

**Minutes of 857th Meeting of the
Town Planning Board held on 21.4.2006**

Present

Permanent Secretary for Housing, Planning and Lands (Planning and Lands) Chairperson
Mrs. Rita Lau

Dr. Peter K.K. Wong Vice-chairman

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Professor Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

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

Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

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

Secretary

Absent with Apologies

Mr. Michael K.C. Lai

Dr. Lily Chiang

Professor Peter Ronald Hills

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

In Attendance

Assistant Director of Planning/Board

Mr. S. Lau

Chief Town Planner/Town Planning Board

Miss Fiona S.Y. Lung (a.m.)

Ms. Brenda K.Y. Au (p.m.)

Senior Town Planner/Town Planning Board

Mr. C.M. Li (a.m.)

Town Planner/Town Planning Board

Ms. Endless S.P. Kong (p.m.)

1. The Chairperson extended a welcome to the eleven new Members and thanked the outgoing Members for their contributions. She briefly explained the Board's meeting procedures and said that all meetings of the Board and its committees were open to the public except those circumstances specified in s.2C(2) of the Town Planning Ordinance.

Agenda Item 1

(Open Meeting)

Confirmation of Minutes of the 856th Meeting held on 24.3.2006

2. The minutes of the 856th meeting held on 24.3.2006 were confirmed without amendment.

Agenda Item 2

Matters Arising

(Open Meeting)

- (i) Judicial Review of the Town Planning Board Decision
on Approving a Planning Application
for Permission for a Temporary Asphalt Production Plant
near Man Kam To Road, Sha Ling, New Territories

3. The Secretary said that the Court's judgment on a judicial review (JR) against the Board's decision to approve a planning application (No. A/NE-FTA/50) for a temporary asphalt production plant near Man Kam To Road, Sha Ling, New Territories was handed down on 22.3.2006. A paper summarizing the background of the JR and the Court's judgment was distributed to Members on 19.4.2006. The site in question was zoned "Agriculture" ("AGR") on the then approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/5. The application was approved with conditions on a temporary basis for a period of three years by the Rural and New Town Planning Committee on 4.4.2003.

4. The Secretary went on to say that the two major grounds of JR were that firstly, the Board had erred in law and/or exceeded its powers in that it had failed to satisfy itself that the proposed asphalt production plant was indeed temporary, and the JR applicants had adduced evidence that the plant was designed and constructed to be a permanent installation; and that secondly, the Board had failed to enquire or consider two very relevant and related matters, namely whether the plant was going to be temporary or permanent and whether the grant of permission would frustrate the planning intention of an area zoned “AGR”. The Court refused the JR for the following reasons:

- (a) the manner in which the Board should take into account the matters depended on the circumstances of each case. Where there was merely an assertion without the necessary factual basis, it would be imposing on the Board too high a duty to say that it had to enquire into the assertion. The Board accepted that it had to consider whether the proposed use was truly temporary if there was any basis for thinking that it was not genuine. However, there was no material before the Board for so thinking. All that had been placed before it was the assertion that the asphalt production plant was designed and constructed to be a permanent installation at considerable cost;
- (b) the Board, being a statutory body vested with the powers and duties to consider matters from a town planning perspective, was not equipped to consider financial or commercial viability and return on financial investment; and
- (c) the Notes for the OZP conferred on the Board a discretionary power. A proper exercise of that power could not be viewed as an act to frustrate the planning intention for the “AGR” zone.

New Town Planning Appeals Received

- (ii) Town Planning Appeal No. 6 of 2006
Temporary Open Storage of Vehicles
for a Period of 3 Years in “Village Type Development” Zone
on the Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/5
Lot 466RP (Part) in DD 109, Kam Tin Road, Kam Tin, Yuen Long
(Application No. A/YL-KTN/238)

5. The Secretary said that an appeal against the decision of the Board to reject on review an application (No. A/YL-KTN/238) for temporary open storage of vehicles for a period of three years at a site zoned “Village Type Development” (“V”) on the draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/5 was received by the Town Planning Appeal Board (TPAB) on 7.4.2006. The review application was rejected by the Board on 10.2.2006 on the grounds that the nearby residential dwellings would be susceptible to environmental nuisances generated by the development and that continual occupation of the site for temporary open storage use was not in line with the planning intention of the “V” zone. The hearing dates of the appeal were yet to be fixed, and the Secretariat would represent the Board in the TPAB proceedings.

- (iii) Town Planning Appeal No. 7 of 2006
Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Undetermined” Zone on
the Approved Ping Shan Outline Zoning Plan No. A/YL-PS/11
Lot 743 in D.D. 122, Yung Yuen Road,
Ping Shan, Yuen Long
(Application No. A/YL-PS/230)

6. The Secretary said that an appeal against the decision of the Board to reject on review an application for a temporary open storage of construction material for a period of three years was received by the Town Planning Appeal Board (TPAB) on 7.4.2006. The subject site was zoned “Undetermined” on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The application was rejected by the Board on 20.1.2006 mainly on the grounds of incompatibility with the nearby residential structures; non-compliance with the

Board's Guidelines for Application for Open Storage and Port Back-up Uses; and adverse departmental comments on and local objection to the application. The hearing dates of the appeal were yet to be fixed, and the Secretariat would represent the Board in the TPAB proceedings.

(iv) Appeal Statistics

7. The Secretary said that as at 21.4.2006, 29 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	113
Yet to be Heard	:	29
Decision Outstanding	:	1

Total		242
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[Mr. Daniel B.M. To arrived to join the meeting at this point.]

Agenda Item 3

Wan Chai Development Phase II Planning and Engineering Review –
Outcome of Public Engagement at the Envisioning Stage
(TPB Paper No. 7576)

(Open Meeting)

[The meeting was conducted in Cantonese.]

8. The Chairperson said that the purpose of this item was to brief Members on the progress of the planning and engineering review of the Wan Chai Development Phase II (WDII Review), the outcome of the public engagement at the Envisioning Stage of the

Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas (HER) project, and the way forward for the WDII Review.

9. Mr. K.Y. Leung, Ms Starry W.K. Lee and Professor Leslie H.C. Chen declared interests in the item as they were members of the Harbour-front Enhancement Committee (HEC). Mr. Leung was also the Chairman of the HEC's Sub-committee on WDII Review (HEC Sub-committee) which had provided the steer to the public engagement exercise. He would join the Government representatives and the consultants in answering Members' questions. The Chairperson said that the Board welcomed early opportunities for exchange with the HEC on harbour-front planning. As the HER project was now at the stage of public consultation, the dual roles of these Members and their participation at the meeting would help to enhance communication between the Board and the HEC. Other Members agreed.

10. Mr. Raymond Y.M. Chan also declared an interest in the item as he was employed by the Maunsell Consultants Asia Ltd. (MCAL), the consultants of the WDII Review. However, he was not personally involved in the review study. Members considered that Mr. Chan's interest was remote and he could stay at the meeting and participate in the discussion.

11. The following representatives from the Government and its consultants were invited to the meeting at this point:

Mr. L.T. Ma	Project Manager/Hong Kong Island and Islands, Civil Engineering and Development Department (also representing the Secretariat of the HEC Sub-committee)
Ms. Phyllis Li	Chief Town Planner/Special Duties (CTP/SD), Planning Department
Mr. Dickson Lo	MCAL
Mr. Peter Cheek	MCAL
Ms. Iris Tam	City Planning Consultants Ltd.

[Mr. K.Y. Leung joined the delegation at this point.]

12. The Chairperson extended a welcome and invited the representatives of the HEC, Government departments and consultants to present the case.

13. Mr. L.T. Ma said that on 7.5.2004, the Board was briefed on the scope, approach, methodology and programme of the WDII Review. The Board supported the adoption of a pro-active approach in engaging the public for the WDII Review. The Board was also briefed on 8.4.2005 on the overview of the HER project, the public engagement strategy and the draft public engagement kit for the Envisioning Stage. He thanked the Board for the support on the HEC Sub-committee's efforts and would like to update Board Members on the key stages of the WDII Review and the public views received. Mr. Ma went on to make the following main points:

- (a) in response to the Board's request and in the light of the Court of Final Appeal (CFA) judgment in relation to the draft Wan Chai North Outline Zoning Plan (OZP), the Government commenced the WDII Review in March 2004. The WDII Review would provide input for the Board to reconsider the draft OZP and the objections thereto in accordance with the CFA judgment;
- (b) the public engagement exercise was conducted under the steer of the HEC Sub-committee and in parallel with the WDII Review. The objectives of the HER project were to achieve a socially, environmentally and economically sustainable harbour-front at Wan Chai, Causeway Bay and adjoining areas, and to meet the planning, transport and infrastructure needs. Results of the HER project would provide input to the WDII Review;
- (c) public forums, community design charrettes and opinion surveys were convened during May to July 2005 to collect public opinions on the design of the harbour-front of Wan Chai and adjacent areas. Owing to the diverse views on the need for the Central-Wan Chai Bypass (CWB), a Transport Expert Panel (Expert Panel) was set up to review and make recommendations on the sustainable transport planning for the northern shore of Hong Kong Island including the need for the CWB;
- (d) the HEC Sub-committee convened an Expert Panel Forum on Sustainable

Transport Planning and CWB on 3.9.2005 to provide an opportunity for the Expert Panel members to discuss the issues with the public, taking into consideration the submissions by the Government and the public;

- (e) the Expert Panel supported the construction of the CWB as the essential link in the strategic road network and the construction of slip roads around the Hong Kong Convention and Exhibition Centre (HKCEC) and Victoria Park Road/Gloucester Road/Hing Fat Street to magnify the benefits of the CWB;
- (f) the HEC Sub-committee endorsed the Expert Panel's report (Annex A of the Paper) on 12.12.2005 and explicitly supported the construction of the CWB; and
- (g) the HEC Sub-committee would soon embark upon the second stage consultation. Following this briefing, stakeholders including the Legislative Council (LegCo), relevant District Councils, and the HER collaborators would be engaged for views on the preparation of Concept Plan.

