

**Minutes of 900th Meeting of the
Town Planning Board held at 9.00 am on 23.11.2007**

Present

Permanent Secretary for Development
(Planning & Lands)
Mr. Raymond Young

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

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

Dr. James C.W. Lau

Mr. K.Y. Leung

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Ms. Ava Chiu

Director of Lands
Miss Annie K.L. Tam

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Planning
Mrs. Ava Ng

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Senior Town Planner/Town Planning Board
Mr. Ivan Chung

1. The Chairman extended a welcome to Members.

Agenda Item 1

Confirmation of Minutes of the 899th Meeting held on 9.11.2007

[Open Meeting. The meeting was conducted in Cantonese.]

2. The minutes of the 899th meeting held on 9.11.2007 were confirmed without amendment.

Agenda Item 2

[Open meeting]

Matters Arising (MA)

[The meeting was conducted in Cantonese.]

3. The first and second MA items were recorded under separate confidential cover.
4. In view of the overrunning of the meeting schedule and the arrival of the applicant and applicant's representatives for Agenda Item 4, Members agreed to proceed with the consideration of Agenda Item 4 first before discussing other agenda items.

[Messrs. Walter K.L. Chan, Leslie C.H. Chen, Y.K. Cheng, B.W. Chan and Raymond Y.M. Chan, Professor N.K. Leung, Dr. Michael Chiu and Ms. Sylvia S.F. Yau left the meeting at this point.]

Agenda Item 4

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/K5/635

Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, A Car Parking Space, G/F, Tung Lee Building,

1043 Tung Chau West Street, Cheung Sha Wan

(TPB Paper No. 7953)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

5. Ms. Heidi Chan, District Planning Officer/Tsuen Wan and West Kowloon District (DPO/TWK) of Planning Department (PlanD), and the following applicant/applicant's representatives were invited to the meeting at this point:

Ms. Long Chi-kit] Applicant
Mr. Cheung King-tat, James] Applicant's Representatives
Ms. Fong Wai-yee]

6. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Ms. Heidi Chan to brief Members on the background to the application. With the aid of a powerpoint presentation, Ms. Chan did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission to convert an existing car park (the application premises) on the G/F of an industrial building (Tung Lee Building) at 1043 Tung Chau West Street to shop and services uses within an area zoned "Other Specified Uses" annotated "Business" (OU(B)) on the Cheung Sha Wan Outline Zoning Plan (OZP);
- (b) the reasons for the Metro Planning Committee to reject the application on 25.5.2007 were set out in paragraph 1.2 of the Paper;
- (c) the justifications put forth by the applicant in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) raised objection to the review application. The proposal would result in reduction of the existing two parking spaces to one space which was considered unacceptable unless it was demonstrated to TD that it was within the

recommended parking and loading/unloading (L/UL) provisions of the Hong Kong Planning Standards and Guidelines (HKPSG). It would set an undesirable precedent for converting parking and L/UL spaces for other uses. Owing to high demand of L/UL activities within the industrial/commercial area where the building was located, deletion of car parking and L/UL space was undesirable; and the upper car rack could not serve the L/UL purposes. AC for T/U had reservation on the practicality of the car rack for goods vehicles. The operation of the car rack might endanger pedestrians due to its close proximity to the public footpath;

- (e) public comments – the public comments were summarised in paragraph 5 of the Paper. 2 public comments were received from an individual and the Incorporated Owners (IO) of Tung Lee Building during the first three weeks of the statutory public inspection from 6.7.2007 to 27.7.2007. 2 more public comments were received from the same IO of Tung Lee Building and another individual during the three weeks of the statutory public inspection period for the further written submission which ended on 28.9.2007. The grounds of objection included: (i) inconvenience caused to the shop owners of the building and constraint created to the accessibility of the building; (ii) adverse impact on the outlook of the building; (iii) effect on the rental values of the building; (iv) negative impact on the security of the building; (v) inadequate parking and L/UL facilities of the building if converted to shop and services uses; and (vi) encouragement of other car parking conversions and illegal parking in the district; and

- (f) PlanD's view – PlanD did not support the review application for reasons stated in paragraph 6.1 of the Paper. The application premises was one of the two existing car parking spaces of the subject building. There was insufficient information submitted to demonstrate that the recommended parking and L/UL provisions of the HKPSG would be met and the application would not undermine the parking provisions within the subject building. There was reservation for the car rack to be used for goods vehicle. The upper rack could not serve the L/UL purposes. The operation of the car rack might also endanger pedestrians due to its close

proximity to the public footpath. Similar application to convert car parking space of the subject building to retail purpose was rejected by the Board upon review on similar grounds on 6.6.2003. There was no material change in planning circumstances to justify a deviation from the Board's previous decision. Approval of the application would set an undesirable precedent for similar applications, the cumulative effect would adversely affect the overall parking provision of the area.

