to the sites was a private road not managed or maintained by the Government. There was no roundabout or hammer head at the end of the road. There was mutual agreement among the open storage operators in the area to use the road as a common access by heavy vehicles to their sites.

168. In response to the Chairman's question, Mr. Francis Lau said he originally thought that vehicles of 24 tonnes should be adequate in serving the applied use. Confirmations that vehicles of 24 tonnes would be used on the sites were submitted to the Board (Appendices Ib of the Papers) during the s.16 stage. It was hoped that the Board would give favourable consideration to the subject applications if heavy vehicles exceeding

24 tonnes would not be used. However, the applicants subsequently confirmed that heavy vehicles exceeding 24 tonnes had to be used for the applied uses and prohibiting the use of heavy vehicles would make the operation of the open storage yards very difficult. The Board had never imposed any approval condition prohibiting the use of heavy vehicles on the previous approvals at the sites. He therefore doubted whether there was a change in government policy for the area.

169. The Chairman said that it was not an issue of whether there was a change of government policy in allowing the use of heavy vehicles in the area or not. The subject applications were considered by the RNTPC on the terms of the applications as submitted, which included the applicants' confirmations that only vehicles of 24 tonnes would be used.

170. Mr. K.K. Ling, Director of Planning, said that the review hearing should focus on the subject applications, but not the other sites in the area. He also pointed out that since the subject access road was narrow, the use of heavy vehicles should not be allowed unless the road was widened by setting back the sites along the road. In response to the question from Mr. K.K. Ling, Mr. W.S. Lau said that while the access road leading to the application sites was very narrow, there was two-way traffic along the road.

171. In response to a Member's question on the size of a heavy vehicle exceeding 24 tonnes and how it related to the width of the road, Mr. Francis Lau said that he did not have such information but the road had all along been used by heavy goods vehicles.

172. In response to the Chairman, Mr. James Wong Him Yau, SE/NW, TD, advised that in general vehicles exceeding 24 tonnes or longer than 11m were regarded as heavy vehicles. The width of a heavy vehicle was 2.5m.

173. Mr. Francis Lau displayed plans showing the ingress/egress and internal layouts of the sites for Members' reference and said that long vehicles could turn within the sites.

174. As the applicants' representatives had no further comment to make and Members had no further questions, the Chairman informed the applicants' representatives that the hearing procedures for the reviews had been completed and the Board would further deliberate on the applications in their absence and inform the applicants of the Board's

decision in due course. The Chairman thanked the applicants' representatives and representatives from PlanD and TD for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

175. A Member said that the width of the access road had imposed restriction on the use of heavy vehicles in the area.

176. A Member said that it should be the responsibility of the applicants to demonstrate that the access road was wide enough for turning of long vehicles to support the deletion of the approval condition (e).

177. A Member said that the applicant had not provided sufficient information to support the deletion of the approval condition (e). This view was shared by another Member who said that the applicants' representative did not even have any information on the size of heavy vehicles to support his argument.

178. In response to a Member's question on the previous approval at the application site of A/YL-TYST/610 without imposing an approving condition to prohibit the use of heavy goods vehicles, the Secretary clarified that the use under the previous approval was for storage of marble which was different from the subject application for storage of recycled goods (used electronic appliances).

179. Another Member said that the subject applications were approved based on the applicants' submissions that no heavy goods vehicles would be used for the sites. The previous approval without the imposition of the same approval condition should not be a relevant consideration.

180. The Chairman said that C for T had advised that the access road was narrow and would not be wide enough for turning of long vehicles such as heavy goods vehicles exceeding 24 tonnes. However, the applicants had not provided any information to demonstrate that the access road was adequate for use by heavy vehicles to support the deletion of the approval condition (e). In addition, DEP advised that heavy vehicles traffic

would generate potential environmental nuisances to the surrounding sensitive receivers. Members considered that the application should not be approved.

181. After further deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Papers and considered that they were appropriate. The reasons were:

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the proposed deletion of approval condition (e) would allow heavy goods vehicle exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, to enter/exit the application site. The applicant had failed to demonstrate that the traffic of heavy vehicles so generated would not create adverse environmental and traffic impact on the residential uses in the vicinity of the site.

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the proposed deletion of approval condition (e) would allow heavy goods vehicle exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, to enter/exit the application site. The applicant had failed to demonstrate that the traffic of heavy vehicles so generated would not create adverse environmental and traffic impact on the residential uses in the vicinity of the site.

[Mr. H.F. Leung, Mr. Lincoln L.H. Huang, Professor Edwin H.W. Chan left the meeting at this point.]

**Agenda Item 12**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/216

Proposed Pond Filling (by about 2m) for

Permitted New Territories Exempted House in “Village Type Development” zone,

Lots 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129,

Mong Tseng Tsuen, Ping Shan Heung, Lau Fau Shan, Yuen Long

(TPB Paper No. 9279)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Session**

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

Mr. W.S. Lau	District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
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Mr. C.W. Wong	) Applicants’ Representatives
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Mr. Alex Wong	)
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183. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review application.

184. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, made the following main points on the review as detailed in the Paper:

(a) the applicants sought planning permission for proposed pond filling (by about 2m) for permitted New Territories Exempted House (NTEH) in “Village Type Development” (“V”) zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP);

(b) the application was rejected by the RNTPC on 2.9.2011 for the following

reasons:

- (i) the applicants failed to demonstrate that the proposed pond filling would not cause adverse drainage, landscape and ecological impacts on the surrounding areas; and
  - (ii) the development was not in line with the TPB Guidelines No. 12B for Application for Development within Deep Bay Area in that it might have negative off-site impacts on the ecological value of the Wetland Conservation Area;
- (c) the applicants had submitted a revised Ecological Appraisal (EA) report, and landscape and drainage proposals to demonstrate that the proposed development would not cause adverse drainage, landscape and ecological impacts on the surrounding areas. The applicants claimed that they had spent more than two years to address the ecological issue, and that the revised ecological appraisal report was accepted by the Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) previous and similar applications – there was no previous application at the subject application site. There were two similar applications for pond filling for NTEH and pond filling for NTEH and agricultural use within the same “V” zone, which were approved by the RNTPC on 25.8.2000 and 3.8.2011 respectively;
- (e) departmental comments – the DAFC advised that according to the revised EA report submitted by the applicants, the planning application involved filling of only 0.0133 ha of pond area, which was currently abandoned with low ecological value. With the implementation of precautionary/mitigation measures during both construction and operational phases as recommended in the EA, no significant negative impacts on the ecological value of the wetland conservation area (WCA) were anticipated. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had some reservation on the landscape proposal and considered that water

pond was a valuable landscape resources and the proposed pond filling would reduce the provision of the landscape resource in the territory and change the existing topography;