14. Ms. Iris Tam then made the following main points on the outcome of public consultation:

- (a) the HER project comprised the following three stages:
 - i. Envisioning Stage – to engage the community and solicit their views on the types of harbour-front developments they aspired and to compile a list of sustainability principles and indicators for further discussion/agreement by the public;
 - ii. Realization Stage – to develop Concept Plan for evaluation using the HEC's Harbour Planning Principles and agreed sustainability principles and indicators developed at the Envisioning Stage with a view to arriving at a consensus on the preliminary development proposals; and

- iii. Detailed Planning Stage – to draw up a Recommended Outline Development Plan and a draft revised OZP;

- (b) more than 400 participants attended the public forums and community design charrettes at the Envisioning Stage. Written submissions from various stakeholders including the Royal Hong Kong Yacht Club, Regional Heliport Working Group and private developers had also been received;

- (c) the Expert Panel, comprising renowned professionals, university professors and practitioners had recommended a number of short, medium and long-term traffic measures to tackle the traffic congestion problems, as follows:

Short-term measures

- i. to implement transportation measures such as loading/unloading restrictions, junction improvement, public transport route rationalization, etc.

- ii. to revamp the tolling arrangements of the three cross harbour tunnels prior to the opening of the CWB;

- iii. to regulate land-use developments throughout the Connaught Road Central/ Harcourt Road/Gloucester Road Corridor (the Corridor) area in order not to aggravate the congestion problem in the Corridor before the opening of CWB;

- iv. to improve pedestrian access to the waterfront;

Medium-term measures

- v. to enhance the multi-modal transport network by constructing the CWB to improve the reliability of the road network and to enhance multi-modal public transportation in the Corridor, and by the provision of slip roads at the HKCEC area and the Victoria Road/Gloucester Road/Hing Fat Street passageway to magnify the benefits of the CWB;
- vi. to properly address the visual and environmental impacts and social concerns arising from the construction of the CWB;
- vii. to construct Road P2 as an important *ad interim* measure in addressing traffic congestion in the Central Reclamation area before the opening of the CWB and to review the scale of Road P2 to match the gradual land development programme;
- viii. to consider implementing road pricing after undertaking a detailed assessment of the viability of alternative pricing schemes (electronic or otherwise), their relative effectiveness and social acceptability;
- ix. to introduce electronic road pricing at the opening of the CWB, which would constitute a package of measures that was likely to be publicly acceptable and truly sustainable over the long term;

Long-term measures

- x. to fortify the integration of land-use and transport planning with due emphasis on restricting excessive transport infrastructural development in heavily congested areas;
- xi. to improve the pedestrian network linking the waterfront with the hinterland;
- xii. to strengthen the management of traffic along the Corridor to

augment the reliability of the expanded road network in Central and Wan Chai;

- xiii. to review and increase the safety margin of the reserve capacities in the transport infrastructure;
- xiv. to review and adopt the best practice in sustainable transportation for Hong Kong;

(d) in the various public engagement activities in the Envisioning Stage, there was clear consensus among the public on the need for enhancement of the harbour-front in the following aspects:

- i. to increase vibrancy through provision of facilities for diverse use on land and on the water;
- ii. to enhance connectivity between the harbour-front and the hinterland, and continuity of the harbour-front;
- iii. to ensure land and marine use compatibility in terms of function and design;
- iv. to enhance identity of Hong Kong by conserving natural and cultural heritage;
- v. to take harbour as the greatest natural heritage and minimize harbour reclamation was the key;
- vi. to enhance visual amenity, landscape and quality of space with emphasis on greening, flexible use of space and less building structures;
- vii. to enhance environmental quality at the waterfront with particular attention to the existing water quality in the typhoon shelter and the form of CWB. There was more public support for a trunk road in

tunnel form;

viii. to devise an acceptable and sustainable solution for the present traffic and infrastructure issues;

(e) there were many specific suggestions for achieving the above enhancement objectives and a consolidated set of sustainability principles and indicators had been developed through the participation of the public;

(f) based on the public opinions obtained and the Expert Panel report, the Consultant team had made the following recommendations for the WDII Review:

i. to fortify the integration of land use and transport planning, placing due emphasis on the limitation of excessive transport infrastructural development in heavily congested areas;

ii. to construct the CWB and prepare land-use Concept Plans based on at least two highway options, viz, tunnel and flyover with minimum reclamation and harbour-front land-use proposal for each option or option variations;

iii. to provide more details (including engineering details, surface land occupied, reclamation required, pedestrian connectivity and visual impact) on Road P2, slip roads, tunnel portals and other surface infrastructures;

iv. in preparing Concept Plans, the Government should take full account of the sustainability principles and indicators and the public's suggestions on the harbour-front enhancement measures;

v. with regard to the helipad proposals, the Government's 2-pad proposal and the Regional Heliport Working Group's 4-pad proposal might be incorporated as inserts for Concept Plans;

- vi. to provide information for the sustainability indicators particularly those which could be expressed in quantitative terms to assist the evaluation of Concept Plans. Qualitative evaluation of other indicators should also be presented; and
- vii. to help the public to visualize the concepts through perspective drawings, physical models and/or computer animations.

15. Mr. Peter Cheek then made the following main points on the design of highway infrastructures:

- (a) a number of issues relating to the trunk road alignments and form of construction, requirements for reclamation, etc. had been raised by the HEC Sub-committee and discussed in various discussion papers. Information relating to these issues had been consolidated in the 'Trunk Road Alignments and Harbour-front Enhancement' report dated April 2006 (attached to Annex C of the Paper);
- (b) the assessment of trunk road ideas started with the determination of feasible routes and the search for 'no-reclamation' alignments;

Trunk Road Alignments

- (c) the derivation of trunk road alignments through the WDII project area was constrained by the mainline connections at either end, slip road connections in Wan Chai North and Causeway Bay, the existing MTR Tsuen Wan Line and Cross Harbour Tunnel, proposed rail infrastructures such as the MTR North Island Line (NIL) and the Shatin to Central Link (SCL), service infrastructures such as electricity sub-stations and sewage treatment plants, and existing developments along the north shore;
- (d) there were three possible corridors for trunk road alignments between the CWB in Central Reclamation Phase III (CRIII) and the Island Eastern Corridor (IEC) to the east of the Causeway Bay Typhoon Shelter (CBTS), namely the offshore corridor, the inland corridor and the foreshore corridor;

- (e) the offshore alignment turned seawards after the connection with the CWB in CRIII and ran through the harbour until turning back to connect with the IEC in North Point. The major constraint was the physical obstruction of the HKCEC Extension as the trunk road would not be able to turn northwards sharply enough to avoid the HKCEC building or its foundations. As the road could not rise steeply enough to clear the roof of the HKCEC Extension building, an elevated offshore alignment was not possible. An offshore trunk road tunnel would need to pass beneath the Cross Harbour Tunnel (CHT), the construction risk of which would be very high with unacceptable consequences in the likely event of damage to the CHT. Also, slip road connections in Wan Chai North (Slip Roads 1, 2 and 3) and in Causeway Bay (Slip Road 8) could not be provided. Hence, the offshore alignments were not feasible;
- (f) the inland alignment turned inland from CRIII and ran through existing land in tunnel, following roughly the Gloucester Road and joining up with the existing IEC in front of Victoria Park. Constraints faced by this alignment included conflicts with existing building developments in Wan Chai North, the proposed NIL and SCL tunnels and Causeway Bay North Station, and the westbound Victoria Park Road. This inland alignment option was therefore not considered feasible. Alternative inland alignments had been examined to try to avoid some of these constraints, especially the conflict with the Harbour Centre and Sun Hung Kai Centre foundations. However, in this case, the trunk road would still conflict with the NIL Exhibition Station in Wan Chai North, as gradient limitations meant that it would not be able to pass beneath the NIL station foundations. Further to the east, it would also conflict with the foundations of the CHT approach roads structures. Thus, the alternative inland alignment was also found to be not feasible;
- (g) the foreshore alignments would run over the MTR Tsuen Wan Line as going under the MTR immersed tube tunnel was not feasible due to insufficient clearance beneath the MTR tunnel to avoid damage to the existing rail tunnel. An elevated road would clash with the atrium bridge

of the HKCEC and at-grade options for the trunk road would conflict with the ground level road system. The water channel below the atrium would provide the opportunity for tunnel options that could be constructed in the narrow gap between the foundations of the HKCEC and its Extension. The shallow water tunnel also meant that the Wan Chai North slip road connections to the existing ground level road network could be readily provided. The tunnel would then run along the Wan Chai shoreline and through the ex-Public Cargo Working Area (PCWA) basin. It would rise up onto elevated road to connect with the IEC. The foreshore alignments were found to be feasible and consideration of these alignments was focused primarily on the determination of the best practical form of construction in overcoming conflicts and minimizing impacts and the extent of reclamation;

Reclamation at North Point

- (h) at the eastern end of WDII, trunk road tunnels had to rise up to ground level before rising to the elevated road structure for connection with the IEC. Reclamation was required where the tunnel rose above seabed to the ground level portal. However, making use of the existing land area in front of the IEC to the east of the CBTS would not be sufficient and additional widening of around 40m and lengthening of around 190m would be required, as a minimum. The resulting minimum reclamation for the trunk road tunnel in this location would amount to around 4 ha;

