

**Minutes of 899<sup>th</sup> Meeting of the  
Town Planning Board held on 9.11.2007**

**Present**

Permanent Secretary for Development (Planning and 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

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

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

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

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

Deputy Director of Environmental Protection  
Dr. Michael Chiu

Director of Lands  
Miss Annie Tam

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

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling (a.m.)  
Ms. Brenda Au (p.m.)

Senior Town Planner/Town Planning Board  
Miss Fiona S.Y. Lung (a.m.)  
Mr. Ivan M.K. Chung (p.m.)

## **Agenda Item 1**

[Open Meeting]

### **Confirmation of Minutes of the 898<sup>th</sup> Meeting held on 26.10.2007**

[The meeting was conducted in Cantonese.]

1. The minutes of the 898<sup>th</sup> meeting held on 26.10.2007 was confirmed subject to the following amendments:

- (a) to amend the third and fourth sentences of paragraph 11 to read “...Mandatory Building Energy Codes and Extension of the Energy Efficiency Labelling Scheme were being pursued as pledged in the Chief Executive's 2007 Policy Address. Consideration of sustainability and energy saving should be incorporated in building and project design ....”; and
- (b) to amend the third sentence of paragraph 12 to read “.... The proposed MTR West Island Line and South Island Line would help encourage a modal shift away from the use of private cars. ....”.

[Professor Paul K.S. Lam arrived to join the meeting at this point.]

## **Agenda Item 2**

[Open Meeting]

### **Matters Arising**

[The meeting was conducted in Cantonese.]

- (i) **Approval of Four Outline Zoning Plans (OZPs)**

2. The Secretary reported that on 6.11.2007, the Chief Executive in Council approved the following four OZPs under section 9(1)(a) of the Town Planning Ordinance:

- (a) Draft Wan Chai OZP No. S/H5/24A (renumbered as S/H5/25);

- (b) Draft Hung Hom OZP No. S/K9/19A (renumbered as S/K9/20);
- (c) Draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/21A (renumbered as S/K11/22); and
- (d) Draft Kai Tak OZP No. S/K22/1A (renumbered as S/K22/2).

She said that the approval of the Kai Tak OZP was notified in the Gazette on 9.11.2007, while the other three OZPs would be notified in the Gazette on 16.11.2007.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 23 of 2006  
Temporary Open Storage of Recyclable Card Boards,  
Compressed Plastic Bottles, Steel Wires and Wooden Panels  
for a Period of 3 Years in “Recreation” zone, Lots 495 and 496 (Part)  
and Adjoining Government Land in DD 125,  
Ha Tsuen, Yuen Long  
(Application No. A/YL-HT/428)

3. The Secretary reported that the appeal was in relation to an application (No. A/YL-HT/428) for temporary open storage of recyclable card boards, compressed plastic bottles, steel wires and wooden panels for a period of 3 years at a site zoned “Recreation” (“REC”) on the approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/8. The appeal was heard by the Town Planning Appeal Board (TPAB) on 5.9.2007 and dismissed by the TPAB on 29.10.2007 based on the following considerations:

- (a) the appeal site was situated away from and to the west of San Wai Road and was in a “relatively undisturbed environment with greenery”. The Board would not normally approve applications for temporary open storage in the areas to the west of San Wai Road and no similar application had been approved in that area since the adoption of Town Planning Board Guidelines No. 13B in 2001. There were no special circumstances warranting different treatment of the present application;

- (b) the Board and PlanD had drawn a clear distinction between the relatively green area in which the appeal site was situated and the heavily degraded areas on either side of San Wai Road. The Planning Authorities had consistently discouraged open storage use in the former area, which was in a relatively rural or green setting, by refusing planning permission and by taking enforcement action. On the other hand, the Board had not only granted temporary planning permission for open storage in the areas near San Wai Road but was planning to rezone that area to open storage;
- (c) in considering the application, the Board was guided by the latest TPB Guidelines No. 13D promulgated on 2.11.2005. Under the Guidelines, about three quarters of the appeal site fell within Category 3 and the rest within Category 2. Given the appeal site had received no previous planning approvals since the promulgation of TPB Guidelines No. 13B in 2001, the present application failed to engage the exception to the policy of non-approval in Category 3 areas. Moreover, there were outstanding objections from the Director of Environmental Protection (DEP) and the Commissioner of Police (C of P) relating to noise pollution and traffic generation. The Board considered that the appellants had not submitted sufficient information to satisfy the DEP and the C of P that there would not be adverse environmental and traffic impacts. Such views remained unchanged at the appeal stage; and
- (d) under such circumstances, the TPAB could not see how the Board's decision could be successfully impugned. Moreover, the appellants had not demonstrated any compelling reason why an exception should be made in respect of the present application by granting temporary planning permission.