(f) public comments - public comments from the Green Groups were received. They included the Hong Kong Bird Watching Society (HKBWS), Kadoorie Farm & Botanic Garden Corporation (KFBG), World Wide Fund for Nature Hong Kong (WWF), and Designing Hong Kong Limited (DHK). Two comments from the Mong Tseng Tsuen village representative (VR) and a local resident were received. The Green Groups (HKBWS, KFBG, WWF and DHK) objected to the application mainly on the following grounds:

- the proposed development would cause a direct loss of a piece of valuable wetland habitat in Deep Bay;
- no wetland compensation was suggested in the EA report which was not in line with the “no-net-loss” principle;
- construction works and the proposed village houses might directly affect wetland-dependent wildlife in the WCA;
- the increased accessibility would cause increased disturbance to the wetlands nearby, resulting in a loss in ecological value to the wetland buffer area (WBA) and WCA;
- the proposed development violated the intention of the WBA which was “to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds”;
- the proposed development was located away from the main cluster of village houses of Mong Tseng Tsuen and not compatible with the surrounding land use which was primarily fish ponds;
- the proposed development would have an adverse visual impact on the area; and
- the failure to provide sewerage and the cumulative impact of seepage from tank would affect the ground water and the nearby water bodies;

- (g) the local resident raised strong objection to the application as the filling of the pond would affect the Fung Shui of the village. The Mong Tseng Tsuen VR supported the application on the grounds that the site, which was private land, fell within the “V” zone and the pond had been dried up for years and there was no ecological value;
  
- (a) PlanD’s views – PlanD had no objection to the review based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
  - (i) the site fell within the WBA which was intended 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 under the TPB Guidelines No. 12B. Development which might have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the applicants could demonstrate through an EA Report that the negative impacts could be mitigated through positive measures;
  
  - (ii) the EA Report submitted by the applicants concluded that the small scale of the Small House development was unlikely to have an adverse ecological impact and the ecological impact during construction was temporal. With the implementation of suggested mitigation measures, the potential impact on the foraging avifauna would be brought to a low level and hence the impact would not bring a significant impact on the wild life in the adjacent WCA and WBA. DAFC had no further comment on the revised EA Report from the ecological point of view as the application involved filling of only 0.0133 ha of pond, which was currently abandoned with low ecological value. No rare floral and faunal species were recorded at the site and construction works would be avoided during the peak wintering season of birds from December to February to minimize potential off-site disturbance impact on winter migratory birds. No

significant negative impacts on the ecological value of the WCA were anticipated. In this connection, an approval condition requiring no construction works or pond filling during the peak wintering season of birds from December to February to minimize potential off-site disturbance impact to winter migratory birds was recommended;

- (iii) while CTP/UD&L had reservation on the landscape proposal submitted by the applicants and maintained that water pond was a valuable landscape resources, he suggested that should the application be approved, approval conditions requiring the submission and implementation of the landscape proposal should be imposed;
- (iv) the site fell within “V” zone where small house development was always permitted and the applicants’ submission demonstrated that the proposed development would not have adverse ecological and drainage impact on the area. The technical concerns raised by DAFC, Chief Engineer/Mainland East, Drainage Services Department and CTP/UD&L could be addressed by imposing relevant approval conditions; and
- (v) the public comments against the application mainly concerned with ecological impacts of the proposed development and the deficiency of the submitted EA Report in addressing such impacts and the undesirable precedent effect of approving the application. It was noted that DAFC had no adverse comment on the revised EA report.

185. The Chairman then invited the applicants’ representatives to elaborate on the application.

186. Mr. C.W. Wong made the following main points:

- (a) the pond to be filled was small in area (132.3m<sup>2</sup>) and it was located within the “V” zone where development of NTEH was permitted;
- (b) the applicant had discussed with relevant government departments and undertaken relevant impact assessments to address concerns on ecological impact of the proposed pond fillings; and
- (c) the applicants were required to obtain necessary approvals from the Lands Department on the related site formation and drainage works for the proposed NTEH and all the technical requirements would be fulfilled.

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

#### Deliberation Session

188. The Chairman said that the applicants had addressed all the rejection reasons of the RNTPC. Members agreed that the application should be approved.

189. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 1.2.2017, 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) no construction works or pond filling, as proposed by the applicants, was allowed during the peak wintering season of birds from December to February to minimize potential off-site disturbance impact to winter migratory birds;

- (b) no part of the site should be filled to a level of +4.3mPD or a depth exceeding 2m as proposed by the applicants;
- (c) no waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition materials, should be used to fill the land;
- (d) the submission of a topographical survey and detailed setting-out proposal showing the site boundary to the satisfaction of the Director of Lands or of the Town Planning Board;
- (e) in relation to (d) above, no pond filling on the site would be allowed until the topographical survey and detailed setting out proposal had been submitted to the satisfaction of the Director of Lands or the Town Planning Board;
- (f) the implementation of the mitigation measures identified in the Ecological Appraisal Report, as proposed by the applicants, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (g) in relation to (f) above, no pond filling on the site would be allowed in the absence of the implemented mitigation measures identified in the Ecological Appraisal Report;
- (h) implementation of the drainage facilities proposal, submitted by the applicants, to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (i) in relation to (h) above, no pond filling on the site would be allowed until the drainage proposal had been implemented to the satisfaction of the Director of Drainage Services or the Town Planning Board;

- (j) the submission of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (k) in relation to (j) above, no pond filling on the site would be allowed until the landscape proposal had been submitted to the satisfaction of the Director of Planning or the Town Planning Board;
- (l) in relation to (j) above, the implementation of the landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice. Any pond filling undertaken on the site should then be treated as if this approval had never been granted.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation to minimize the filling area as far as possible;
- (b) to refer to the 'Technical Memorandum on Noise from Percussive Piling', 'Air Pollution Control (Construction Dust) Regulation' and the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection for noise/dust suppression measures appropriate to sheet-piling/pond filling activities to minimize any potential noise/dust nuisance;
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Vehicles longer than 10m were not

allowed to use the section of Deep Bay Road at its junction with Lau Fau Shan Road;

- (d) to note the comments of the Director of Fire Services that Emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the 'New Territories Exempted House (NTEH) – A Guide to Fire Safety Requirements' issued by the Lands Department, and detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal NTEH application referred by District Lands Officer/Yuen Long;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of site formation works for approval under the Buildings Ordinance was required, unless the works were covered by a certificate of exemption under Buildings (Application to the New Territories) Ordinance Cap. 121 issued by the Director of Land; and
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicants might need to extend his inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

**Agenda Item 13**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/212

Four Proposed House (New Territories Exempted House)

in “Undetermined” zone,

Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long

(TPB Paper No. 9280)

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[The meeting was conducted in Cantonese.]