Deep Bored Tunnel Option

- (i) the idea was to change the tunnel construction to bored tunnel when the alignment dropped deep enough below the seabed, and the bored tunnel would pass beneath the CHT and the SCL. The problems of this form of construction were that the slip road connection in Causeway Bay could not be provided due to the depth of the trunk road tunnel. As the tunnel rose up from the deeper level under the CBTS, the tunnel portal would be located further to the east along the North Point shoreline at around the North Point ferry piers. Given that this construction method would result

in even more reclamation (14 ha) and non-provision of slip road connection in Causeway Bay, it should not be pursued further;

'Shallow Water' Trunk Road Idea at Wan Chai and North Point

- (j) the idea was that even if the top of the trunk road tunnel structure was above the existing seabed level, as long as the top of structure was below sea level, this should be presented as an alternative to reclamation on the ground that even a shallow water area should be returned to the harbour;
- (k) however, the perceived benefits of 'seeing a water surface' along the shoreline rather than reclamation were offset by the need for reclamation for the offshore protective breakwaters, and the tunnel structure above the seabed might still be regarded as reclamation. The 'shallow water' trunk road idea would still result in reclamation that could not be put to use for harbour-front enhancement and would compromise marine access to the waterfront, including essential ferry services and landing steps along the existing seawalls. In view of the above concerns, this 'quasi no-reclamation' idea was not considered practical or reasonable;

[Dr. Greg C.Y. Wong arrived to join the meeting at this point.]

Trunk Road Form of Construction

- (l) three trunk road tunnel variations were explored, namely Tunnel Variations 1, 2 and 3. In all the three tunnel variations, the trunk road started off at the connection with the CRIII in cut-and-cover tunnel, crossed over the MTR Tsuen Wan Line tunnel and continued through the HKCEC water channel along the Wan Chai shoreline, in cut-and-cover tunnel, in reclamation. Further east, Tunnel Variation 1 passed beneath the CHT portal, the ex-PCWA basin and the CBTS, and rose up above sea-level to join the IEC to the east of CBTS. Tunnel Variation 2 involved inland diversion of the alignment from the south of the ex-PCWA to avoid conflict with the rock anchors at the CHT approach ramp structure and reconstruction of Victoria Park Road so as to free up more waterfront space

along the southern edge of the CBTS. A landscaped deck would be provided over the ground level roads to extend the Victoria Park to the waterfront. The tunnel would connect directly to the IEC at the eastern side of the CBTS. As Tunnel Variation 2 would result in reverse curves which would lead to safety concerns, Tunnel Variation 3 was devised which would straighten up the tunnel road alignment at the CHT with the tunnel beneath the CHT portal rock anchor zone, similar to Tunnel Variation 1. All the other core features of Tunnel Variation 2 would be retained in Tunnel Variation 3;

- (m) consolidated conceptual schemes combining harbour-front enhancement with the functional elements of each of the 3 tunnel variations were formulated;
- (n) comparison was made between the trunk road tunnel variations in broad terms in respect of key indicators such as area of permanent reclamation, impact on existing traffic, highway structures and buildings, planning and land-use concerns, environmental concerns, construction time, and construction and recurrent costs. The comparison revealed that neither Tunnel Variations 2 nor 3 performed as well as Tunnel Variation 1, in particular Tunnel Variation 1 required a lesser extent of reclamation than that associated with Tunnel Variations 2 and 3;
- (o) Tunnel Variation 1 was also preferable to the flyover option as the former would result in a lesser affected area of the Harbour, cause less traffic disruption during construction, obviate the need for major reconstruction of existing highway structures, have more opportunities for harbour-front enhancement, cause less extensive air and noise impacts, and have no significant visual impacts. Only in respect of construction time and construction and recurrent costs could the flyover option be seen as performing better than the tunnel option;

Effects of Ground Level Highway Infrastructure on Harbour-front Planning

- (p) the tunnel administration and ventilation buildings were to be located

within the road amenity areas or over the footprint of the trunk road tunnel structure in the less sensitive waterfront promenade areas. These facilities would not compromise harbour-front accessibility or planning. Road P2 was planned to run within the footprint of the trunk road to minimize the area sterilized by highway infrastructure. It would not impinge upon the new waterfront promenade area, and pedestrian connections over the top of Road P2 would ensure that the road would not compromise harbour-front accessibility;

- (q) the location of slip roads would avoid impinging upon any proposed pedestrian connections or waterfront access routes and would improve vehicular access to Wan Chai North, Causeway Bay and the waterfront;

Proposed Harbour-front Enhancement Ideas

- (r) the harbour-front enhancement suggestions from the public had been carefully considered together with the functional form of the trunk road tunnel with a view to identifying consolidated ideas for harbour-front enhancement. These included:
 - i. a cultural district to the west of the HKCEC for arts and cultural fairs, performance venues, and an expo promenade;
 - ii. a green leisure zone along the Wan Chai shoreline with landscaped recreational promenade;
 - iii. a marine recreational zone at the ex-PCWA basin for public use;
 - iv. a cultural heritage zone at the CBTS preserving the existing typhoon shelter and with a landscaped deck providing an extension of the Victoria Park to the waterfront;
 - v. another leisure zone with a possible breakwater extension along the North Point shoreline; and

- (s) the above harbour-front enhancement could be further developed and incorporated in the preparation of more detailed Concept Plans at the Realization Stage.

16. In closing, Mr. L.T. Ma said that at the HEC Sub-committee meeting on 20.4.2006, the Government representatives stressed their stance on full compliance with the Protection of the Harbour Ordinance (PHO) and the CFA judgment in planning and developing the WDII. The most important factor of consideration in the decision on the trunk road alignment and form of construction would be the extent of reclamation required. The social, economic and visual impacts and the 'shallow water' tunnel idea would be taken into account as well. After deliberating on the Consultants' findings and recommendations, the HEC Sub-committee expressly supported the foreshore alignment as the most reasonable and practicable option and endorsed the harbour-enhancement ideas of creating five cultural, recreational and leisure zones. Whilst the HEC Sub-committee tended not to favour the flyover option, it had requested the Government to include the option in the next stage of public consultation. More information was also requested on the following aspects:

- (a) feasibility of the 'shallow water' tunnel idea (and further development of the idea if it was found feasible);
- (b) legal implications of the 'shallow water' tunnel idea (i.e. whether it would be regarded as reclamation under the PHO); and
- (c) slip roads in Wan Chai North and Causeway Bay.

17. Members then raised a number of issues in relation to the WDII project. Their views and questions were summarized below:

Ground Level Highway Infrastructures

- (a) whether the proposed highway infrastructures would be sufficient to meet the future demand;
- (b) whether the capacities of the proposed slip roads were sufficient and whether these roads were essential. While it was a good idea to provide

direct pedestrian connection between the Victoria Park and the new waterfront, whether the provision of Slip Road 8 would adversely affect the park;

- (c) the number and location of the ventilation shafts/buildings should be clearly indicated;

Railway Infrastructures

- (d) whether the three trunk road tunnel variations, in particular Tunnel Variation 1, would have adverse impacts on the planned NIL and SCL which were already at an advanced planning stage;

Temporary Traffic Disruption

- (e) as temporary traffic diversion works were required under the three tunnel variations, there were concerns on the extent and duration of traffic disruption. The Consultants were requested to provide quantitative figures on the estimated queue length in each of the tunnel variations;

'Shallow Water' Tunnel

- (f) the 'shallow water' tunnel idea should be scrutinized carefully as the tunnel structure just below the water body might still be regarded as reclamation under the PHO;
- (g) a Member was of the view that this option was not preferred given that the shallow water body would neither be usable by the general public for recreational and leisure uses nor for marine traffic;
- (h) another Member cautioned that the idea might cause accidents to high speed small vessels in the harbour, and asked whether there would be sufficient protection to the trunk road tunnel if the idea was adopted;
- (i) whether it was possible to construct the protective breakwaters just under

the water with a view to reducing the wave impact to an acceptable level;
and

- (j) additional information on tidal movement and quality, and impact on navigation should be provided.