4. The Secretary said that a copy each of the Summary of Appeal and the TPAB's decision was dispatched to Members for reference on 7.11.2007.

[Ms. Margaret Hsia arrived to join the meeting at this point.]

(iii) Appeals Statistics

5. The Secretary reported that as at 9.11.2007, 13 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	20
Dismissed	:	105
Abandoned/Withdrawn/Invalid	:	125
Yet to be Heard	:	13
Decision Outstanding	:	4
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Total	:	267

[Dr. Peter K.K. Wong, Ms. Sylvia S.F Yau, Mr. Felix W. Fong and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H12/20

Proposed Minor Relaxation of Building Height Restriction in

“Residential (Group C)2” zone, 6 Shiu Fai Terrace

Mid-levels East (IL 2302B1 and Extension)

(TPB Paper No. 7939)

[The hearing was conducted in Cantonese and English.]

6. Ms. Christine Tse, District Planning Officer/Hong Kong (DPO/HK) of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Ms. Keren Seddon )

Miss Cindy Tsang	)	
Mr. Gary Lui	)	Applicant's Representatives
Ms. Quinly Wan	)	
Mr. Sidney Lam	)	

7. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Ms. Christine Tse to brief Members on the background to the application.

#### Presentation and Question Session

8. With the aid of a powerpoint presentation, Ms. Christine Tse covered the following main points as detailed in the Paper:

- (a) background - the applicant sought planning permission for minor relaxation of building height (BH) restriction from 12 storeys over 1 storey of carports to 12 storeys over 2 storeys of podium for car parks and clubhouse in an area zoned "Residential (Group C) 2" ("R(C)2") on the Mid-Levels East Outline Zoning Plan (OZP);
- (b) the Metro Planning Committee (MPC) decided to defer the consideration of the application on 25.5.2007, and requested the applicant to submit further information/justification on the proposed building height, address the concern on the tree felling proposals and demonstrate the visual impact of the proposed development from different viewing angles. Upon consideration of the further information submitted by the applicant, the MPC decided to reject the application on 27.7.2007 for reasons set out in paragraph 1.3 of the Paper;
- (c) further justifications for the review application submitted by the applicant were set out in paragraph 3 of the Paper;
- (d) to illustrate the visual impact of the proposed development,



photomontages were shown, with views taken from Tung Shan Terrace, Wong Nai Chung Road, Queen's Road East, Stubbs Road, and junction of Queen's Road East and Wong Nai Chung Road;

- (e) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. Concerned Government departments had no objection to or no adverse comment on the review application;
- (f) public comments – 25 public comments were received on the review application, which were summarized in paragraph 5 of the Paper. Except an Eastern District Council member who raised no objection, the remaining 24 commenters, mainly from the local residents and the Incorporated Owners of the nearby buildings, either objected to or expressed grave concerns on the review application mainly on the grounds that the proposed development would block the views of the adjacent buildings, affect air ventilation/natural lighting, generate additional traffic, increase the risk of future residents to potential hazard of an existing Liquid Petroleum Gas (LPG) tank at 14 Shiu Fai Terrace, and set an undesirable precedent for similar proposals; and
- (g) PlanD's view – PlanD had no objection to the review application for reasons stated in paragraph 6.1 of the Paper. The proposed minor relaxation of BH was to cater for the provision of car park and clubhouse, and met the requirement of the "R(C)2" zone. The proposal would enable a more spacious entrance to the site for landscaping and off-street loading/unloading activities, which would help enhance the amenity of the area and avoid obstructing the general traffic. The applicant had provided additional information including a photo survey along Stubbs Road and prepared photomontages of the proposed development from additional viewpoints, which demonstrated that the proposed development would not have any significant adverse visual impact on the surrounding areas. The proposed BH was generally compatible with the existing developments in the area. Similar applications for minor relaxation of BH of one storey at No. 8 Shiu Fai

Terrace had been approved by the Board.