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

Mr. Dominic K.K. Lam ) had business dealings with Ove Arup

Mr. Ivan C.S. Fu ) & Partners HK Ltd (Ove Arup),

Mr. Patrick H.T. Lau ) consultant of the applicant

Professor S. C. Wong being the Director of the Institute of Transport Studies and some activities of the Institute were sponsored by Ove Arup, consultant of the applicant

192. As the business dealings of Mr. Ivan S.C. Fu were not related to the subject application and the interest of Professor S.C. Wong was not related to the subject application, Members agreed that the interests of Mr. Fu and Professor Wong were indirect they should be allowed to stay at the meeting for the item. Members also noted that Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had tendered apologies for being unable to attend the meeting.

**Presentation and Question Session**

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

Mr. W.S. Lau District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD

Mr. Chan Yiu Kam	Applicant
Ms. Theresa Yeung	)
Ms. Joyce Tang	)
Mr. Leung Shou Chun	) Applicant's Representatives
Mr. Pun Kim Wah	)
Mr. Brian Chau	)
Mr. Elvis Lau	)
Ms. Bess Cheng	)

194. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review application.

195. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, made the following main points on the review as detailed in the Paper:

- (a) the applicant sought planning permission for four proposed houses (New Territories Exempted Houses (NTEHs)) in "Undetermined" ("U") zone on the draft Nam San Wai Outline Zoning Plan (OZP);
- (b) the application was rejected by the RNTPC on 5.10.2012 for the following reasons:
  - (i) the proposed houses were located at the middle of an "U" zone which was being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area;
  - (ii) there was no strong planning justification for the proposed development intensity at the site; and
  - (iii) the approval of the application would set an undesirable precedent for similar applications for piecemeal redevelopment within the "U" zone. The cumulative impacts of approving such application would

have adverse impacts on traffic, drainage and sewerage systems in the area;

- (c) the applicant had not submitted any written submission in support of the review application;
- (d) previous and similar applications - the site was related to a previous application No. A/YL-NSW/188 rejected by the Board upon review on 18.6.2010 for the reasons that consideration of the application at that stage was premature as it might jeopardise the overall land use planning of the area; and there was industrial/residential (I/R) interface problem between the proposed development and the adjacent open storage uses and workshops which could not be satisfactorily resolved. There was no similar application within the subject "U" zone;
- (e) departmental comments – the Commissioner for Transport (C for T) advised that in the absence of communal parking area within the village area, the chance of illegal parking vehicles in the surrounding area would be high. As such, C for T would have no in-principle objection to the application unless the applicant could demonstrate that four car parking spaces could be provided within the subject site. The Director of Environmental Protection (DEP) advised that while the Noise Impact Assessment (NIA) was technically acceptable and demonstrated compliance with the established noise standards, various industrial uses including open storage uses and car repairing workshops were in vicinity of the site and they might pose constraints and cause nuisances to the residential use. From an environmental planning point of view, such land use incompatibility was not too desirable. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the submitted drainage proposal appeared to be preliminary and many essential details were missing. The site was in an area where there were no proper public stormwater and sewerage systems;

- (f) public comments – one public comment was received from the Chairman of Tung Shing Lane Village Residents Welfare Association indicating that the Association and most of the residents in Tung Shing Lei objected to the proposed development in view of the adverse drainage and traffic impacts on the area and disturbance to the residents during the construction period. The District Officer/Yuen Long (DO/YL) had received a letter from the Shap Pat Heung Rural Committee objecting to the application as the Village Representatives of Yeung Uk Tsuen and Wong Uk Tsuen raised objection to the application;
  
- (g) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
  - (i) the site and its surrounding areas were currently being occupied for open storage sites, workshops, storerooms, religious institution and scattered residential dwellings. The proposed residential redevelopment at the site was not compatible with the current surrounding workshops and open storage uses;
  
  - (ii) the general area had been designated as “U” on the draft Nam Sang Wai OZP since 3.6.1994 as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail (WR) and Yuen Long Bypass Floodway, were under planning at that moment and would traverse the area. With the completion of these infrastructure projects, the PlanD had commenced an in-house land use review of the “U” zone since late 2008;
  
  - (iii) in the course of the review, DEP, C for T and Director of Agriculture, Fisheries and Conservation (DAFC) had expressed concerns on the noise impacts of the Yuen Long Highway and MTR WR viaduct; the I/R interface with the open storage and workshop activities in the area; the traffic impacts of the proposed developments and the ecological impacts on the ponds located at the northern part of Tung

Shing Lei; and the egret in the wooded area at the south-eastern part of Tung Shing Lei respectively. Different land use options were being explored. Prior to the completion of the land use review, approval of the proposed piece-meal redevelopment of the site for four NTEHs at the middle of the “U” zone would impose further constraints to the land use review and jeopardize the long-term land use planning for the area and pre-empt the findings of the review;

- (iv) the subject site was currently occupied by a vacant 2-storey house with a plot ratio of about 0.5 (gross floor area of about 280 m<sup>2</sup>). No strong justification had been provided by the applicant to support the proposed plot ratio of about 1.3 (gross floor area of about 730 m<sup>2</sup>) for the four 3-storey NTEHs at the site;
- (v) the proposed NTEH development would be susceptible to potential I/R interface problem. DEP considered the Noise Impact Assessment submitted by the applicant technically acceptable, but he expressed concern that various industrial uses including open storage uses and car repairing workshops in vicinity of the site might pose constraints and cause nuisances to the residential use. From an environmental planning point of view, such land use incompatibility was not too desirable;
- (vi) C for T advised that the lack of parking provision as part of the development might result in illegal parking problem in the surrounding area. C for T would have no in-principle objection to the application unless the applicant could demonstrate that four car parking spaces could be provided within the subject site;
- (vii) CE/MN, DSD pointed out that there were no proper public stormwater and sewerage systems in the area and considered that the drainage proposal submitted by the applicant appeared to be preliminary and many essential details were missing;

(viii) there was no similar application for NTEH redevelopment within the “U” zone. The approval of the application would set an undesirable precedent for similar applications for piecemeal redevelopment within the “U” zone and the cumulative impacts of approving such application would have adverse effect on the traffic, drainage and sewerage aspects.