7. The Chairman then invited the applicant's representative to elaborate on the application. Mr. James Cheung made the following main points:

- (a) the subject car park adjoining the L/UL areas was owned by the applicant who did not intend to make it available for parking or L/UL use. As such, the proposed conversion would not affect the parking provision;
- (b) a car rack would be provided to retain two parking spaces within the building and there was a safety buffer between the car rack and the public footpath. Safety of pedestrians would not be affected;
- (c) provision of a fire resisting wall between parking spaces and shop would help reduce fire risk and improve safety condition of the building;
- (d) the proposal would not have an adverse effect on the rental values and outlook of the building as the users of the building had all along not been allowed to use the parking space there;
- (e) security of the building would not be affected as the proposed shop was on the ground floor fronting the main street and its customers would unlikely disturb users of the building; and
- (f) approval of the review application would not set an undesirable precedent as there was no such parking space with a street frontage nearby whilst meeting the Buildings Department's requirements.

8. Members had the following questions:

- (a) whether the L/UL areas within the building could currently be used by users of the building; and
- (b) whether there was a right of way to ensure access to the L/UL areas.

9. Ms. Heidi Chan made the following responses:

- (a) in accordance with the building plans approved by the Buildings Department in 1979, there were two L/UL bays provided on the G/F of the building. The original intention to provide L/UL spaces within the building was to cater for the operational need of the industrial activities within the building; and
- (b) at present, the L/UL area at the back of the application premises had been used for storage by the applicant and could not be used by other users of the building.

10. Mr. James Cheung made the following responses:

- (a) the conversion of the L/UL area to storage use was a matter that needed to be sorted out by the IO of Tung Lee Building. However, the applicant was willing to help remove the storage objects in the L/UL area should the Board approve the review application; and
- (b) the car park was privately owned by the applicant and there was no requirement for the applicant to provide right-of-way to the L/UL areas within the building. In this regard, the demand for parking or L/UL spaces within the building should not be strong.

11. A Member commented that given the car park was privately owned and without the owner's consent, the L/UL areas within the building could hardly be put into the intended uses.

12. Ms. Long Chi-kit made the following responses:

- (a) repeated applications had been submitted but all of them had been rejected by the Board;
- (b) the subject car park had never been rented out for parking use since 1997. There was hardly any demand for parking spaces within the building;
- (c) the subject car park had remained vacant since 1997 and heavy losses had been suffered by the applicant; and
- (d) as the application only involved 2 parking spaces, it would unlikely have any adverse impact on the overall provision of parking and L/UL spaces within the district.

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

Deliberation Session

14. Members had the following views:
- (a) there was no sufficient justification provided for the Board to approve the review application; and
 - (b) the subject building was located in a busy area within Cheung Sha Wan and there were many L/UL activities during busy hours. Conversion of the parking spaces to other uses would definitely affect the operations of the industrial uses and the associated L/UL activities within the industrial building. Allowing such a conversion would be unfair to users of the building.
15. Miss Annie Tam said that as advised by the District Lands Officer, the subject

use was currently in breach of the Conditions of Sale and appropriate lease enforcement action would be taken by the Lands Department subject to the Board's deliberation on the review application.

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

- (a) the deletion of one of the two parking spaces in the subject building would undermine the provision of parking/loading or loading facilities as required under the Hong Kong Planning Standards and Guidelines;
- (b) the co-existence of the shop and services use and vehicle parking/loading or unloading on the same floor was not desirable in land use compatibility terms; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "Other Specified Uses" annotated "Business" zone.