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

10. With the aid of a Powerpoint presentation and a physical model displayed at the meeting, Miss Cindy Tsang made the following main points:

- (a) the proposed minor relaxation of BH restriction was rejected by MPC on the grounds of insufficient information to demonstrate that the proposed development would not have any adverse visual impact and approval of the application would set an undesirable precedent;
- (b) as shown in the section of the proposed development, the proposed increase in BH was just 4m. The proposed minor relaxation of BH was mainly for accommodating the minimum car parking requirements for residents and visitors according to the current Hong Kong Planning Standards and Guidelines (HKPSG), loading/unloading bay, entrance lobby, clubhouse, and electrical and mechanical facilities;
- (c) to address Members' concern on the possible visual impact, a comprehensive photo survey had been undertaken at regular intervals along Upper and Lower Stubbs Road. As shown in the photo survey, views from the Upper Stubbs Road were screened by existing vegetation. Driver and pedestrians would not be able to see any part of the proposed development along Upper Stubbs Road, nor along Lower Stubbs Road. Views along Lower Stubbs Road to the north and northwest of the subject site were mainly slope/retaining wall, while those to the south were limited due to screening by vegetation and the winding road;
- (d) as confirmed by the photomontages shown to Members, there was insignificant difference in visual impact between a scheme which was permitted as of right as compared with the current proposed development on the subject site;

- (e) a physical model had been prepared which illustrated that the proposed development was not dissimilar in height to the surrounding existing buildings;
- (f) as shown in the physical model, the proposed development, with the main roof at 115.55mPD, would have a 6m building setback, which would help maximize the visual distance from the existing residential buildings; and
- (g) the proposed development was in line with the planning intention which specifically provided for minor relaxation of BH for ancillary facilities. The proposal would avoid on-street parking by providing adequate internal transport facilities. It would set a desirable precedent for quality residential development with ancillary facilities in accordance with the HKPSG.

11. A Member noted that one of the public comments was related to the underground gas containers at 14 Shiu Fai Terrace and sought clarification on whether there would be any possible hazard to the residents. Referring to paragraph 4.1.6 of the Paper, Ms. Christine Tse said that the Director of Electrical and Mechanical Services had been consulted, who had no comment on the application from gas safety point of view, as the proposed minor relaxation of BH restriction would not substantially increase the risk level of the LPG installations at 14 Shiu Fai Terrace.

12. Another Member noted that the planning and design merits from the applicant's perspective had been presented to the Board and asked whether the proposed development had any planning merits from the nearby local residents' perspective. Ms Cindy Tsang responded that the proposed 6m building setback would help maximise the visual distance from the existing residential buildings, while the internal transport facilities to be provided within the site would help avoid obstructing the general traffic in the area.

13. As the 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's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation

14. The Chairman said as shown in the photo survey and physical model, the proposed BH relaxation was minor in nature and would unlikely have significant adverse visual impact on the surrounding areas. A Member said that to help improve the general environment of the surrounding areas, more greenery should be provided in the proposed building setback area. Members agreed.

15. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The permission should be valid until 9.11.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission renewed. The permission was subject to the following conditions:

- (a) the height of building (at main roof) should not exceed 115.55mPD; and
- (b) the submission and implementation of a tree preservation scheme and a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

16. The Board also agreed to advise the applicant to apply to the District Lands Office/ Hong Kong East, Lands Department for a lease modification to permit the applied use.

[Mrs. Ava Ng and Miss Annie Tam left the meeting temporarily, and Ms. Margaret Hsia left the meeting, at this point.]

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the Draft Urban Renewal Authority  
Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan  
No. S/K5/URA2/1

(TPB Papers No. 7936, 7937 and 7938)

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[The hearing was conducted in both Cantonese and English.]

17. The Secretary reported that as Comment No.1 was 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	)	Being a non-executive director of the URA
Ms. Annie K.L. Tam as the Director of Lands	)	
Mr. Walter K.L. Chan	)	
Ms. Margaret Hsia as the Assistant Director (2) of the Home Affairs Department		Being a co-opt member of the Planning, Development and Conservation Committee of the URA
Dr. Greg C.Y. Wong	)	Having current business dealings with the URA
Prof. Bernard Vincent W.F. Lim	)	

18. Mr. B.W. Chan said that he was previously a member of the URA Sham Shui Po District Advisory Committee. Upon his appointment as a Member of the Board, he had resigned from the Advisory Committee since 4.5.2006. Mr. Michael Lai said that he was an acquaintance of some of the representers in Group 1. Members noted that Messrs. Chan and Lai had no direct interest in this item and agreed that they could stay in the meeting and participate in the discussion of this item.

19. Members noted that Dr. Greg C.Y. Wong and Mr. Walter K.L. Chan had tendered apologies for not being able to attend the meeting in the morning, Professor Bernard V.W.F. Lim for not being able to attend the whole meeting, while Mrs Ava Ng, Miss Annie Tam and Ms. Margaret Hsia had already left the meeting temporarily.