196. The Chairman then invited the applicant’s representatives to elaborate on the application.

197. With the aid of a Powerpoint presentation, Ms. Theresa Yeung made the following main points:

- (a) the existing house on the application site was very old and redevelopment was required. It had a footprint of  $145.8\text{m}^2$  and had a building height of two storeys;
- (b) according to the covering Notes of the draft Nam San Wai OZP, replacement of an existing domestic building by a NTEH was always permitted. However, the development intensity of the existing house was higher than that of a NTEH and the applicant would like to redevelop his lot up to his building land entitlement under the lease;
- (c) the subject lot had a building land entitlement of  $242.8\text{m}^2$ ;

198. Mr. Leung Shou Chun made the following main points:

- (d) the area of the subject lot was 0.14 acre ( $566.5\text{m}^2$ ) and it comprised 0.06 acre ( $242.8\text{m}^2$ ) of ‘House’ land and 0.08 acre ( $323.7\text{m}^2$ ) of ‘2<sup>nd</sup> class’ agricultural land. There was no restriction on the location of the ‘House’ land within the site. The applicant was entitled to build the proposed houses on the application site according to the ‘House’ land status;

199. Ms. Theresa Yeung went on to make the following main points:

- (e) the application site had been designated as “Unspecified Use”/“U” since 1990. There was no specific planning intention for the “Unspecified Use” area identified in the Notes of the Nam Sang Wai Interim Development Permission Area (IDPA) Plan and Development Permission Area Plan published in 1990 and 1994. The “U” zone was designated on the first Nam Sang Wai OZP gazetted in 1994 as the area was affected by infrastructure works at that time. It was first mentioned in the Notes of the Nam Sang Wai OZP No. S/YL-NSW/4 gazetted in 2002 that a land use review would be conducted for the area. However, the land use review was yet to be completed;
- (f) while the subject application was rejected by the RNTPC on the ground that the area was subject to a land use review, the Board had approved four applications within the “U” zone, including a residential development (Application No. A/YL-NSW/15) approved in 2004 and a church development (Application No. A/YL-NSW/186) approved in 2008. The church development was approved under the provision of the same OZP which was currently in force;

[Ms. Bernadette Linn left the meeting at this point.]

- (g) according to the RNTPC’s meeting minutes on 5.12.2008, the church development with a height of 13.5m (about 20mPD) was taller than many houses in the “U” zone. However, the RNTPC did not consider the building height of the church unacceptable. It was also recorded in the minutes that the church had a building entitlement of a covered area of about 242.75m<sup>2</sup>, and the proposed footprint of the new church of about 299m<sup>2</sup> was higher than that permissible under the building licence. The proposed plot ratio of the church at 1.85 was also considered acceptable at that time;

- (h) compared with the approved church development, the proposed NTEH development under application had a footprint of 242.8m<sup>2</sup> which was the same as the building land entitlement. The proposed building height of 8.23m and plot ratio of 1.3 were all lower than that of the approved church development;
- (i) it was noted that the church development was not a sensitive use while the proposed NTEHs were sensitive use subject to negative environment impact from the surrounding open storage/workshop uses in the area. However, the applicant had undertaken environmental impact assessment to address noise concern and DEP considered that the assessment was technically acceptable and demonstrated compliance with the established noise standards. While there were existing open storage uses/workshops in the area, some of them were unauthorized developments. There were also existing residential uses in the area;
- (j) the applicant could redevelop his house into a NTEH without obtaining planning permission. The applicant only wanted to redevelop his lot up to the land entitlement under the lease;
- (k) the proposed development would not generate any adverse environmental, traffic, visual, drainage and sewerage impacts. Relevant government departments had no objection to the application;
- (l) an application for redevelopment of the lot under the lease had been submitted and DLO/YL advised that his office would continue processing the application and formal approval would be considered at a later stage;
- (m) C for T would have no in-principle objection to the application unless the applicant could demonstrate that four parking spaces could be provided within the subject site. As shown in the layout of the proposed development submitted to the Board on 3.10.2012, four parking spaces would be provided at the application site. The provision of the four car parking spaces could be addressed through imposition of approval

condition by the Board; and

- (n) DEP considered that the technical assessment submitted by the application technically acceptable and demonstrated compliance with the established noise standards.

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

200. Mr. Chan Yiu Kam, the applicant, made the following main points:

- (a) the house was bought by his grandfather in 1944 and he was born and grown up in the existing house in the application site;
- (b) the existing house was not built to the full building land entitlement because there was no need for more living space at that time. However, he now intended to redevelop the house so that he could live here after retirement and to allow his sons/daughters to live here; and
- (c) the surrounding area was mostly vacant when the house was built, but now it was occupied by many unauthorized uses. The Government should enforce against such unauthorized uses, instead of not allowing his redevelopment on the grounds that the proposed residential use was not compatible with the surrounding uses.

[Mr. Jeff Lam arrived to join the meeting at this point.]

201. In response to a Member's question on the building land entitlement of the application site under the lease, Mr. W.S. Lau, DPO/TMYL, said that for the subject application, DLO/YL advised that according to the "A" Book records of his office, the application site comprised an area of 0.06 acre (i.e. 242.8m<sup>2</sup>) of 'House' land. As there was no information on the plot ratio or gross floor area of the site in the "A" Book records, DLO/YL could not verify whether the applicant was entitled to redevelop the existing house up to a total GFA of 728.4m<sup>2</sup> on the lot as currently applied. Ms. Theresa Yeung said that according to the approved application for the church development (Application No.

A/YL-NSW/186), the application site of the proposed church, with the same building land entitlement of roofed-over-area (ROA) of 242.8m<sup>2</sup>, was allowed to be developed into a three-storey building with the ROA even larger than its building land entitlement.

202. In response to another Member's questions, Mr. W.S. Lau replied that the existing house on the application site was not a graded/historic building. According to the covering Notes of the OZP, replacement of an existing domestic building by a NTEH (i.e. three storeys in height with a maximum floor area of 65.03m<sup>2</sup> for each floor) was always permitted on land falling within the OZP area and no planning permission was required. However, as the applicant of the subject application intended to redevelop the existing house into four NTEHs with the total GFA greater than that permitted for one NTEH, planning permission was required for the redevelopment proposal.