18. In reply, Mr. Dickson Lo and Mr. L.T. Ma made the following main points:

Ground Level Highway Infrastructures

- (a) the proposed CWB and slip roads were planned to meet the forecast traffic demand up to 2016;
- (b) the necessity of the slip roads was confirmed by the Expert Panel. The slip roads at Wan Chai North would provide the essential connectivity between the trunk road and the local road networks by drawing away the traffic from the overloaded sections of Connaught Road Central/Harcourt Road/Gloucester Road. The slip road in Causeway Bay would divert the heavy traffic flows away from the busy local roads. Otherwise, all traffic from Causeway Bay, Tai Hang, Fortress Hill and Tin Hau areas going to the Central would have to continue using Gloucester Road/Harcourt Road/Connaught Road Central;
- (c) the slip roads did not impinge upon any of the proposed pedestrian connections or waterfront access routes. Although there would be a small loss of public open space by about 0.2 ha along the northern boundary of Victoria Park, a landscaped deck that would create an extension of Victoria Park to the Causeway Bay waterfront would be provided;
- (d) the ventilation system for the trunk road tunnel required the construction of three ventilation buildings. They would be located at the west portal of CRIII, near the central portion of the trunk road tunnel, and at the east portal at the eastern end of WDII. The location of the buildings had been chosen such that they could provide for the essential engineering ventilation requirements and minimize the adverse impacts on the harbour-front and

the residential uses at North Point;

Railway Infrastructures

- (e) in devising the alignment for both the trunk road tunnel and flyover options, full consideration had been given to the planned NIL and SCL. No constraints to these railway infrastructures would be created as a result of the construction of the trunk road and associated highway infrastructures;

Temporary Traffic Disruption

- (f) the CWB works would require temporary traffic diversion and inevitably result in disruption to traffic flows, which was one of the major concerns in the design of the trunk road. For Tunnel Variations 2 and 3, extensive temporary road diversions would be required to facilitate the connection to the IEC and the demolition of a considerable length of the existing IEC along the North Point shoreline. The existing IEC between the Tong Shui Road interchange and Victoria Park Road would need to be reconstructed as a new temporary road. Victoria Park Road and Gloucester Road would also require extensive road diversions for their reconstruction;
- (g) while some temporary road diversions would be required under Tunnel Variation 1, the extent of diversions and disruption was very much lesser as the IEC road diversions would not intrude into the Tong Shui Road interchange, and the existing IEC connections through to Victoria Park Road would be retained. There was no reconstruction of Victoria Park, Gloucester Road and the Causeway Bay flyovers;
- (h) since temporary replacement roads were required during most of the project construction time, the traffic disruption under Tunnel Variations 2 and 3 was about 8 years, while that under Tunnel Variation 1 was about 7 years;

'Shallow Water' Tunnel Idea

- (i) as the trunk road tunnel structure would be exposed to damage from marine

traffic, including ocean going vessels in the nearby navigation fairways, protection in the form of a rubble mound bund, or breakwater, would be required. For the sake of marine safety, the protective breakwaters should preferably be above water such that they could readily be seen. The breakwaters would also provide the necessary protection during typhoons; and

- (j) the water body created under the 'shallow water' tunnel idea could not readily be used by the public for recreational and leisure activities and the marine traffic. There were concerns about the environmental quality of the area and issues such as water quality and water movement would be further studied in the next stage of the WDII Review.

19. The Chairperson said that the overall amenity of the harbour should be considered in the context of tunnel safety and marine traffic. She asked whether the 'shallow water' tunnel idea was really feasible. In response, Mr. Y.K. Leung said that the HEC Sub-committee had also raised similar concern and was of the view that the option was yet to be fully developed. Hence, the Consultants had been asked to provide further information for the HEC's consideration.

20. The Chairperson understood that the Board was invited to give views on the outcome of the public consultation and the Consultants' recommendations. At this stage, it was not necessary to select a particular alignment or form of construction of the CWB. With regard to Members' request for quantitative figures of the estimated queue length in each of the tunnel variations and further information on the tidal movement, water quality, and navigation impact of the 'shallow water' tunnel idea, she asked whether such information was available, noting that similar request might be made by the public in the next stage of consultation. In response, Mr. L.T. Ma said that he would take up Members' request and provide the requested information after the meeting.

21. A Member was pleased to see concrete proposals being put forth for discussion. This Member opined that it was unlikely that the trunk road flyover option would be acceptable to the general public and that the shallow water tunnel would not constitute reclamation. Given that Tunnel Variation 1 was the most viable option, it was advisable for the Government and the consultants to clearly explain the merits of this option to the public

with a view to soliciting the widest possible community support. The Chairperson added that it would help harness consensus building to focus the mind of the public on the practicality and details of the feasible options in the next stage of public consultation.

22. The Chairperson thanked the representatives from the HEC, Government and consultants for attending the meeting. They left the meeting at this point.

83. The meeting was resumed at 3:30 p.m..

84. The following Members and the Secretary were present in this session:

Mrs. Rita Lau

Dr. Peter K.K. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Ms. Ava Chiu

Dr. Michael Chiu

Mr. Patrick L.C. Lau

Mr. Bosco C.K. Fung

Agenda Item 6

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/630

Proposed Comprehensive Development with

Government, Institution or Community Facilities and Public Transport Interchange

in “Comprehensive Development Area (1)” zone,

East Rail Fo Tan Station and Its Adjoining Area at

Au Pui Wan Street and Lok King Street, Sha Tin

(TPB Paper No. 7559)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

85. The application was related to the Kowloon-Canton Railway Corporation (KCRC) vested land covering the East Rail Fo Tan Station. Ms. Ava Chiu declared an interest in this application as the Secretary for the Environment, Transport and Works was a member of the Board of KCRC. Mr. Tony C.N. Kan also declared an interest in this application as he had a property near Lok King Street. Since his interest was considered indirect by the Board, Mr. Kan was allowed to stay at the meeting.

[Ms. Ava Chiu left the meeting temporarily at this point.]

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

Mr. W.K. Hui - District Planning Officer/Shan Tin, Tai Po and North

Mr. Philip Chum - Senior Town Planner/Shan Tin

87. The following applicant’s representatives were invited to the meeting at this point:

Mr. I.T. Brownlee

Mr. Jesse Lu
Mr. Bill Yeung
Miss Ilona Ng
Mr. Alexis Wong
Mr. Raphael Chong
Mr. Berny Ng
Miss Rebecca Chan
Dr. Westwood Hong
Miss Elsa Kwong
Miss Jessica Lam
Mr. Alain Lau

88. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited the PlanD's representatives to brief Members on the background to the application.

89. Mr. Philip Chum did so as detailed in the Paper and covered the following main aspects:

- (a) the major uses proposed in each of the three portions i.e. S1, S2 and S3 of the "Comprehensive Development Area(1)" ("CDA(1)") site;
- (b) the reasons for the Rural and New Town Planning Committee to reject the proposed comprehensive development with government, institution or community (GIC) facilities and public transport interchange (PTI) on 25.11.2005 as detailed in paragraph 1.3 of the Paper;
- (c) further justifications put forth by the applicant in support of the review application as summarized in paragraph 3 of the Paper;
- (d) departmental comments as summarized in paragraph 4.1 of the Paper. In brief, some Government departments consulted including the Lands Department, Transport Department and Architectural Services Department maintained their concerns that the proposed development had still not addressed a number of issues in relation to the comprehensiveness, design,

layout and traffic aspects of the proposed scheme adequately;

- (e) the 14 public comments on the review application received during the public inspection period as detailed in paragraph 5 of the Paper. The commenters included the KCRC, the owners of the adjacent godowns and some locals. They either objected to or raised serious concerns on the proposed development, in particular on the traffic and visual impacts of the proposed development and inadequate provision of GIC facilities; and
- (f) PlanD's views – the application was not supported on the grounds as detailed in paragraph 6.3 of the Paper. In sum, the proposed development could not be considered as comprehensive in nature, and it failed to overcome the development constraints and to optimize the development potential of the “CDA(1)” site. There was inadequate information to demonstrate that the S2 and S3 portions, which were not owned by the applicant, would be implemented as proposed. The design and layout of the proposed development were considered not desirable. There were problems on the transport and traffic arrangements and the locations of the proposed schools were not desirable. The application had not adequately addressed the concern on the adverse impact of the proposed development on the operation of the Fo Tan Station and freight yard.

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

91. Mr. I.T. Brownlee referred to the information tabled and made the following main points with the aid of photos and drawings shown at the meeting:

History of the Development and Need for Phased Development

- (a) the application site consisted of 3 land parcels, which included the applicant's lot at the S1 portion, the Government land at the S2 portion and the KCRC land at the S3 portion. It was zoned “CDA(1)” in response to a rezoning request jointly submitted by the Dairy Farm Limited, the previous owner of the applicant's lot, and the KCRC, which was agreed by the Board

in 2000;

- (b) in the four years after the site was rezoned, the KCRC and Dairy Farm Limited could not reach an agreement to jointly develop the “CDA(1)” site. The applicant purchased the S1 portion from the Dairy Farm Limited in 2004. However, the applicant also failed to reach an agreement with the KCRC on joint development. The history of negotiation contained in the document tabled indicated that the applicant had already made due effort to try to develop the site with the KCRC since mid 2004;
- (c) the applicant had also tried to co-ordinate this application with the KCRC but comments on the draft planning statement for the application could not be obtained from the KCRC. Noting that the KCRC subsequently raised objection to the application, the applicant tried to arrange meetings with the KCRC through the Highways Department and PlanD in January and April 2006 respectively. The KCRC declined to attend both meetings;
- (d) phased implementation of a “CDA” zone was not unusual, particularly when the land owners could not reach an agreement. There were many examples, such as the Airport Railway Kowloon Station “CDA” development with different developers undertaking the implementation of different portions in phases;
- (e) as stipulated in the Town Planning Board Guidelines No. 17 (TPB PG-No. 17) for “Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments”, there was allowance for phased development if the development proponent could demonstrate with evidence that due effort had been made to acquire the remaining portion of the site for development but no agreement could be reached with the other land owners;

Responses to Reasons for Rejection

- (f) there were insufficient grounds for rejecting the application and the detailed responses to the reasons for rejection of the application were set out in the document tabled at the meeting;

- (g) the applicant had no intention not to have joint development with the KCRC. However, reaching an agreement with the KCRC was unlikely as the KCRC had a contractual problem with the adjacent godown owners (i.e. China Resources Company) regarding the use of the freight yard. The submitted Master Layout Plan (MLP), which covered the whole “CDA(1)” zone and included all the requirements of the Board and the concerned Government departments, was as comprehensive as the previous conceptual proposal submitted in support of the rezoning request. Future development of the KCRC land in the S3 portion was technically feasible, but the applicant could not submit the details nor commit the KCRC to a programme for developing that portion;
- (h) the traffic noise and interface problems should not be reasons for rejection as the Environmental Protection Department (EPD) considered that the submitted noise assessment was technically in order and had no comments on industrial noise or air pollution;
- (i) decking-over the freight yard and rail tracks was proposed in both the previous proposal and the current scheme. As it would be undertaken by the KCRC, the operation of the railway facilities would not be adversely affected. The Highways Department had no comment on the proposal except advising the applicant to fully consult with the KCRC on the development. The applicant would continue to do so;
- (j) the form of development at the S3 portion was linear due to the shape of the site. Further information and alternative design options had been submitted to address the concern on its visual impact; and
- (k) the applicant had offered to construct the proposed GIC facilities in the S1 and S2 portions in a timely manner at the cost of the Government. The funding issue was not a matter for the Board to decide, but a matter for further negotiation with the Government;
- (l) the proposed layout in the application was not supported by the PlanD as it

was considered less desirable when compared with the previous conceptual plan. However, it should be noted that the previous plan only indicated an option for the development and it was not a scheme approved by the Board; and

- (m) many of the issues raised by the PlanD were technical details that could be dealt with at the subsequent implementation stage. The imposition of approval conditions could ensure that the concerned issues would be addressed at the appropriate stage.