20. The Chairman said that the draft URA Hai Tan Street/Kweilin Street and Pei

Ho Street Development Scheme Plan (DSP) No. S/K5/URA2/1 was exhibited for public inspection on 1.6.2007 under section 5 of the Town Planning Ordinance (the Ordinance). Five representations and two comments were received. On 5.10.2007, the Board decided to consider the representations and comments itself. The representations would be divided into two groups. Group 2 (comprising Representation No.5 and Comment No. 1) would be heard first, followed by Group 1 (comprising Representations No. 1 to 4 and Comments No. 1 to 2).

**Group 2 (Representation No. 5 and Comment No. 1)**

(TPB Paper No. 7938)

21. The following Government representatives were invited to the meeting at this point:

Ms. Heidi Chan	District Planning Office/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department (PlanD)
Ms. Carrie Chan	Town Planner/Sham Shui Po (TP/SSP), PlanD

22. The following representatives of representer and commenter were invited to the meeting at this point:

**Representation No. 5**

Mr. Amos Liu	)	Representatives of Golden Light Services Ltd.,
Mr. Leung Sing	)	Representer No. 5

**Comment No. C1**

Mr. Michael Ma	)	Representatives of URA, Commenter No. C1
Mr. Hiroshi Ikegaya	)	

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

**Presentation and Question Session**

24. The Chairman then invited Ms. Heidi Chan, DPO/TWK, to brief Members on

the background of the representation and comment.

25. With the aid of a powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) background of the draft URA Hai Tan Street/Kweilin Street and Pei Ho Street DSP as set out in paragraph 4 of the Paper, highlighting that the draft DSP comprised 3 sites, namely Sites A, B and C;
- (b) characteristics of the 3 sites and their surrounding areas as set out in paragraphs 5.1 and 5.2;
- (c) Representation No. 5, Golden Light Services Limited, opposed to include 189-203 Hai Tan Street (the representation site) into the DSP. The representer claimed that it represented the majority of owners and had started to implement the redevelopment plan since 1990s. It was unfair to the representer that its investment interest would be adversely affected. The representer proposed to exclude the representation site from the DSP;
- (d) in respect of the representation, Commenter No. 1 was received from the URA. The comments were summarized in paragraph 3 of the Paper; and
- (e) PlanD's views – planning considerations and assessments were set out in paragraph 5 of the Paper. Piecemeal redevelopment of the representation site alone was considered undesirable. As the representation site accounted for about 66% of Site B, its exclusion would frustrate the planning intention of the entire "Comprehensive Development Area" ("CDA") zone. There was no concrete indication that the properties would be redeveloped on their own in the short/medium term. According to the Buildings Department (BD), no redevelopment proposal for the representation site had been received. The loss of the representer's rights, once verified, would be compensated in accordance with the established acquisition policy of

the URA. PlanD's view was not to amend the DSP to meet the representation.

26. The Chairman then invited the representer's representatives to elaborate on their representation.

27. Mr. Amos Liu, representative of Representer No. 5, made the following main points:

- (a) the representer, Golden Light Services Ltd, represented the majority of owners of 8 blocks of buildings located at 189-203 Hai Tan Street. The representer had started its plan to redevelop the representation site as early as 1990, and had spent much time and effort over the past 16 years towards the redevelopment of the area;
- (b) the representer had been in contact with the rest of the owners of the buildings within the representation site and the majority of them supported their request for excluding the representation site from the DSP proposed by the URA, and agreed to redevelop the site on their own;
- (c) while recognizing URA's redevelopment effort for the area, it should be noted that the exclusion of the representation site from the DSP boundaries would have no significant effect, and the redevelopment of the representation site would be compatible with the development plan proposed by the URA;
- (d) it was unfair to the representer that its investment interest was to be adversely affected by the development plan proposed by the URA, and legal action might be taken by the representer to safeguard its interest;
- (e) PlanD considered that piecemeal redevelopment of the representation site alone was 'undesirable', but it had not explained how 'undesirable' it would be; and



- (f) URA was depriving the representer's right to develop the representation site and was in competition with the representer for a profit. Should the representer's right be affected, the representer would consider "escalating the matter to the political level".