203. The same Member opined that the nature of the approved church development, as quoted by the applicant in the presentation, was different from that of the proposed residential development under the subject application. This Member asked if there were any justifications for adopting the development intensity of the proposed development at this area and whether there were any planning merits for the proposal. Ms. Theresa Yeung replied that the church development located to the north-west of the site across Yuen Long Tung Shing Lei Road fell within the same "U" zone on the same OZP. Although the nature of a church and residential development was different, the building land entitlements for both sites as permitted under the lease were the same. While PlanD considered that it was premature to approve the subject application prior to the completion of the land use review for the "U" zone, the Board had previously approved the church development in December 2008. In this regard, the proposed development under the subject application, with a development intensity lower than that of the church development in terms of plot ratio and building height, should also be given favourable consideration by the Board. Regarding the justifications of the proposed development intensity for the four NTEHs, the applicant only intended to maximise his own property right by developing the site up to its building land entitlement under the lease. Given that the existing house on the application site was in a dilapidated condition and poorly maintained, the redevelopment proposal, which would enhance the safety of the future residents and other existing passer-bys and improve the visual amenity of the area through the construction of good-quality new houses on the site, could be considered as the planning merits. Besides, as the Nam Sang Wai area was

predominately rural in character and the existing residential dwellings in the surrounding area were mostly low-rise of two to three storeys in height, the development intensity of the proposed three-storey NTEHs on the application site was considered compatible with other low-rise residential developments in the surroundings and could help to preserve the rural character of the area.

204. In response to a Member's question on whether the applicant was entitled under the lease to redevelop the existing house into one single house or four houses/NTEHs, Ms. Joyce Tang said that based on her past experience in liaising with LandsD regarding applications on development or redevelopment of houses in the New Territories, there was no restriction on the number of NTEHs to be built on the lot provided that the maximum permitted ROA of the 'House' land was not exceeded. For the subject application, the applicant had lengthy discussion with LandsD on the building land entitlement of the application site since the application for redevelopment of the lot was submitted to LandsD in 2004. With a view to fully utilising the building land entitlement of the lot and being exempted from the requirement of submission of building plan to the Buildings Department for approval, the applicant proposed to redevelop the lot into four NTEHs, each with a ROA of about 60m<sup>2</sup> and three-storey in height, instead of redeveloping the lot into one single house with a ROA of 242.8m<sup>2</sup>. The redevelopment proposal of constructing four three-storey NTEHs on the application site was agreed in-principle by LandsD in 2008. Notwithstanding that PlanD considered that the application could not be supported for the reason that the land use review for the "U" zone was yet to be completed, it was noted from the Paper that LandsD did not raise any objection to the subject application and advised that it would continue to process the application for redevelopment of the lot. Hence, the building land entitlement and the redevelopment proposal currently submitted by the applicant were considered in order by LandsD.

205. In response to a Member's enquiry on the methodology of calculating the plot ratio for the proposed development, Ms. Theresa Yeung said that the application site comprised 0.06 acre of 'House' land and 0.08 acre of agricultural land. The plot ratio of 1.3 for the proposed development was calculated on the basis of the entire application site including the house land and agriculture land. For the 0.06 acre of 'House' land, which was equivalent to a ROA of 242.8m<sup>2</sup> under the lease, the applicant would normally be allowed to construct houses up to three storeys.

206. A Member enquired about the background of an approved residential development with 95 flats within the same “U” zone. In response, Ms. Theresa Yeung said that the proposed residential development, which was located near Pok Oi Hospital, was last approved with conditions by the RNTPC on 8.10.2004 under Application No. A/YL-NSW/15. Mr. W.S. Lau said that the proposed residential development involving Pun Uk, a historic building, was approved a long time ago before the land use review of the “U” zone was carried out by PlanD in late 2008. The application was approved by the RNTPC on special consideration.

207. The Secretary supplemented that the proposed residential development at Pun Uk was approved on the special consideration that there was planning merits in the development proposal as Pun Uk, a historic building, would be preserved and restored.

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

#### Deliberation Session

209. In response to the Chairman’s question on whether the proposed development was environmentally acceptable, Mr. C.W. Tse, Deputy Director of Environmental Protection, said that the NIA submitted by the applicant demonstrated that the proposed development, with the implementation of various noise mitigation measures, was in compliance with the established noise standards. DEP considered the NIA technically acceptable. Nevertheless, the proposed residential development, which was located in the vicinity of various industrial uses including open storage and vehicle repairing workshop, was considered undesirable from the environmental planning point of view. He considered that the proposed future land uses of the “U” zone to be worked out in the land use review should be taken into account in assessing the subject application.

210. In response to the Chairman's question on the building land entitlement of the application site under the lease, Mr. Jeff Lam, Deputy Director of Lands, said according to the record, part of the application site (about 0.06 acre which was equivalent to 242.8m<sup>2</sup>) was converted to 'House' status in 1939. There was no specification in the record on the maximum GFA and building height to be allowed on the 'House' land. However, it was the usual practice of LandsD to allow house development up to a maximum of three storeys on 'House' land.

211. As requested by the Chairman, the Secretary briefed Members that in considering planning applications for house development in the rural area, the major consideration of the Board was whether the proposed development would be in line with the planning intention of the zoning of the application site. For the subject application, Members might wish to consider the proposed redevelopment taking into account three planning considerations: (i) whether approval of the application at this moment would pre-empt the result of the land use review of the "U" zone which was yet to be finalised by PlanD; (ii) whether the proposed development would be compatible with the existing/future land uses in the surrounding areas; and (iii) whether there were any special circumstances, such as the lease entitlement of the application site, which would warrant special consideration. Based on past practices, the Board would normally respect the development right of the application site unless there was other more important consideration. The Secretary further said that given that the proposed development was considered technically acceptable by concerned departments and LandsD had advised that there was building land entitlement for the application site under the lease, Members would have to consider whether the previous concern on non-compliance with the planning intention of "U" zone would remain the primary consideration for the subject application.

212. In response to two Members' questions on the permitted building design and layout for the 'House' land under the lease, Mr. Jeff Lam clarified that since part of the application site was converted to 'House' land, the applicant was entitled to redevelop the lot up to the 100% ROA of the 'House' land as permitted under the lease (i.e. 242.8m<sup>2</sup>). Provided that the maximum ROA of the 'House' land would not be exceeded, the applicant would have the flexibility to design the layout of the development, and to decide whether one single large house or four smaller houses/NTEHs, with the provision of building gaps between each house, would be built on the site.

213. Another Member asked whether there was any clear demarcation of the boundary of the 'House' land within the lot. In response, Mr. Jeff Lam said that while about 0.06 acre of land within the lot was converted to 'house' status in 1939, the exact boundary of the 'house' land was not defined in the record. In other words, the applicant could develop building structures up to the maximum ROA of the 'House' land as permitted under the lease anywhere within the lot.

214. In response to another Member's question, the Secretary clarified that it was the usual practice of the Board to respect the development right of the application site, instead of the GFA of the existing building, in the consideration of planning applications. For the subject application, the GFA of the existing building was only about 280m<sup>2</sup> while the maximum GFA entitlement for the application site under the lease was about 728.4m<sup>2</sup>.