Agenda Item 2

Matters Arising (MA) (cont'd)

[Open Meeting]

- (iii) Application for Judicial Review of Town Planning Appeal Decision
Town Planning Appeal No. 20 of 2006 (20/06)
Proposed Conversion of an Existing Commercial/Office Building for Hotel Use, 83
Wuhu Street, Hung Hom, Kowloon

[The meeting was conducted in Cantonese.]

17. The Secretary reported that the Court of First Instance on 2.11.2007 had granted leave to an application for judicial review (JR), lodged by Mega Well Limited, of the Town Planning Appeal Board (TPAB)'s decision on an appeal in respect of a planning application

(No. A/K9/206) for proposed conversion of an existing commercial/office building with a plot ratio (PR) of 12.033 for hotel use at the subject site which was zoned “Residential (Group A)” (“R(A)”) on the Hung Hom Outline Zoning Plan (OZP) No. S/K9/18. The appeal was dismissed by the TPAB on 31.7.2007 mainly on the grounds that a development by way of a conversion of an existing office building into a hotel was covered by paragraph (2) of the Remarks of the Notes of the “R(A)” zone and was subject to a PR restriction of 9 notwithstanding the fact that the existing building was built with a PR of more than 9, and according to section 16(4) of the Town Planning Ordinance, the Board had no power to grant permission to the Appellant to carry out a development by way of conversion of the existing building into a hotel which would result in the finished building having a PR of more than 9. The Board was briefed on the decision on 10.8.2007.

18. The Secretary said that in the JR application, the applicant contended that the decision was unlawful and improper. The date for hearing of the JR had not yet been fixed. The Board agreed that the Secretary would represent the Board on all matters relating to the JR in the usual manner.

19. The fourth MA item was recorded under separate confidential cover.

Agenda Item 3

[Open Meeting]

Revised Planning Brief for the Urban Renewal Authority Development Scheme
at Staunton Street/Wing Lee Street (H19)

(TPB Paper No. 7952)

[The meeting was conducted in Cantonese.]

[Dr. Daniel B.M. To left the meeting at this point.]

20. The Secretary said that as the revised Planning Brief (PB) was prepared and submitted by the Urban Renewal Authority (URA), the following Members had declared interests in this item:

Mrs. Ava S.Y. Ng]	
as the Director of Planning]	
]	
Miss Annie Tam]	being non-executive directors of the URA
as the Director of Lands]	
]	
Mr. Walter K.L. Chan]	
Ms. Margaret Hsia		being a co-opt member of the Planning,
as the Assistant Director (2) of the		Development and Conservation Committee
Home Affairs Department		of the URA
Dr. Greg C.Y. Wong]	having current business dealings
]	with the URA
Prof. Bernard V.W.F. Lim]	

21. Members noted that Mr. Walter K.L. Chan and Professor Bernard V.M.F. Lim had left the meeting and Ms. Margaret Hsia had tendered apology for being unable to attend the meeting.

[Dr. Greg C.Y. Wong, Miss Annie Tam and Mrs. Ava S.Y. Ng left the meeting temporarily at this point.]

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

22. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Ms. Christine Tse	District Planning Officer/Hong Kong (DPO/HK)
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Ms. Lily Yam	Senior Town Planner/Hong Kong
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23. The Chairman extended a welcome and invited Ms. Christine Tse to brief Members on the background of the Paper. With the aid of a powerpoint presentation, Ms.

Tse did so as detailed in the Paper and made the following main points:

- (a) background on the amendment to the boundary of the URA Staunton Street/Wing Lee Street Development Scheme Plan (DSP) to exclude an objection site and the subsequent submission of a revised PB by URA in accordance with the revised DSP boundary as detailed in paragraph 2 of the Paper;
- (b) a comparison of the major planning parameters/requirements of the draft revised PB and those of the endorsed PB as detailed in paragraph 3 of the Paper; and
- (c) outcome of the consultation with the Central & Western District Council as detailed in paragraph 4 of the Paper.