28. The Chairman then invited the commenter's representatives to elaborate on their comment.

29. Mr. Michael Ma, representative of Commenter No. 1, made the following main points:

- (a) from the URA's available information, the representer only owned 3 out of the total 37 interests comprising the said properties within the representation site;
- (b) there was no other proof of ownership to demonstrate that the representer owned the majority of the properties or represented other owners. There was also no evidence to prove that the representer had submitted a development scheme for the representation site; and
- (c) the 8 blocks within the representation site were largely occupied by tenants, who were mainly elderly people. Unlike other private developers, in carrying out a redevelopment scheme, the URA would duly consider its social responsibility and offer ex-gratia allowance to the affected tenants.

30. A Member asked whether there was any documentary proof of the representer's claim that it represented the majority of owners of 8 blocks of buildings within the representation site, and whether there was any development scheme prepared for the representation site. Mr. Amos Lui responded that the matter involved sensitive business information and the negotiation with other owners would have to be kept confidential.

31. Another Member asked whether the representer had ever negotiated with the URA or the Government on its redevelopment scheme. Mr. Amos Lui said that as the

negotiation would not be on equal ground, the representer had not entered into any negotiation with the URA nor the Government.

32. A Member sought confirmation on whether the representer only owned 3 properties within the representation site, and another Member asked for the percentage of properties that was under the ownership of or in control by the representer as compared with all properties within the representation site. Mr. Amos Lui responded that the negotiation with other owners was carried out in a low profile and he had the authorization letters from other owners. The representer was in control of nearly half of all properties within the representation site, and was getting more. He said he was not familiar with the proceedings of the Board, and was not aware of the need to submit documentary proof of ownership or authorization. Besides, he had not been given sufficient time to make submission to the Board. He could show the authorization letters to Members at the meeting, but had to seek the consent of the representer and other relevant parties before he could decide whether he would leave a copy of the letters to the Board for record purpose.

33. The Chairman said that the representer had the discretion to decide whether to include the authorization letters in its submission, but if the authorization letters were to be shown at the meeting, a copy of such must be put on record. A Member said that even if the authorization letters were shown to the Board, Members might not be in a position to assess whether the representer was in control of the properties, as it involved legal interpretation on the meaning of ownership and control. In the event, Mr. Amos Lui did not show the authorization letters to the Board.

34. Mr. Michael Ma said that if the representation site were excluded from the DSP, the site area would be substantially reduced, and the resultant development might have to be in the form of a three-storey podium over two blocks of pencil-like development, which was undesirable. As the area within the DSP was zoned “CDA” and was subject to a noise compliance rate of 80%, submission of technical assessments such as Environmental Impact Assessment was required at the Master Layout Plan submission stage to address noise concern. If the representation site was excluded from the “CDA” zone and reverted to “Residential (Group A)”, no planning permission would be required for the redevelopment of the representation site and there was no mechanism to ensure that the redevelopment would meet the noise compliance rate.

35. Mr. Amos Lui said that the URA did not respect the public views and was competing with private property owners for the profit of redevelopment, which was against the spirit of free market economy. There were increasing public objections against URA's development schemes.

36. Another Member noted that the representer had made effort to redevelop the representation site as early as 1990 and asked if the representer had come up with any development scheme for the representation site. Mr. Amos Lui said that land acquisition was a long process and involved secret dealings, which would have to be kept confidential, including any proposed development scheme.

37. In response to the claim that insufficient time was given for the representer to make submission to the Board, the Secretary drew Members' attention that the DSP submitted by the URA under section 25(2) of the URA Ordinance was made available for public inspection in March 2006, and the representer had submitted comments at that time. When the DSP was published for public inspection and comment under section 5 of the Town Planning Ordinance (the Ordinance) in June 2007, the representer submitted a representation, simply appending its letter of March 2006 and saying that its previous position still stood. In the letter of 9.8.2007 to the representer, the Board's Secretariat had explained the provisions under the Ordinance and the hearing arrangements. The representer had been given sufficient time to make submission to the Board.

38. Mr. Amos Lui said that land acquisition took time. The views of the affected property owners should be respected. He reiterated that the URA should not compete with property owners for the right and benefit of developing their own properties.

39. As the representatives of the representer and commenter had finished their presentation and Members had no further question to raise, the Chairman informed the representatives of the representer and commenter that the hearing procedures had been completed, and the Board would deliberate on the representation and comment in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representer, commenter and PlanD for attending the meeting. They all left the meeting at this point.

40. The Board considered that all the representations and comments should be heard before deliberation was made on the representations and comments.

[Ms. Starry Lee arrived to join the meeting at this point.]