215. Mr. K. K. Ling, D of Plan, said that as the built-form and size of NTEH was specified in the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), the Board would rarely consider the building design of NTEH developments during the consideration of such planning applications. He considered that the same practice might be applicable to the subject application for the four proposed NTEHs.

216. The Secretary advised that the application would be assessed on the basis of the proposed development scheme as submitted by the applicant. If the Board considered that the development right of the application site should be respected, the applicant should be given the flexibility to design the building layout within the application site. As shown on the proposed layout submitted by the applicant, the four proposed houses were dispersed within the entire application site.

217. A Member said that while the development right would be respected under normal circumstances, the consideration on whether the proposed development was in line with the planning intention should prevail in assessing whether the planning application should be approved. For the subject application within the "U" zone, as the land use review for the entire "U" zone had not been completed, it would be premature to approve the application at this stage; otherwise, the appropriate land use of the area would be compromised. There was no reference for the Board to consider whether the proposed

development would be in line with the planning intention of the area and compatible with its surrounding land uses in future. Noting that the results of the land use review for the “U” zone would be a valid and important consideration for the subject application, this Member enquired on the estimated timing for the completion of the land use review by PlanD.

218. The Secretary said that since the commencement of the land use review of the “U” zone in late 2008, PlanD had been working closely with concerned departments. Various site constraints had to be taken into account in the land use review. They included the noise impacts from the Yuen Long Highway and MTR Viaduct, the industrial/residential interface with the open storage and workshop activities in the area, the ecological impacts on the ponds located at the northern part of Tung Shing Lei and the egretty in the wooded area at the south-eastern part of Tung Shing Lei. Different land use options had been formulated and circulated for departmental comments in the past and time was required to test the technical feasibility of these options. As a few modified land use options recently proposed by PlanD were being considered by concerned departments, it was anticipated that more concrete land use proposals for the “U” zone might be finalized and submitted to the Board for consideration in the near future.

219. Another Member concurred that planning intention of the “U” zoning of the application site would be a major consideration for the subject application. Yet, in considering whether to approve an application, the Board would also need to consider the planning merits of the development proposal. This Member considered that the applicant had not submitted any information to demonstrate that the proposed development had any planning and building design merits.

220. The Secretary clarified that since the built-form and size of NTEHs was specified under the relevant Ordinance, it would not be necessary for the Board to consider the building design for NTEH developments under the planning application system.

221. Considering that the land use review for the “U” zone was in active progress and a few land use options for the area would be submitted to the Board for consideration in the near future, one Member opined that consideration might be given to defer making a decision on the application for the time being.

222. Another Member appreciated the complexity of conducting the land use review for the “U” zone given the presence of various mixed and incompatible uses within this zone and the area was subject to a number of site constraints posed by major roads and the WR. This Member also pointed out that the approval of the application would impose further constraints on the land use review and might jeopardize the long term land use planning for the area. As there was no major change in planning circumstances since the rejection of the application by the RNTPC, this Member considered that there was no strong reason for the Board to deviate from its previous decision. In this regard, this Member considered that the case should be rejected but consideration of it should not be deferred. However, noting that the land use review had been conducted for more than four years, this Member considered that PlanD should be requested to speed up the completion of the land use review.

223. The Chairman said that as the planning intention of the “U” zone was yet to be determined pending the finalization of technical assessments on various land use options, it might be premature to approve the application at this stage.

224. A Member considered that the designation of the area as “U” zone, within which all developments or redevelopments would require planning permission, was intended to exercise statutory planning control to ensure that developments within the area could be comprehensively planned and the future land use planning of the area would not be jeopardized by piecemeal developments. If the application was approved mainly on the consideration that the development right of the application site had to be respected, it would set an undesirable precedent for other similar cases, the cumulative impact of which would defeat the planning intention of the “U” zone. Moreover, the applicant had not provided strong planning justification to demonstrate that the proposed development of four NTEHs and its development intensity at the present location was optimal and appropriate and would not pre-empt the future land use planning for the area. In the absence of such information, this Member considered that the application should not be approved or its consideration deferred for the time being.

225. The Secretary advised that the Board might consider either to defer the decision of the application until the completion of the land use review or to reject the application on the consideration that the approval of the application prior to the completion of the land use review would affect the future land use planning for the area. Although the land use review

for the “U” zone was yet to be finalized, planning applications could still be submitted to the Board for approval and each application would be considered on its individual merits. For those development proposals which had their own merits and would not pre-empt the future land use proposal for the area, favorable consideration might be given by the Board. However, other than the reasons of building entitlement under the lease and land use compatibility with the existing residential dwellings in the vicinity of the application site, the applicant did not provide other strong planning justifications which warranted an approval of the application.

226. A Member said that PlanD should be requested to expedite the completion of the land review of the “U” zone and to submit the land use proposals to the Board for consideration.

227. After further discussion, the Chairman concluded Members’ views that the application should be rejected as the land use review was being undertaken and consideration of the application at this stage was considered premature and might pre-empt the overall land use planning of the area. Moreover, PlanD should be requested to speed up the land use review for early consideration by the Board.

228. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that reasons (b) and (c) were not appropriate given that the proposed development intensity of the proposal complied with the building entitlement of the application site under the lease, and the Board had previously approved applications for other uses within the same “U” zone and each application would be considered on individual merits.

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

as a land use review for the “U” zone was being undertaken by PlanD, the approval of the application at this stage was considered premature and might jeopardize the overall land use planning of the area.

**Sai Kung and Islands District**

**Agenda Item 14**

[Open Meeting]

Preliminary Consideration of the Draft Tai O Fringe

Outline Zoning Plan No. S/I-TOF/B

(TPB Paper No. 9283)

[The meeting was conducted in Cantonese.]

230. Mr. Ivan Chung, District Planning Officer/Sai Kung & Islands of Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point.

231. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper.