24. Members had the following views:

- (a) the amendment to the DSP to exclude the objection site had created some constraints on the planning and design of the DSP, particularly on the provision of public open space (POS). For example, the existing buildings at Wing Lee Street had their own local characteristics of low-rise buildings built on terrace though they were not qualified for preservation on heritage grounds according to the standards of the Antiquities and Monuments Office (AMO). However, the planned provision of POS at Wing Lee Street meant that these buildings would have to be demolished. It was suggested that URA should give further thoughts to the feasibility of preserving the buildings at Wing Lee Street together with some existing shops of local characteristics (e.g. kaifong yu lan association at 62A Staunton Street) within the DSP area;
- (b) in consideration of the Administration's policy to revitalise the neighbouring former police married quarters at Hollywood Road and the planned provision of POS there, there might be opportunity for URA to strengthen the element on preservation of local characteristics within the DSP taking account of the overall planning of the area;

- (c) preserving the buildings at Wing Lee Street would likely have implications on the provision of POS. In exploring the feasibility of preserving the subject buildings, URA should be given the flexibility of adjusting the provision of POS within the DSP; and
- (d) whether there was provision within the DSP to enhance the pedestrian accessibility given the sloping topography of the DSP area.

25. Ms. Christine Tse made the following responses:

- (a) AMO had not advised on the need to preserve the buildings at Wing Lee Street in the course of preparing or revising the PB. However, Members' concerns on the preservation of buildings of local characteristics would be conveyed to URA. These issues would be addressed in detail when URA proceeded to prepare the heritage study as prescribed in the revised PB. The heritage study would form part of the master layout plan (MLP) to be submitted to the Board for consideration;
- (b) the planned location of POS at Wing Lee Street was conditioned by the site configuration of the DSP subsequent to the exclusion of the objection site and the planning intention to achieve a linkage with the existing POS near Ladder Street. If there was a genuine need or planning intent to preserve the existing buildings at Wing Lee Street, URA might need to reconsider the location and size of POS. Based on current information, there were about 1,200m² POS planned within the former police married quarters at Hollywood Road and 767m² POS within the objection site. The possible reduction of POS within the DSP due to the preservation of Wing Lee Street buildings could therefore be compensated to a certain extent by the provision of POS in these developments. That said, issues raised at the meeting could be addressed by URA in preparing the MLP for the Board's consideration; and
- (c) the revised PB had duly recognised the importance and need to provide safe and convenient routes for pedestrians while respecting the existing desired routes within the neighbourhood. North-south route (between Caine Road

and Staunton Street and/or Bridges Street) and east-west route (between Wing Lee Street and Staunton Street and/or Bridges Street) for the pedestrians should be provided within the DSP. Access for the physically handicapped should also be incorporated within the pedestrian network.

26. A Member cautioned that in considering whether buildings of historical or heritage importance, if any, within the DSP should be preserved, due regard should be given to the advice of AMO. However, this Member agreed that the feasibility of preserving the buildings at Wing Lee Street should be further studied at the MLP stage.

27. The Chairman said that given Members' concerns about the preservation of the existing buildings at Wing Lee Street and the absence of a clear idea on the value of these buildings at the moment, URA could be requested to submit two sets of MLP reflecting the with/without preservation of the buildings at Wing Lee Street situations. Neither option, however, should affect the gross floor area stipulated in the revised PB. On the preservation option, URA should also be requested to come up with a viable scheme of revitalizing the preserved buildings and whether some existing uses of local characteristics identified within the DSP area could be reprovisioned in these preserved buildings. Members agreed.

28. After deliberation, the Board decided to endorse the revised PB as a framework for the preparation of a MLP by the URA.

29. The Chairman thanked the representatives of PlanD for attending the meeting. Ms. Christine Tse and Ms. Lily Yam left the meeting at this point.

Agenda Item 5

[Open meeting]

Review of Application No. A/I-MWI/40

Proposed Hotel Development in "Comprehensive Development Area" and "Other Specified Uses" annotated "Recreation and Tourism Related Uses" zones,

Part of Ma Wan Lots 151, 214, 215 and 218, Ma Wan

(TPB Paper No. 7954)

[The meeting was conducted in Cantonese]

[Dr. Greg C.Y. Wong and Mrs. Ava S.Y. Ng returned to join the meeting at this point.]

30. The Secretary said that the request was for deferment of consideration of the review application for 3 months to prepare the supplementary information on various technical assessments including ecological, landscape, water quality and traffic aspects to address the Board's concerns and for further discussion with relevant Government departments on the related technical issues. The request for deferment met the criteria set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to resolve major technical issues with relevant Government departments, the deferment period was not indefinite, and the deferment would unlikely affect the interest of other relevant parties.