**Group 1 (Representations No. 1 to 4 and Comments No. 1 and 2)**

(TPB Papers No. 7936 and 7937)

41. The following Government representatives were invited to the meeting at this point:

Ms. Heidi Chan	District Planning Office/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department (PlanD)
Ms. Carrie Chan	Town Planner/Sham Shui Po (TP/SSP), PlanD

42. The following representatives of representers and commenter were invited to the meeting at this point:

**Representation No. 3**

Mr. Young Kwok Kin, Brandon	Representer No. 3
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**Representation No. 4**

Mr. Ng Kam Chiu	)	Representatives of H15 Concern
Mr. Tsui Yik Yiu	)	Group, Representer No. 4
Mr. Kenneth L. K. To	)	

**Comment No.1**

Mr. Michael Ma	)	Representatives of URA, Commenter
Mr. Hiroshi Ikegaya	)	No. 1

43. The Secretary said that Representations No. 1 and 2 were submitted by Sham Shui Po District Council (SSP DC) and Working Group of the Problems of Urban Renewal of SSP DC on behalf of Housing Committee of SSP DC respectively, and

Comment No. 2 was submitted by Mr. Ho King Ho. All of them had indicated that they would not attend or be represented at the meeting. Members noted that sufficient notice had been given to the representers and commenters, and agreed to proceed with the hearing in the absence of Representers No. 1 and 2 and Commenter No. 2.

44. The Chairman extended a welcome and then explained briefly the procedures of the hearing.

#### Presentation and Question Session

45. The Chairman then invited Ms. Heidi Chan, DPO/TWK, to brief Members on the background of the representations and comments.

46. With the aid of a powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) background of the draft URA Hai Tan Street/Kweilin Street and Pei Ho Street DSP as set out in paragraph 4 of the Papers, highlighting that the draft DSP comprised 3 sites, namely Sites A, B and C;
- (b) characteristics of the 3 sites and their surrounding areas as set out in paragraph 5 of the Papers;

#### Representation No. 1

- (c) Representation No. 1 was submitted by SSP DC. The views of the DC members were diverse. Some raised concern on the notional scheme, layout and linkage of the residential blocks, while some on the location of the public open space (POS) and Government, institution and community (GIC) facilities. Two Members requested that 205-211 Hai Tan Street should be included into the DSP. The SSP DC Chairman, in conclusion, requested the URA to consider the feasibility of alternative layout and design, and lower the plot ratio (PR) of the proposed redevelopment;
- (d) Comments No. 1 and 2 were submitted by the URA and Mr. Ho King

Ho respectively. Commenters' views were summarised in paragraph 3 of Paper No. 7936;

- (e) PlanD's views -- the representer's concerns on the location, layout and footbridge connection of residential blocks and POS could be addressed when the Master Layout Plan (MLP) was submitted to the Board for consideration. The public, including SSP DC, would be further consulted on the MLP. The Notes of the draft DSP had already stipulated that future development would need to meet a noise compliance rate of 80%. Concerns on the possible noise impact could be addressed at the MLP submission stage, and there was insufficient justification to lower the PR of the DSP to address the noise concern. The buildings at 205-211 Hai Tan Street were 9-storey buildings completed in 1963 and were in a relatively fair condition. Located at the periphery of the project, the site was large enough for redevelopment on its own. PlanD's view was not to amend the DSP to meet Representation No. 1;

Representations No. 2 to 4

- (f) Representations No. 2 to 4 were submitted by the Working Group on the Problems of Urban Renewal of SSP DC on behalf of Housing Committee of SSP DC, Mr. Young Kwok-kin, Brandon, and H15 Concern Group respectively. They all objected to the inclusion of the section of Pei Ho Street between Hai Tan Street and Tung Chau Street into the DSP, and requested that the concerned section of Pei Ho Street should not be included in the site area for PR calculation. Representation No. 2 also objected to the lack of building height (BH) restrictions in the draft DSP, Notes, Explanatory Statement (ES) and Planning Brief (PB), and requested that the maximum BH should not exceed 120mPD. Representation No. 3 was also concerned about the management of the POS, including the opening hours and the 'Jade Walk' theme, and requested URA to consult the SSP DC on the opening hours of the public facilities;
- (g) Comments No. 1 and 2 were submitted by the URA and Mr. Ho King Ho respectively. Commenters' views were summarised in paragraph

3 of Paper No. 7937; and

- (h) PlanD's views -- in most other cases, road space would not be included in the site area for PR calculation, but for the subject DSP, its inclusion for PR calculation was considered not unreasonable in consideration of the factors stated in paragraph 5.7 of Paper No. 7937, including
- project viability would be enhanced and implementation facilitated;
  - a section of Pei Ho Street would be closed and integrated with the proposed adjoining open space to form a sizable POS at Site C to be constructed and managed by the URA or its joint venture partner;
  - GIC facilities with a GFA of 2,200m<sup>2</sup> would be provided;
  - no objection from relevant Government departments, including the Transport Department, to the proposed road closure; and
  - any possible impact could be addressed at the MLP submission stage.