232. With the aid of a Powerpoint presentation, Mr. Ivan Chung, DPO/SKIs, made the following main points on the draft Tai O Fringe Outline Zoning Plan (OZP) No. S/I-TOF/B as detailed in the Paper:

**Background**

- (a) on 4.6.2010, the draft Tai O Fringe Development Permission Area (DPA) Plan No. DPA/I-TOF/1 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). Nine representations and two comments on the representations were received. After giving consideration to the representations and comments on 3.12.2010, the Board decided not to uphold the representations;
- (b) on 5.7.2011, the Chief Executive in Council (CE in C), under s.9(1)(a) of the Ordinance, approved the draft Tai O Fringe DPA Plan, which was subsequently renumbered as DPA/I-TOF/2. Pursuant to s.20(5) of the Ordinance, the Tai O Fringe DPA Plan was effective only for a period of 3 years until 4.6.2013. An OZP had to be prepared to replace the DPA Plan

in order to maintain statutory planning control over the Tai O Fringe area upon expiry of the DPA Plan;

- (c) on 13.1.2013, under the power delegated by the CE in C, the Secretary for Development directed the Board, under s.3(1)(a) of the Ordinance, to prepare an OZP to cover the Tai O Fringe area;

#### The Planning Scheme Area (the Area)

- (d) the Area covered a total of about 186.62 ha. It was bounded by the Lantau North Country Park in the east and south, natural coastline in the north and west. It included a major part of Tai O Island which was separated by Tai O River from Lantau Island. The Tai O village proper, Shek Tsai Po and Yim Tin residential area in the middle were outside the Area;
- (e) the Area was rural and natural in character comprising mainly mangroves, streams, wetland, woodlands, fallow agricultural land, historic buildings and rural village houses. The natural habitats in the south and along the banks of Tai O River supported various species of birds, freshwater fish, invertebrates, mangroves and plants. Some of them were rare species, which were worthy of conservation;
- (f) Leung Uk Tsuen was the only recognized village in Tai O. Besides, there were other village settlements at San Tsuen, Nam Chung, Fan Kwai Tong and Wang Hang. Tai O had a strong religious tradition and there were temples and a monastery scattered within the Area;
- (g) the periphery of the Area consisted of hilly terrain of Tsim Fung Shan in the south, Sze Shan to the east and Fu Shan to the north, which was covered with a diversity of woodland, shrubland, grassland, and scenic coastlines;

## Development Opportunities and Constraints

### *Conservation Potential*

- (h) the Area comprised a diversity of woodland, shrubland, grassland, streams, ponds and riparian areas which were of very high ecological and conservation value. Especially worth mentioning were the ecologically sensitive areas which include the streamcourses, mangrove replanting area, reedbeds and woodlands;
- (i) the Yeung Hau Temple at Po Chue Tam (Grade 1 historic building) and Tin Hau Temple at San Tsuen were temples of significance to the villagers not only because of their historical value but they also acted as attraction nodes for visitors from local and overseas;

### *Tourism and Recreation Potential*

- (j) the territorial and coastal habitats in the Area together with the Lantau North Country Park had high potential to be developed for eco-tourism;
- (k) the sea off Tai O was one of the few good places for viewing the Chinese White Dolphin from both land and boat;

### *Transport/Accessibility*

- (l) a very small part of the Area was accessible from Tai O Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. These roads were subject to the Closed Road Permit system due to government restrictions on the numbers of vehicles in south Lantau. There was no plan to further extend the existing road network in the Area;

### *Sewerage and Water Supply*

- (m) upgrading of the existing sewerage networks and provision of new sewerage network in the Area were being examined by the Drainage Services Department. With a view that the existing service reservoir would be upgraded and expanded, the future demand would have no significant adverse impacts on the planned facilities. However, the

capacity of the existing delivery main to the Area would need to be increased together with the expansion of the service reservoir;

*Other Infrastructure and Facilities*

- (n) the Improvement Works for Tai O Facelift - Feasibility Study commissioned by the Civil Engineering and Development Department (CEDD) had proposed improvement works for the area including footbridges, jetty, nature/heritage trails and visitor signage. CEDD was conducting another consultancy study on the design and construction of the recommended improvement works;

Land Use Planning Considerations

- (o) the general planning intention of the Area was to conserve the areas of high ecological significance, to protect the rural and natural character as well as to maintain the unique landscape character and cultural heritage of the Area. To cater for the existing villages, land was also reserved for Small House development by indigenous villagers;

*Land for "Village Type Development" ("V") zone*

- (p) Leung Uk Tsuen was the only recognized village in the Area. There were also village settlements at Nam Chung, Fan Kwai Tong and San Tsuen but they were not recognized villages;
- (q) these village settlements had been zoned "V" on the DPA Plan, taking into account the Village Environs ("VE") of Leung Uk Tsuen, the local topography, the existing land use, the site constraints, the outstanding Small House applications, as well as the Small House demand forecast;
- (r) according to the latest advice of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), the present outstanding number of Small House applications was six and the forecast 10-year Small House demand was 80 which remained unchanged since the gazettal of the DPA Plan. It was estimated that the existing "V" zones covering San Tsuen, Leung Uk

Tsuen, Nam Chung and Fan Kwai Tong could accommodate about 87 Small Houses. There was sufficient land to meet the forecast demand and the outstanding applications without expansion of the “V” zones;

- (s) the south of Leung Uk Tsuen was adjacent to the steep hillside of Tsim Fung Shan covered by the Lantau North Country Park. To the north of Leung Uk Tsuen were the Tai O Reedbed and the Tai O Mangrove Replanting Area zoned “Conservation Area” (“CA”). To protect the Tai O Reedbed from disturbance, a buffer area to the south of the reedbed had been zoned “Green Belt” (“GB”) on the DPA Plan;
- (t) some agricultural activities were taking place in the area. It was considered suitable for the “GB” zone to the south of Tai O Reedbed, which consisted of footpaths, temporary structures, fallow agricultural land and disturbed areas, to serve as a buffer to protect Tai O Reedbed (zoned “CA”) against any undesirable disturbance arising from the village type development nearby. This was supported by both the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) and the Director of Agriculture, Fisheries and Conservation (DAFC);
- (u) since the gazettal of the DPA Plan, there were several cases of unauthorized filling of land in the “GB” and “CA” zones. DAFC advised that incidents of land filling and dumping over the past few years had already resulted in the loss and degradation of the Tai O Reedbed. To protect the reedbed from further loss, the “GB” zone to the south of Tai O Reedbed should be retained to serve as a buffer;

*Relaxation of Development Restrictions within the “CA” Zone*

- (v) the Tai O Rural Committee (TORC) and the landowners had requested to relax the development restrictions on private land within the “CA” zone, in particular the Tai O Reedbed and the area to the east of Lung Tin Estate;
- (w) there were six “CA” zones in the Area, including patches of woodland in Po Chue Tam, an extensive area comprising abandoned salt pans and

fishponds to the east of Sun Ki Street, mangrove stands east of Lung Tin Estate, the natural river bank next to Hang Mei, the Tai O Reedbed to the north of Leung Uk Tsuen and the Tai O Mangrove Replanting Area to the west of the Tai O Reedbed;

- (x) upon consultation with the DAFC, it had been confirmed that the ecological importance of the areas zoned “CA” including the Tai O Reedbed and the area to the east of Lung Tin Estate should remain unchanged and there were no new circumstances to warrant any amendment to the zoning. It was necessary to maintain the “CA” zone in order to protect the natural environment and the habitats of rare avifauna;