92. With the aid of some plans and drawings, Mr. Alexis Wong explained the current scheme by comparing it with the previous proposal put forward in the rezoning request and made the following points:

- (a) in the previous proposal, there was a cluster of eight 40-storey residential blocks mainly in the S1 portion. By redistributing the approved gross floor area (GFA) over the S1 and S3 portions on a pro-rata basis in the current scheme, the wall effect in the S1 portion could be reduced as the number of building blocks would become five, with a lower building height of 17 storeys for two of the blocks. Hence, a better layout could be achieved;
- (b) the current proposal also had the merits of providing an additional vehicular access point from Au Pui Wan Street other than Lok King Street; early implementation of the proposed primary school by relocating it from the S3 portion to the S1 portion; causing less impact on the railway operation for avoiding the demolition of the existing railway station; improving the streetscape by a reduction in the height of the podium from 5 storeys to 3 storeys; minimising the visual impact by introducing variations in building height; and minimising the impact on the adjacent proposed development at Ho Tung Lau (i.e. STTL 470) by removing the need to deck-over the proposed emergency vehicular access at Lok King Street;
- (c) the layout currently proposed would allow better view from the residential blocks. To address the adverse noise impact on the proposed residential

development arising from the industrial/residential interface problem with the adjoining Fo Tan Industrial Area, the current proposal also adopted the single-aspect building design as previously agreed by the EPD for the previous proposal;

- (d) the number of flats was reduced as a result of an increase in the average flat size, while an increase in the number of car parking spaces was proposed according to the relevant planning standards;
- (e) there was no change in the comprehensiveness of the current scheme in terms of the provision of the proposed GIC facilities, which remained unchanged. The proposed schools would still be constructed on podium as previously proposed. There was an improvement in the location of the bus terminus and mini-bus terminus as they would be located near the railway station;
- (f) the successful construction of ten residential blocks in the Royal Ascot development above existing railway tracks had proved the feasibility of constructing similar developments, including the development at the S3 portion which was only above the freight yard with rail tracks not frequently used and without high-voltage electricity cable above. Also, no construction problem was envisaged for the proposed Ho Tung Lau development above the rail tracks;
- (g) the wall effect in the S3 portion could be mitigated by adopting a stepped-height design for the building blocks and incorporation of sky gardens. The number of building blocks could be further reduced from 5 to 4 so as to allow the provision of a view corridor; and
- (h) the applicant was willing to develop the proposed mini-bus terminus on the Government land in the S2 portion. The joint development of the S1 and S2 portions would also allow the provision of an additional construction access on the podium deck in the S2 portion, which could facilitate the future implementation of the S3 portion.

93. With the aid of some drawings, Mr. Berny Ng explained the method for the construction of the development and made the following points:

- (a) decking-over the freight yard and rail tracks was required for the construction of the proposed development in both the previous proposal and current scheme;
- (b) when compared with the previous proposal, similar number of columns would be constructed for the proposed deck. The proposed columns would not adversely affect the future operation of the freight yard and two railway siding areas would also be provided;
- (c) the layout of the future freight yard in the current scheme was similar to that in the previous proposal, except that there were some variations in the width of some columns supporting the proposed residential towers in the S3 portion; and
- (d) it was technically feasible for constructing the proposed development above the freight yard in the S3 portion.

94. Members sought clarifications from the PlanD's representatives on the following matters:

- (a) whether the PlanD had arranged any other meetings with the applicant and KCRC before April 2006;
- (b) whether the proposed MLP complied with the requirements for phased development under the TPB PG-No. 17;
- (c) whether there were any precedent cases with difficulty encountered in reaching consensus among land owners for development within "CDA" zone and how such cases were handled;
- (d) whether the proposed schools were required by the Education and Manpower Bureau (EMB) and what was their view on the timing for the

provision of the proposed schools; and

- (e) whether there was any traffic problem if the vehicular access from Lok King Street was not available for the proposed development since there was no guarantee that the S2 portion would be granted to the applicant for development.

95. Mr. W.K. Hui responded as follows:

- (a) while the PlanD was aware that the applicant had been in contact with the KCRC, it was only in April 2006 when the applicant requested the PlanD to arrange a meeting with KCRC. Hence, the meeting on 19.4.2006 was the first meeting arranged by the PlanD, but the KCRC declined to attend;
- (b) the proposed phased implementation of the site would reduce the flexibility in the design of the development. In particular, the S2 portion had not been fully utilized in the current scheme and the residential blocks proposed at the S3 portion would result in adverse wall effect;
- (c) there were precedent cases that some large “CDA” sites were implemented in phases based on approved MLPs;
- (d) the proposed schools were required by the EMB but there was not yet any programme for the implementation of the schools; and
- (e) no substantial traffic problem was envisaged if the vehicular access from Lok King Street was not available as the proposed development could also be accessed from Au Pui Wan Street.

96. Members also sought clarifications from the applicant’s representatives on the following issues:

- (a) how the implementation of the S2 and S3 portions could be ensured;
- (b) why a larger site area could not be provided for the proposed schools to

meet the planning standards;

- (c) whether any consideration had been given to revise the design of the S1 portion to reduce the wall effect of the residential blocks at the S3 portion;
- (d) whether the applicant would develop the proposed GIC facilities with no concession in the land premium; and
- (e) why no residential development was proposed in the S2 portion and whether more domestic GFA was assigned to the S1 portion when compared with the S2 and S3 portions with a larger combined site area.

97. Messrs. I.T. Brownlee and Alexis Wong responded as follows:

- (a) the applicant was willing to take up the implementation of the S2 portion. The time frame for the implementation of the KCRC land at the S3 portion was uncertain. However, the implementation of the S1 portion would provide an incentive for the implementation of the S3 portion;
- (b) the school sites were substandard but they were of the same site area as what was previously proposed in the rezoning request. If some residential blocks were moved to the S2 portion, there would be scope to enlarge the proposed school sites to meet the planning standards;
- (c) it was technically feasible to construct residential blocks on the S2 portion. There had in fact been another scheme prepared before, with two blocks proposed at the S2 portion. However, the future distribution of the residential blocks among the S2 and S3 portions was subject to the view of the KCRC;
- (d) funding was a matter to be sorted out between the applicant and the Government. The applicant would only construct the proposed GIC facilities with policy support and funding; and
- (e) no residential block was proposed in the S2 portion as the domestic GFA

approved in the rezoning request was assigned to the S1 and S3 portions only. As application for land exchange was required for the implementation of the proposed development, the development potential of each portion would be reflected in the premium assessment.

98. On the issue of land exchange, Mr. Patrick L.C. Lau remarked that there was no guarantee that the proposed land exchange application would be approved even if the applicant was willing to pay the premium, as it was subject to compliance with a number of criteria under the land exchange policy.

99. On the enquiries in relation to the site area of the proposed schools and the wall effect of the development at the S3 portion, Mr. W.K. Hui said that the EMB considered the substandard site area proposed for the schools would cause complication in the school development. The Architectural Services Department also raised concerns on the problems of the natural lighting and pedestrian access to the proposed schools. The proposed division of the “CDA(1)” site into 3 smaller portions had reduced the flexibility in the design of the development. The proposed distribution of the domestic GFA on the S1 and S3 portions on a pro-rata basis would make the wall effect at the S3 portion unavoidable due to the elongated shape of that portion.

100. A Member opined that there might be scope for improving the layout of the proposed development if only one school was to be provided given that there was currently excessive provision of schools in Sha Tin.

101. Mr. Jesse Lu said that there were two major problems for the implementation of the “CDA(1)” site. While the first problem relating to the commercial aspect could be resolved with the applicant’s effort, the contractual problem between the KCRC and the adjacent godown owners could not be resolved by the applicant. The “CDA(1)” zoning had been agreed by the Board for about 6 years. Phased development was considered to be the appropriate means, though might not be the most desirable way, that could trigger the early implementation of the development of the “CDA(1)” site.

102. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them 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 Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

103. Members had the following views on the review application:

- (a) the contractual issue between the KCRC and the adjacent godown owners was not a matter for consideration by the Board. The acceptability of the proposed development should be assessed based on its own planning merits. Consideration should also be given to whether the proposed scheme was superior to the previous proposal submitted in support of the rezoning request;
- (b) the design and layout of the proposed development was considered not acceptable in view of the wall effect of the proposed development at the S3 portion and the substandard school sites reserved. The current proposal was considered inferior when compared with the previous proposal. The applicant should liaise with the KCRC further for comprehensive development of the site;
- (c) there were less planning and design merits in the current scheme when compared with the previous proposal. Although a decrease in the number of units was proposed, the wall effect of the proposed development had not been improved due to an increase in the number of building blocks and the linear arrangement of the residential blocks in the S3 portion. Also, the location of the proposed PTI at the upper level was not desirable and there was concern on the capacity of the proposed PTI to accommodate the loading/unloading activities of the mini-buses, taxis and private cars; and
- (d) the KCRC should be more proactive towards the implementation of the "CDA(1)" site. The PlanD was requested to continue to assist the applicant to liaise with the KCRC on the comprehensive development of the site.

104. The Chairperson said that the subject site was previously rezoned to “CDA(1)” with the planning intention to achieve a comprehensive development of the site. Phased development might be considered but each phase should follow and be implemented in accordance with an approved MLP. The subject MLP submission did not have sufficient planning and design merits to justify approval. Moreover, it was uncertain whether the proposed development at the S2 and S3 portions would be implemented as proposed. She agreed that the PlanD could facilitate the discussion between the applicant and the KCRC.

105. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the planning intention of the “Comprehensive Development Area(1)” was for comprehensive development/redevelopment of the whole area. There was inadequate information in the submission to demonstrate that the proposed phased development was technically feasible, and would not undermine the original planning intention to develop the whole site in a comprehensive manner;
- (b) the layout and disposition of the residential towers were undesirable and the development constraints (particularly traffic noise and industrial/residential interface problem) had not been addressed properly;
- (c) the proposed development might adversely affect the operation of the East Rail Fo Tan Station and the adjoining rail tracks and freight yard. There was inadequate information in the submission to demonstrate that the proposed phased development was technically feasible;
- (d) there was insufficient information in the submission to demonstrate that the proposed development would not generate any adverse visual impacts to the surrounding developments; and
- (e) the design, construction, funding, operation and maintenance responsibilities of the proposed Government, institution or community (GIC) and public transport interchange facilities had not been confirmed.

There was a concern on the need and timely implementation of the GIC and public transport facilities within or in associated with the development scheme.

[Professor Bernard V.W.F. Lim, Mr. Felix W. Fong, Dr. James C.W. Lau, Ms. Sylvia S.F. Yau and Mr. Patrick L.C. Lau left the meeting at this point, and Mr. Nelson W.Y. Chan, Mr. Tony C.N. Kan, Dr. Michael Chiu, Ms. Maggie M.K. Chan and Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[Ms. Ava Chiu returned to join the meeting at this point.]

Agenda Item 7

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/TP/357

Proposed Residential Development and Minor Relaxation of
Number of Storeys in “Residential (Group B)1” and “Green Belt” zones,
Tai Po Town Lot 179, Ma Wo, Tai Po
(TPB Paper No. 7560)

[The hearing was conducted in Cantonese and English.]

106. As Hyder Consulting Limited was one of the consultants for the application, Mr. Edmund K.H. Leung, being the Chairman of the firm four years ago, declared an interest in this application. As he had no current dealing with this firm, he was allowed to stay at the meeting.

Presentation and Question Session

107. Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North of the Planning Department (PlanD), was invited to the meeting at this point.

108. The following applicant’s representatives were also invited to the meeting at this point:

Ms. Keren Seddon
Ms. Cindy Tsang
Mr. Coway Chan
Mr. Andrew Ng
Mr. Oliver Wong
Mr. Benny Chow
Miss Sharifah Or
Mr. Lawrence Kuk
Professor Tsou Jin Yeu
Mr. Kenny Wong
Ms. Helen Chan
Mr. Michael Chan

109. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited the PlanD's representative to brief Members on the background to the application.

110. Mr. W.K. Hui did so as detailed in the Paper and made the following main points:

- (a) the application was for minor relaxation of the building height restriction in the "Residential Group B)1" ("R(B)1") zone from 7 storeys to 8 storeys above car parks for the incorporation of a 9m-high sky garden on the ground floor;
- (b) the application was rejected by the Rural and New Town Planning Committee on 23.12.2005 for having no strong planning justifications and no special merits to justify the proposed 9m-high sky garden;
- (c) the justifications put forth by the applicant in support of the review application were summarized in paragraph 3 of the Paper;
- (d) departmental comments were summarized in paragraph 4.1 of the Paper. In particular, the Buildings Department considered that further justification was required for the height of the proposed sky garden. The Chief Town

Planner/Urban Design and Landscape of the PlanD had reservation on the proposed sky garden in view of its visual impact on the adjacent developments;

[Mr. Nelson W.Y. Chan and Dr. Michael Chiu returned to join the meeting at this point.]

- (e) 102 public comments were received during the publication period of the review application. The Commenters objected to the application in view of concerns on the impacts of the proposed development on landscape, traffic, air ventilation and environmental aspects. There were suggestions that the application site should be developed for 3-storey detached buildings. Also, local objections were received by the District Officer/Tai Po;
- (f) PlanD's views – the application was not supported as the inclusion of a 9m-high sky garden was considered excessive. The additional storey, which accommodated loading/unloading area and residential lift lobby, was not purely proposed for sky garden.

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

[Ms. Maggie M.K. Chan and Ms. Starry W.K. Lee returned to join the meeting at this point.]

112. With the aid of a PowerPoint presentation, Ms. Keren Seddon made the following main points:

The Application

- (a) the incorporation of the proposed sky garden was desirable as it could maximize the airflow through and around the application site to overcome potential air stagnation problem due to its location at a basin. The development would minimize the site coverage and maximize the provision of recreational area and tree planting within the application site;

- (b) the proposed sky garden was in line with the Government policy for promoting the incorporation of green features in developments under the Joint Practice Note (JPN) No.1 for Green and Innovative Buildings issued by the Buildings Department, Lands Department and PlanD in February 2001;
- (c) the proposed 9m-high sky garden, with a height higher than the requirement of a clear height of “not less than 4.5m” as stipulated in JPN No. 1, could further enhance air ventilation in the adjacent Grand Dynasty View;
- (d) apart from the PlanD, there were no adverse comments from other concerned Government departments;

Responses to the PlanD’s Comments

- (e) the PlanD’s comment that the proposed increase in height represented a 34% increase in overall height in metres was not a valid ground for rejection. The height restriction in the relevant Outline Zoning Plan was stipulated in terms of number of storeys, and not in metres. The restriction was stipulated in view of the concern on the noise impact from Tolo Harbour, but with the installation of the noise barrier by the Highways Department, the noise impact from Tolo Highway was no longer a problem. Visual impact was not a grave concern as the site was located in a basin and not at a visually sensitive location. The proposed development with an overall building height of 62mPD was compatible with the surrounding developments with heights ranging from 60mPD to 65mPD;
- (f) regarding the need to strike a balance between better air ventilation and adverse visual impact, the proposed 9m-high sky garden with a clear headroom of 6m would provide much greater improvement to airflow for the adjacent development (36.2%) when compared with that with a minimum clearance of 4.5m (13.9%);
- (g) there were precedents for the approval of applications for incorporation of sky gardens of similar height. Two similar applications (No. A/K5/520

and A/K4/43) for minor relaxation of building height for incorporation of a communal sky garden at Caldecott Road, Cheung Sha Wan and Cornwall Street, Shek Kip Mei respectively were approved by the Board in 2003;

- (h) to address the PlanD's concern on limited space provided for recreational function within the sky garden, all loading/unloading bays would be located outside the sky garden and 50 additional trees would be planted within the sky garden for passive recreation and visual amenity purposes;

Responses to Public Comments

- (i) as residential development with a maximum plot ratio of 1.8 and maximum building height of 7 storeys above car park was permitted in the "R(B)1" site, the development of 3-storey detaching buildings at the application site as proposed by the Commenters was contrary to the planning intention;
- (j) regarding the local concerns on noise and traffic impacts, clearance of vegetation, obstruction to air circulation, air pollution and visual impact, relevant Government departments consulted had no adverse comments on these aspects; and
- (k) the proposed development, which would not increase the development intensity permitted under the Outline Zoning Plan, would not aggravate the noise and traffic impacts in the area. The incorporation of the sky garden would result in a smaller building footprint, and minimize slope excavation and tree felling. The height of the sky garden was specifically designed by an air specialist from the Chinese University of Hong Kong to improve airflow through the application site and help disperse pollutants. Some blockage of view was inevitable with any development on the "R(B)1" site and the proposed layout was a balance of various considerations including visual impact.

113. With the aid of a PowerPoint presentation, Professor Tsou Jin Yeu explained the improvement to airflow with the incorporation of the proposed sky garden and made the following main points:

- (a) apart from JPN No. 1, the provision of breezeways was also promoted in the document issued by the Team Clean in 2003;
- (b) the proposed 9m-high sky garden would enhance the airflow for the neighbourhood by 36.2%. It was in the public interest to provide the proposed sky garden which could secure an adequate airflow rate for the inverted narrow “T-shape” re-entrant space of the adjacent development of Grand Dynasty View with air stagnation problem;
- (c) the proposed sky garden could facilitate the airflow on the ground level, which was also beneficial to the pedestrians; and
- (d) without the proposed sky garden, the proposed development and the adjacent development would suffer from air stagnation and ineffective dispersal of heat and pollutants.

114. A Member raised the following questions:

- (a) apart from the photomontage showing the proposed development with the proposed sky garden incorporated, whether any photomontage showing the development without a sky garden was available; and

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

- (b) whether the figure of airflow improvement for 9m-high sky garden was calculated based on a clear headroom of 6m as proposed in the application.