Regarding Representation No. 2, the ES and draft PB had stipulated that the BH of the proposed development should be justified by a visual impact assessment and subject to other technical assessments at the MLP stage. There were insufficient justifications provided by Representer No. 2 on the proposed BH limit of 120mPD. Regarding Representation No. 3, the URA had agreed that the POS would be open to the public for 24 hours except when unusual circumstances warranted closure. Other implementation issues could be addressed at the implementation stage and the public, including SSP DC would be further consulted. PlanD's view was not to amend the DSP to meet Representations No. 2 to 4.

47. As Representer No. 1 had indicated that they would not attend or be represented at the meeting, the Chairman then invited representatives of Commenter No.

1 to elaborate on their comment on Representation No. 1.

48. Mr. Michael Ma, representative of Commenter No.1, made the following main points:

- (a) the matter to be decided at this meeting was on the DSP boundaries, not the notional scheme. SSP DC would be further consulted on the development scheme at the MLP submission stage;
- (b) the proposed building layout had to take into account the requirements to meet the 80% noise compliance rate. By proposing a residential block at Site A, more residential units could be located farther away from the West Kowloon Corridor (WKC);
- (c) the proposed one large POS at Site C would allow more design flexibility and could be better connected to the existing Tung Chau Street Park and the Jade Bazaar underneath the WKC. The proposed Pei Ho Street POS would help revitalise the existing Tung Chau Street Park and Jade Bazaar. Further consultation would be carried out as detailed planning proceeded; and
- (d) the building at 205-211 Hai Tan Street was relatively new and in a fair condition. The site was sufficiently large for redevelopment on its own. Inclusion of this building would affect some 75 households, and the owners themselves had not requested for inclusion of their properties into the DSP.

49. The Chairman said that as Representer No. 2 had indicated that they would not attend or be represented at the meeting, he then invited Representatives No. 3 and 4 to elaborate on their representations.

### Representation No. 3

50. Mr. Young Kwok Kin, Brandon, Representer No. 3, made the following main points:



- (a) he had lived in SSP since he was born, except for the years when he lived abroad. He was a member of the SSP Consultation Board of the URA and the Working Group on the Problems of Urban Renewal of SSP DC and had participated in the meetings of these two bodies;
- (b) at the meetings, both SSP DC members and himself had raised objections against the inclusion of public space such as pedestrian walkway or Pei Ho Street into the development scheme for PR calculation. Though the relevant Government departments had no adverse comment on the inclusion of public properties for the benefit of private developers, the community at large was against such proposal, as it amounted to collusion between the Government and the private developers;
- (c) during an economic downturn, it might be necessary to provide concessions to enhance economic vitality of the URA. The economic conditions were now different, and the URA should be in a better financial position. Under the URA Ordinance, the URA was exempted from taxation under the Inland Revenue Ordinance, and the Urban Renewal Strategy also stated that the URA was exempted from paying the land premium;
- (d) the existing neighbourhood comprised low-rise buildings built in the 60s. An increase in PR would bring about higher density to the SSP area which would change the character of the neighbourhood. PlanD did not provide any grounds to justify that exclusion of the section of Pei Ho Street would jeopardize the planning intention and objectives of the DSP;
- (e) the inclusion of the section of Pei Ho Street (about 820m<sup>2</sup>) into the site area for PR calculation would generate additional gross floor area (GFA) of 7,380 m<sup>2</sup>, which was disproportional to the 2,200m<sup>2</sup> GIC facilities to be provided within the site. PlanD admitted that it was not common to include road space for PR calculation and there was no

strong justification to change the practice; and

- (f) the ‘people-centred’ approach should be adopted, and the purpose of the urban renewal was to improve the quality of living of the residents. The exclusion of the section of Pei Ho Road from PR calculation would not affect the development objectives, but promote the sustainable development of the site.