31. After deliberation, the Board decided to agree to the request for further deferment and that the application would be submitted to the Board for consideration within 3 months upon receipt of further submission from the applicant.

32. The Board also decided to advise the applicant that the Board had allowed 2 months for preparation of submission of further information, instead of three months as requested by the applicant, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PS/270

Temporary Covered and Open Storage of Waste Metal

for a Period of 3 Years in "Village Type Development" zone,

Lots 153RP, 154 and 155RP in DD 121, Ping Shan, Yuen Long

(TPB Paper No. 7956)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

33. The Chairman said that reasonable notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the review hearing. Members agreed to proceed with the hearing in the absence of the applicant.

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

35. The Chairman extended a welcome and then invited Mr. Wilson So to brief Members on the background to the application. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary covered and open storage of waste metal for a period of 3 years on a site zoned “Village Type Development” (“V”) on the Ping Shan Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 27.7.2007 were set out in paragraph 1.2 of the Paper;
- (c) the applicant’s written submission in support of the review application was summarized in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Assistant Commissioner for Transport/New Territories, Transport Department advised that approval of the review application might set an undesirable precedent for other similar applications in the surrounding areas with cumulative adverse traffic impact on the nearby road network. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape of PlanD did not support the application as there was insufficient information to demonstrate no adverse impact on the existing landscape and no mitigation measures had been provided to alleviate the potential adverse impact on surrounding landscape. Open storage use was

not compatible with the residential houses to the north. The cumulative impact of similar uses would adversely affect the landscape quality of the area;

- (e) public comments – during the statutory publication period, 7 public comments were received from village representatives (VRs) of Kiu Tau Wai and Hung Uk Tsuen, a Member of Yuen Long District Council (YLDC), 3 members of the public and the Association of Ecokeeper. 5 of them were the same commenters during s.16 stage reiterating previous concerns. The VRs of Kiu Tau Wai reiterated that the area was zoned “V” with existing and proposed village houses in the vicinity, the existing open storage generated pollution, nuisance and traffic problems, Kiu Hung Road was not suitable for heavy goods vehicles, there had been traffic accidents and conflicts between residents and operators of vehicle park along the road. Hung Uk Tsuen VRs maintained their objection due to environmental pollution creating health and hygiene problems while the applicant had been using the site improperly thus causing nuisance to nearby villagers. The YLDC Member, a member of the public and the Association of Ecokeeper reiterated their previous objections. The remaining 2 comments objected on similar grounds of non-compliance with the planning intention, proximity to residential settlements causing pollution, nuisance and adverse environment, traffic and visual impacts to the residents, damages to trees and roadside furniture in surrounding areas; and

- (f) PlanD’s view – PlanD did not support the review application for reasons stated in paragraph 6.2 of the Paper. The proposed development was not in line with the planning intention of the “V” zone. There was no strong justification for a departure from the planning intention, even on a temporary basis. The site was within Category 4 areas under the Board Guidelines No. 13D and the intention was to encourage the phasing out of such non-conforming uses as early as possible. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. No previous application for open storage use had been approved within the same zone in the vicinity of

the site. Approval of the application would set an undesirable precedent for similar uses to proliferate in the “V” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

36. As Members had no further question to raise, the Chairman thanked PlanD’s representative for attending the meeting. Mr. Wilson So left the meeting at this point.

Deliberation Session

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

37. Members considered that the applicant had not provided sufficient information or justifications to support his review application and as such, the review application could not be supported.

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

- (a) the occupation of the site for temporary covered and open storage was not in line with the planning intention of the “V” zone which was to designate both existing and recognised villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were no exceptional circumstances to merit approval and the applied use was not compatible with the residential dwellings nearby;
- (c) there was insufficient information in the submission to demonstrate that the use would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for

similar uses to proliferate in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 7

[Open meeting (Presentation and Question Session Only)]

Review of Application No A/YL-PS/269

Proposed Temporary Public Vehicle Park for Private Cars, Lorries and Coaches

for Period of 3 Years in “Government, Institution or Community” and

“Village Type Development” zones, Lots 25, 28RP and 29RP(Part) in DD 121, Tong Fong

Tsuen, Ping Shan, Yuen Long

(TPB Paper No. 7955)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

39. The Chairman said that reasonable notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the review hearing. Members agreed to proceed with the hearing in the absence of the applicant.

40. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) was invited to the meeting at this point. The Chairman extended a welcome and then invited Mr. Wilson So to brief Members on the background to the application. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary public vehicle park for private car, light goods vehicle and lorry for a period of 3 years on a site zoned partly “Government, Institution or Community” and partly “Village Type Development” (“V”) on the Ping Shan Outline Zoning Plan (OZP);
- (b) approved by the Rural and New Town Planning Committee (RNTPC) on 27.7.2007 subject to conditions including prohibiting of goods/heavy

vehicles, restriction on parking hours, submission and implementation of landscape and drainage proposals. The approval conditions were set out in paragraph 1.2 of the Paper;

- (c) the applicant applied for a review of the RNTPC's decision on imposing approval condition (b) relating to "no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers are allowed to be parked on the site at any time during the planning approval period" to the planning permission;
- (d) no written representation in support of the review application had been submitted by the applicant;
- (e) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The Assistant Commissioner for Transport/New Territories, Transport Department advised that approval of the review applicant might set an undesirable precedent for other similar applications in the surrounding areas. The Director of Environmental Protection did not support the review application as there were sensitive uses in the vicinity and environmental nuisance was expected;
- (f) public comments – public comments were summarized in paragraph 4 of the Paper. During the statutory publication period, 8 public comments from residents of Imperial Villas, property management company of Imperial Villas, and a Member of Yuen Long District Council (YLDC) were received. Residents of Imperial Villas objected due to serious noise/dust nuisances created by heavy vehicles and pollution problems affecting the health of local residents; danger to residents due to heavy vehicles along Ping Kwai Road; safety of children/elderly using the nearby park and sports ground; insufficient capacity of Ping Kwai Road; existing public vehicle parks, illegal loading/unloading activities and unnecessary vehicular traffic to Ping Kwai Road. The residents also found heavy vehicles parked on site. Sino Estates Management Ltd, the property management company of Imperial Villas, stated that there were reports from residents on parking of heavy vehicles without approval, including

container vehicles and container trailers. They reiterated their previous comments and shared the residents' views. The YLDC member submitted 2 comments raising concern on the proximity to residential dwellings and noise/dust nuisances to residents caused by heavy vehicles; and

- (g) PlanD's view – PlanD did not support the review application for reasons stated in paragraph 5.1 of the Paper. There were residential dwellings to the northwest in the proximity of the application site. The imposition of approval condition (b) had taken into account the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by Environmental Protection Department in that uses causing heavy vehicle traffic should not be located close to sensitive uses. This was also in line with the Board's general practice for imposing such restrictions to address potential environmental concerns on nearby residential dwellings. The access track of the site had to connect to Ping Kwai Road which was running through residential developments. There were strong objections from the residents mainly on the grounds that the heavy vehicles running on Ping Kwai Road had been creating serious noise and dust nuisances.

41. As Members had no further question to raise, the Chairman thanked PlanD's representative for attending the meeting. Mr. Wilson So left the meeting at this point.

Deliberation Session

42. Members considered that the applicant had not provided sufficient information or justifications to support his review application and as such, the review application could not be supported.

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

- (a) the parking of goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers at the application site was not compatible with the adjacent residential structures; and

- (b) there was no information in the application to demonstrate that the parking of goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers would not pose adverse environmental impact on the surrounding areas.

Agenda Item 8

[Open Meeting]

Draft Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan – Submission of Draft Plan to Chief Executive in Council for Approval

(TPB Paper No. 7957)

[The meeting was conducted in Cantonese.]

- 44. The Secretary briefly introduced the Paper.
- 45. After deliberation, the Board agreed that:
 - (a) the draft Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/3A and its Notes at Annexes A and B respectively of the Paper were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) the updated Explanatory Statement (ES) for the draft Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/3A at Annex C of the Paper should be endorsed 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) the updated ES was suitable for submission to the CE in C together with the draft OZP.
- 46. Agenda items 9 and 10 were reported under confidential cover.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

47. There being no other business, the meeting was closed at 2.30p.m..