115. Ms. Keren Seddon said that the submission had only included the photomontage showing the development with the proposed sky garden incorporated as the intention was to illustrate the full extent of the impact of the proposed development under the worst case scenario.

116. Professor Tsou Jin Yeu said that the figure of airflow improvement was calculated based on the proposed height of the sky garden, i.e. 9m.

[Mr. Tony C.K. Kan returned to join the meeting at this point.]

117. The same Member opined that the provision of a photomontage showing the development without a sky garden was necessary for comparing the visual impact of the proposed development with or without a sky garden. As only a 6m clear headroom was allowed in the proposed sky garden, it was considered more appropriate to work out the airflow enhancement figure based on 6m rather than 9m for comparison purpose.

118. In response, Professor Tsou Jin Yeu said that although it would be useful to adopt the exact clearance of the proposed sky garden in the assessment, the result of the subject assessment did show a clear pattern of airflow enhancement with the incorporation of the sky garden.

119. Ms. Keren Seddon said that if the visual impact was the main concern of Members, the applicant was prepared to reduce the height of the proposed sky garden to a lower clear headroom of 4.5m which could still meet the minimum requirement under JPN No. 1. However, such reduction would be at the expense of a reduction in the extent of tree planting and improvement in air ventilation.

120. In response to the Chairperson's request for confirmation on whether a reduction in height of the sky garden to one with a clear headroom of 4.5m was proposed, Ms. Keren Seddon said that if Members considered a 9m-high sky garden excessive, the Board was requested to defer a decision on the review application to allow time for the applicant to work out a scheme with a sky garden of reduced height and provide the required photomontage for consideration by the Board.

121. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them 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 Chairperson thanked the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

122. The Chairperson noted and agreed with Members that the proposed 9m-high sky garden was excessive and the proposed relaxation in height could not be regarded as minor. As it would be difficult for the Board to assess the acceptability of the reduced height of the sky garden suggested by the applicant's representatives at the hearing without the provision of supporting information, it might be more appropriate to defer a decision on the review application pending the submission of further information by the applicant. Members agreed.

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

[Ms. Maggie M.K. Chan and Ms. Starry W.K. Lee left the meeting at this point and Messrs. Edmund K.H. Leung and B.W. Chan left the meeting temporarily at this point.]

Agenda Item 8

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/200

Proposed House (New Territories Exempted House) (NTEH) (Small House)

in “Green Belt” and “Village Type Development” zones,

Lots 282ARP(Part) and 283ARP in DD 14, Tseng Tau Village,

Ting Kok, Tai Po

(TPB Paper No. 7558)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

124. Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North of the Planning Department (PlanD), was invited to the meeting at this point.

125. The following applicant and applicant’s representative were also invited to the meeting at this point:

Mr. Pang Wong-sau

Mr. Hui Kwan-yee

126. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited the PlanD’s representative to brief Members on the background to the application.

127. Mr. W.K. Hui did so as detailed in the Paper and covered the following main aspects:

(a) the reasons for the Rural and New Town Planning Committee to reject the proposed NTEH (Small House) development on 23.12.2005 as set out in paragraph 1.2 of the Paper;

(b) the written representation submitted by the applicant and major

justifications put forth in support of the review application as detailed in paragraph 3 of the Paper;

- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape of the PlanD did not support the application as the application site, which fell mainly within the “Green Belt” (“GB”) zone, formed an important buffer between the adjacent village settlements. Other concerned Government departments had no further comments on the review application except that the District Officer (Tai Po) advised that two supporting letters received had already been included in the applicant’s written representation;
- (d) no public comments were received during the publication period of the review application; and
- (e) PlanD’s view – the review application was not supported as the proposed development was not in line with the planning intention of the “GB” zoning, and did not comply with interim criteria for assessing planning applications for Small House development in that there was no general shortage of land in meeting the Small House development in the “Village Type Development” (“V”) zone; and the approval of the application would set an undesirable precedent.

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

128. The Chairman then invited the applicant’s representative to elaborate on the application.

129. Mr. Hui Kwan-ye made the following main points:

- (a) the application was supported by the concerned Tai Po District Council Member;
- (b) except for the PlanD, there were no adverse comments from the relevant Government departments;

- (c) the applicant was an indigenous villager of Tseng Tau Village and he would like to build a Small House located close to his fellow clansmen. Apart from the application site, the applicant had found no other land suitable for such purpose;
- (d) the application site was located about 20 metres from Tseng Tau Village and there were Small House developments located within 70 metres to 100 metres from the “V” zone; and
- (e) the applicant would fulfil any approval conditions imposed by the Board.

130. As the applicant and applicant’s representative had no further comment to make and Members had no further question to raise, the Chairperson informed them 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 Chairperson thanked the applicant, applicant’s representative and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

131. The Chairperson said that it was the planning intention to have Small House developed within the “V” zone. The proposed development however encroached upon the “GB” zone, which was intended to provide a natural buffer. Also, no strong justification had been provided by the applicant to justify a departure from the planning intention of the “GB” zone.

[Messrs. Edmund K.H. Leung and B.W. Chan returned to join the meeting at this point.]

132. A Member concurred with the Chairperson’s views and opined that there was no strong reason to support the application as the proposed development was not in compliance with the interim criteria for assessing planning application for NTEH/Small House development in that there was no general shortage of land in the “V” zone to meet the Small House demand.

133. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed New Territories Exempted House (NTEH) (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was primarily for defining 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, and there was a general presumption against development within this zone. No strong justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed NTEH (Small House) did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories in that although the application site was completely within the village ‘environs’, there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone; and
- (c) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment.

Agenda Item 9

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-NSW/165

Temporary Driving School and Ancillary Uses for a Period of 3 Years in
“Comprehensive Development Area (1)” (at time of application) and
“Other Specified Uses” annotated “Comprehensive Development Area
to include Wetland Restoration Area” (currently in force),
Lot 1347RP in DD 115, near Shan Pui Chung Hau Tsuen, Yuen Long
(TPB Paper No. 7562)

[The hearing was conducted in English.]

Presentation and Question Session

134. The following representatives of the Government departments were invited to the meeting at this point:

- Mr. Wilson Y.L. So - District Planning Officer/Tuen Mun and Yuen Long,
Planning Department (PlanD)
- Miss Lui Ying - Assistant Commissioner/Administration & Licensing,
Transport Department (TD)

135. The following applicant’s representatives were also invited to the meeting at this point:

- Mr. Phill Black
- Ms. Veronica Luk
- Mr. David Lo
- Mr. Taurus Leung
- Mr. David Yeung
- Mr. Tony Cheng
- Mr. Stephen Lui

136. The Chairman extended a welcome and explained briefly the procedures of the

review hearing. The Chairman then invited the PlanD's representative to brief Members on the background to the application.

137. Mr. Wilson Y.L. So did so as detailed in the Paper and made the following main points:

- (a) the review application was for reviewing approval conditions (a) and (d), which were imposed by the Rural and New Town Planning Committee (RNTPC) on 9.9.2005 to address the environmental concern caused by the off-site training of drivers of heavy vehicles and articulated vehicles. The application site was the subject of 6 previously approved applications submitted by the same applicant for the same driving school use since 1992, and the subject application was approved with conditions by the RNTPC for a period of 3 years;
- (b) the justifications put forth by the applicant in support of the review application were summarized in paragraph 3 of the Paper;
- (c) departmental comments – the TD advised that the driving school operated by the applicant was the only designated school providing training of drivers of articulated vehicles. As the TD had already imposed restrictions on training of drivers on public roads during certain peak hours of weekdays and Saturdays, the imposition of these approval conditions would further affect the operation of the driving school. The Environmental Protection Department (EPD), in its further comments set out in the Supplementary Paper tabled, confirmed that the traffic noise impact assessment submitted by the applicant did not address the concern on noise nuisance caused by a sudden surge of noise level when a heavy vehicle passed by the dwellings along the training routes, or when the learner drivers were manoeuvring the heavy vehicles near the residential developments. Therefore, the EPD maintained its previous view that the application was not supported unless the driving courses would exclude those for heavy vehicles and articulated vehicles;
- (d) one public comment from the Shap Pat Heung Rural Committee was

received during the publication period of the review application. The Commenter supported the imposition of all the approval conditions; and

- (e) PlanD's views – the review application was not supported for the reasons as detailed in paragraph 3.1 of the Supplementary Paper. It was considered that approval conditions (a) and (d) were required to address the concern on the environmental nuisance generated by the training of drivers of heavy vehicles or articulated vehicles on the nearby residential developments. There was a need to strike a balance between the operation of the driving school and the environmental concern raised by the EPD.