*Incorporation of Building Height Restriction for the “Government, Institution or Community” (“G/IC”) Zone*

- (y) opportunity was taken to incorporate building height restrictions on the “G/IC” zone to reflect the existing building heights of the government or community facilities, which were mainly of one to two storeys high;

*Salt Panning Demonstration Area*

- (z) an area zoned “Undetermined” (“U”) on the DPA Plan was intended to become a salt panning demonstration area to promote heritage education and visitor attractions of Tai O. The implementation of the salt panning demonstration area was still subject to further technical assessments and public consultation as well as finding a suitable and capable management agent for future operation. The “U” zone was thus recommended to be retained;

*Claim for Resumption and Compensation for Private Land under the Conservation Zonings*

- (aa) regarding the locals’ claim for resumption and compensation for their land under the conservation zonings, there was no provision for compensation to landowners affected by planning restrictions as stipulated under statutory town plan according to the Ordinance;

*Construction of a Coastal Road linking Tai O and Tung Chung*

- (bb) the TORC had urged for a direct coastal road link with Tung Chung to facilitate the development in Tai O, but the Transport Department advised that there was no sufficient traffic justification for new road projects for the time being. There was adequate capacity to cope with future traffic demand upon completion of the Tung Chug Road improvement works in 2009;
- (cc) local road improvements at Keung Shan Road and South Lantau Road to further improve Lantau's traffic would be carried out at district level. The need for a coastal road link would be closely monitored and raised for consideration as and when appropriate;

Land Use Zonings

- (dd) the "CA" zones (36.58 ha) covered patches of woodland in Po Chue Tam, an extensive area comprising abandoned salt pans and fishponds to the east of Sun Ki Street, mangrove stands east of Lung Tin Estate, the natural river bank next to Hang Mei, the Tai O Reedbed to the north of Leung Uk Tsuen and the Tai O Mangrove Replanting Area to the west of the Tai O Reedbed;
- (ee) the "GB" zones (124.47 ha) covered areas adjoining Lantau North Country Park and other areas covered with fallow agricultural land, hillslopes, natural vegetations and small streams, traditional burial grounds on the hillslopes of Fu Shan, Wang Hang and Nam Chung, and the buffer area between the Tai O Reedbed and Leung Uk Tsuen;
- (ff) a long strip of natural coastline to the north of Tai O Island, including the unique rocky feature of Old Man Rock, and another coastal strip to the east of Po Chue Tam were zoned "Coastal Protection Area" ("CPA") (6.71 ha);
- (gg) Leung Uk Tsuen, which was the only recognized village in the Area, and other village settlements at San Tsuen, Nam Chung, Fan Kwai Tong and

Wang Hang were zoned “V” (6.57 ha);

- (hh) the “G/IC” zones (3.80 ha) covered existing GIC facilities in the Area including an existing water treatment works and a service reservoir at the hillside to the southeast of San Tsuen, a sewage pumping station and a drug addiction treatment centre at Po Chue Tam, an automatic weather station at Fu Shan and Lung Ngam Monastery at Wang Hang;
- (ii) the “Open Space” (“O”) zones (0.75 ha) covered sitting-out areas in the vicinity of Po Chue Tam, children playgrounds at Leung Uk Tsuen and Hang Mei, a public promenade along the seawall of the Mangrove Replanting Area;
- (jj) the “Other Specified Uses” (“OU”) zones (3.25 ha) covered the Tai O Cemetery, a sewage treatment works at the natural coastline in the north of Tai O Island and a military site, namely the Tai O Barracks, at Fu Shan. Additional land has been reserved for the proposed expansion of the existing sewage treatment works. A building height restriction of 2 storeys was imposed under the “OU” zone for the Tai O Cemetery and the sewage treatment works;
- (kk) the “U” zone (1.16 ha) covered the proposed “Salt Panning Demonstration Area”; and

#### Consultation

- (ll) subject to the agreement of the Board, the draft OZP No. S/I-TOF/B would be submitted to the Islands District Council (IsDC) and the TORC for consultation. Comments from the IsDC and the TORC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

233. In response to a Member's question, Mr. Ivan Chung said that the enforcement and prosecution cases within the "GB" and "CA" zones were related to unauthorized filling of land, and the concerned areas had been reinstated and grassed after enforcement and prosecution actions were taken by the Planning Authority.

234. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Tai O Fringe OZP No. S/I-TOF/B; and
- (b) agreed that draft Tai O Fringe OZP No. S/I-TOF/B together with its Notes and Explanatory Statement was suitable for submission to the IsDC and the TORC for consultation.

### **Agenda Item 15**

[Open Meeting]

Submission of the Draft Central District Outline Zoning Plan No. S/H4/13A under s.8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 9284)

[The meeting was conducted in Cantonese.]

235. The Secretary briefly introduced the Paper. On 16.7.2010, the draft Central District Outline Zoning Plan (OZP) No. S/H4/13, incorporating amendments to reflect some completed developments including the rezoning of the Cheung Kong Centre site to "Commercial (1)" ("C(1)"), and to rezone the Central Market and Murray Building sites to reflect the planned uses, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of eight representations and seven comments were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 21.1.2011, the Board decided to propose amendments to the Plan to partially meet three representations and not to uphold the remaining

representations. One further representation from Turbo Top Limited (TTL) was received. After giving consideration to the further representation, and the related representations and comment on 15.4.2011, the Board decided to vary the proposed amendments by deleting the retail and public car park gross floor area restrictions and to incorporate provision for minor relaxation of the restriction on minimum number of public car parking spaces on application for the “C(1)” zone in the Notes to partially meet the further representation.

236. The Secretary said that on 11.4.2011, TTL filed an application for leave for Judicial Review (JR) of the Board’s decision of not upholding its representation against the rezoning of CKC site and also for an order of stay of the submission of the draft Central District OZP to Chief Executive in Council (CE in C) for approval (interim stay). On 14.7.2011, TTL filed a second JR application against the Board’s decision on its further representations. On 21.11.2011, the Court of First Instance (CFI) dismissed the two JRs. On 25.11.2011, TTL lodged an appeal against the CFI’s decision and applied for continuance of the interim stay. On 28.1.2013, the Court of Appeal approved the requests made by TTL for dismissal of appeal by consent.

237. The Secretary said that as the plan-making process had been completed, the draft Central District OZP was ready for submission to the CE in C for approval.

238. After deliberation, the Board:

- (a) agreed that the draft Central District OZP No. S/H4/13A together with its Notes at Annexes I and II respectively of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Central District OZP No. S/H4/13A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft Central District OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 16**

[Open meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

239.        There being no other business, the meeting closed at 8:05 p.m.