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

139. With the aid of a PowerPoint presentation, Mr. Phill Black made the following points:

- (a) the proposed driving school had been operating since 1994 after obtaining several temporary planning approvals;
- (b) training of drivers of heavy vehicles and articulated vehicles had been provided in this driving school since 1997 and 2003 respectively. Only four vehicles including 1 medium goods vehicle, 1 articulated vehicle and 2 coaches were involved for such training and about 900 people were trained per year. Most of the students could only attend the training after work and the peak training time slots were in the evenings, on Saturday afternoons and Sundays;
- (c) there were three and two driving routes for the training of drivers of articulated vehicles and coaches respectively. The training routes were carefully planned, approved by the TD and agreed by the Yuen Long District Council. The training routes had an average length of about 5km, 75% of which were fronting industrial areas including the Yuen Long Industrial Estate and Tung Tau Industrial Area, and 25% fronting existing residential areas, which included mainly village houses;

- (d) the slow movements of heavy or articulated vehicles by the students on the training routes would unlikely cause significant traffic noise impact. The traffic noise generated by the off-site training of four vehicles was insignificant when compared with that generated by a large number of the heavy goods vehicles, buses and articulated vehicles running on the major part of the training route fronting residential areas, including Fuk Hi Street and Wang Lok Street as shown in the traffic survey;
- (e) the submitted traffic noise impact assessment indicated that there was no difference in background noise levels with or without training of drivers of heavy and articulated vehicles. The proposed training time also complied with the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites, which only prohibited noisy operations from 11 p.m. to 7 a.m.;
- (f) no local complaint against the noise impact generated by the training of the drivers of heavy or articulated vehicles was received;
- (g) such driver training was already restricted during part of the daytime on traffic grounds. It was unfair to restrict the use of public roads by the driving school after 7:30 p.m. as private driving instructors could operate similar training on the same routes unregulated. The TD opined that the restriction would have serious repercussion on the smooth and effective implementation of the “two-pronged” approach driver training policy; and
- (h) the Board was requested to delete conditions (a) and (d) imposed in the approval of this application. Should imposition of a certain restriction was considered really necessary, the applicant was prepared to accept the restriction of off-site training of drivers of heavy vehicles or articulated vehicles after 10:30 p.m..

140. Mr. Taurus Leung supplemented that only 4 vehicles were involved in the off-site training of heavy vehicles and articulated vehicles, and the traffic survey submitted indicated that they contributed to an insignificant amount of the traffic flow on the training routes. No

public complaints against such training were received and their vehicles were not the source of traffic noise nuisance. As such, imposing the subject restriction would be unfair and unreasonable to the driving school and its students.

141. In response to a Member's question, Mr. Taurus Leung said that their students would not learn to park nor reserve the vehicles on the roads. A structured approach was adopted in the training of drivers of heavy vehicles and articulated vehicles. All students would attend classroom training and learn how to park off-street before driving on the roads.

142. A Member asked the views of the PlanD regarding the applicant's claim that the traffic noise on the training routes after 7:30 p.m. was mainly generated by the normal traffic flow. Mr. Wilson Y.L. So said that no traffic survey had been conducted by the PlanD. According to the traffic survey done by the applicant, the traffic flow on Fuk Hi Street was mainly generated by the nearby Yuen Long Industrial Estate instead of the driving school.

143. In response to the enquiry raised by Ms. Ava Chiu on whether any problem was envisaged if the approval conditions under review were retained, Miss Lui Ying responded as follows:

- (a) the TD had adopted a "two-pronged" approach to cater for driver training, i.e. to encourage off-street driver training operated by the driving school and to allow on-street driver training provided by private driving instructors. As the TD had already restricted the driving school from conducting off-site training in the morning and evening peak hours, the driving school would not be able to conduct such training after 4:30 p.m. if the approval conditions were retained. It would seriously affect the students of the driving school and the smooth implementation of the driver training policy;
- (b) as the students would have off-street training first, they would already have acquired some basic skill before driving on the roads. Besides, they were experienced drivers as they should have at least 3-year driving experience before taking a training course on driving a medium goods vehicle and bus, and should also have a driving licence of medium goods vehicle before taking a training course on driving an articulated vehicle; and

- (c) the concerned students were mainly professional drivers and they would need to have training sessions after working hours. Restricting off-site training of this driving school might encourage people to have on-street training offered by private driving instructors in other areas, which was considered not desirable from the traffic management point of view.

144. Dr. Michael Chiu said that the EPD raised concern on the training of heavy vehicles or articulated vehicles because according to paragraph 4.2(a)(ii) of the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites, it was environmentally undesirable to allow the nuisance generated by heavy vehicle traffic to affect the residents within 50 metres from the road. Rather than having the intention to restrict the operation of the driving school, the concern was on en route traffic noise nuisance as identified in some previous Ombudsman cases.

145. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them 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 Chairperson thanked the applicant's representatives and Government representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

146. A Member said that sympathetic consideration might be given to the review application as the off-site traffic noise impact generated by the 4 heavy or articulated vehicles was considered not severe. Besides, there was a practical need to offer such training in the evening as most of the students could only attend the training courses after work. Another Member shared the same view and opined that if the traffic noise nuisance on a certain route was so serious as to arouse grave concerns, the problem should be solved by banning all heavy or articulated vehicles rather than just imposing the restriction on the driving school.

147. Two Members did not support the review application and their views were:

- (a) there was concern on the adverse traffic noise impact on the residents. Nevertheless, consideration might be given to restricting off-site training of

drivers of heavy vehicles and articulated vehicles operated by the applicant after 7:30 p.m. at certain part of the training route along major residential developments; and

- (b) the traffic noise impact on the residents was a valid concern. There had also been complaints against off-site training previously offered in the driving school in Sha Tin.

148. The Chairperson said that there had been no complaint against the training of drivers of heavy or articulated vehicles offered by the subject driving school. As there was already a prohibition on off-site training between 4:30 p.m. and 7:30 p.m. for traffic reason, the driving school could not conduct any off-site training after 4:30 p.m. with the approval conditions under review. Consideration might be given to relaxing the restriction to strike a balance between the operational need of the driving school and the traffic noise impact on the residents.

149. Dr. Michael Chiu said that since people usually started complaining against noise nuisance after 9:30 p.m., consideration might be given to restrict any off-site training of drivers of heavy or articulated vehicles after 9:30 p.m.. Members considered the proposal a good compromise.

150. Ms. Ava Chiu asked whether it was appropriate to impose a condition on the operation of the driving school outside the application site. The Chairperson said that it was in line with the practice adopted by the TD as a similar restriction banning off-site training of the driving school between 4:30 p.m. and 7:30 p.m. had already been imposed by the TD.

151. After deliberation, the Board decided to amend the approval condition (a) to “No training of drivers of heavy vehicles or articulated vehicles was allowed outside the application site after 9:30 p.m. at night during the planning approval period.”

[Professor Nora F.Y. Tam left the meeting at this point.]

Agenda Item 10

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PS/232

Proposed Temporary Open Storage of Construction Materials and Metal

for a Period of 3 Years in “Green Belt” zone,

Lots 914, 915, 916, 917(Part) and 919 in DD 122,

Wing Ning Tsuen, Ping Shan, Yuen Long

(TPB Paper No. 7563)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

152. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

153. The following applicant’s representatives were invited to the meeting at this point:

Mr. Thomas Luk

Mr. Li Wai-kit

154. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited the PlanD’s representative to brief Members on the background to the application.

155. Mr. Wilson Y.L. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary open storage of construction materials and metal on 25.11.2005 were set out in paragraph 1.2 of the Paper;
- (b) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;

- (c) departmental comments – the Drainage Services Department advised that no drainage proposal was submitted to demonstrate that the use under application would not generate adverse drainage impact. The Transport Department (TD) advised that approval of the application might set an undesirable precedent for other similar applications in the surrounding areas. The Environmental Protection Department (EPD) did not support the application in view of dust and noise nuisances to the nearby sensitive receivers, and off-site traffic noise nuisance which would unlikely be abated by imposing site-specific noise mitigation requirements;
- (d) no public comments were received during the publication period of the review application. At the s.16 application stage, two public comments had been received and the Commenters objected to the application mainly in view of the concerns on the noise and dust impacts on the nearby residential dwellings; and
- (e) PlanD's view – the review application was not supported as the application site fell within the Category 4 areas under the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Pack-up Uses in which applications would normally be rejected except under exceptional circumstances. The PlanD did not support the application for the reasons detailed in paragraph 6.3 of the Paper.

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

157. Mr. Thomas Luk made the following points:

- (a) the applicant understood that there was little chance of obtaining planning permission for the development and was prepared to relocate the development to a suitable site;
- (b) however, the applicant had difficulty in finding a suitable site in view of the high rent of other sites;

- (c) the application site was only used for open storage purpose and transportation of goods by light vehicles was occasionally required;
- (d) as the site was subject to the enforcement action by the Planning Authority, the applicant applied for review of the decision of the RNTPC to reject the application. At the same time, the applicant tried to address the concerns raised by the TD, EPD and the locals on the development; and
- (e) the applicant hoped that the Board would approve the development for a short period to allow time for the applicant to relocate his business.

158. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them 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 Chairperson thanked the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

159. In view of the various concerns raised by Government departments and the locals and that the application was not in line with the relevant TPB guidelines, Members considered that sympathetic consideration could not be given to the application.

160. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was a general presumption against development;
- (b) the proposed development was not compatible with the residential dwellings in the immediate vicinity;

- (c) the application was not in line with the general intention of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approvals, adverse departmental comments and local objections were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse drainage, traffic and environmental impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “GB” zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving such applications in the area would lead to a general degradation of the environment in the area.

Agenda Item 13

[Open meeting]

Submission of the Draft Clear Water Bay Peninsula South
Outline Zoning Plan No. S/SK-CWBS/1A
under Section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7569)

- 182. The Secretary briefly introduced the Paper.
- 183. After deliberation, the Board:
 - (a) agreed that the draft Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) endorsed the updated Explanatory Statement (ES) for the draft Clear Water Bay Peninsula South OZP No. S/SK-CWBS/1A at Annex III as an expression of the planning intention and objectives of the Board for the various land-use

zonings on the draft 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 18

[Open Meeting]

Any Other Business

187. There being no other business, the meeting was closed at 7:50 p.m..