#### Representation No. 4

51. Mr. Kenneth L.K. To said that while he was a member of the Working Group of the Problems of Urban Renewal of SSP DC, i.e. Representer No.2, he attended this meeting as a representative of Representer No.4 and made the following main points:

- (a) in the Policy Address this year, emphasis was put on quality city and quality life. The Chief Executive announced that development restrictions on PR, site coverage and/or BH would be progressively stipulated in all outline zoning plans (OZPs), where justified, to improve the living environment, and the approved schemes of property development projects at Nam Cheong and Yuen Long Stations along the West Rail would be reviewed with a view to lowering their development intensity;
- (b) back in 1991-93, the Kowloon Density Study (KDS) was undertaken to devise a new basis for the control of building density in Kowloon and New Kowloon for application after the relocation of Kai Tak Airport. In 1993, amendments to 16 Kowloon OZP were agreed by the Board and gazetted under the Ordinance. Review of the KDS control was carried out in 1999 and upon its completion in 2002, developments or redevelopments with the “Residential (Group A)” (“R(A)”) zone were subject to specific control on PR, i.e., a maximum PR of 7.5 for domestic buildings and 9.0 for partly domestic and partly non-domestic buildings;
- (c) the ES of the Cheung Sha Wan OZP stated that in consideration of the

overall transport, environmental and infrastructural constraints, as well as the adequacy in the provision of community facilities, developments or redevelopments within the “R(A)” zone were subject to specific control on PR mentioned above except otherwise specified in the Notes;

- (d) URA’s proposal was to rezone the subject sites from “R(A)” to “CDA” (Sites A and B), and from “R(A)” and road to “CDA” (Site C). Taking a domestic PR of 7.5, the inclusion of the section of Pei Ho Street (about 820m<sup>2</sup>) into the redevelopment area for PR calculation would result in an additional GFA of 6,150m<sup>2</sup>, or 102 units (assuming 60m<sup>2</sup> per unit);
- (e) the ES of the Cheung Sha Wan OZP stated that in calculating the GFA for developments/redevelopments, the lands for free-standing purpose-designed buildings that were solely used for accommodating school or other GIC facilities were not to be taken as parts of the site. It was questionable why the development scheme submitted by the URA could be given preferential treatment and allowed to have additional GFA by inclusion of a section of Pei Ho Street for PR calculation, while those submitted by other developers were subject to the stringent PR control laid down in the KDS;
- (f) the additional GFA for the development scheme would lead to an increase in building bulk. In order to achieve a noise compliance rate of 80%, the buildings would have to be set-back from the WKC. As could be seen from the notional plan submitted by the URA, Towers 2 and 3 in Site C would have a frontage of 90m. To accommodate the additional GFA, a BH of 150mPD was proposed by the URA. With long frontage and high BH, wall effect was inevitable. The same concern had been raised with the URA but was ignored. It was also surprising to note that PlanD had not raised concern from the urban design perspective;
- (g) as shown in the aerial photos, the old residential neighbourhood of SSP

mainly comprised low-rise buildings, but with some new high-rise residential developments. Two new developments were 29 storeys, while others were about 25 storeys, ranging from 80m to 100m. A BH of 150mPD proposed by the URA was incompatible with other new developments. The proposal of restricting the maximum BH to 120mPD had already taken into account the special nature of URA's development scheme;

- (h) the existing buildings were mostly 6-storey buildings, the redevelopment of which would unlikely be financially unviable for URA. The provision of 2,200m<sup>2</sup> of GIC facilities was out of proportion when compared with the additional GFA of 6,150m<sup>2</sup>. No information was provided on what types of GIC facilities would be provided. It was not uncommon in other development schemes to reserve areas for GIC facilities even without the granting of additional GFA. It should also be noted that some GIC facilities were never implemented in some development schemes;
- (i) the recent tragedy in Tin Shui Wai had drawn the public's attention to the problems of that area. SSP District shared the same problems, if not worse, as Tin Shui Wai in terms of the amount of public housing, the level of income, and the new immigrants population. The local residents in SSP could, however, live in harmony, mainly due to the well established social network and the vitality of the local community. The URA was urged not to pursue economic interest at the expense of the social network and cohesiveness of the local community; and
- (j) the Board was urged to act as the gate-keeper and set the appropriate PR control on the DSP. It would be too late to review the PR control at the MLP submission stage.

52. The Chairman then invited the commenter's representatives to elaborate on their comments on Representations No. 2 to 4.

53. Mr. Michael Ma, representative of Commenter No. 1, made the following

main points:

- (a) according to the estimate made by the URA, implementing this development scheme would incur a loss;
- (b) the PR stipulated in the DSP only represented the upper limit. Various technical assessment would be carried out by the URA at the MLP submission stage to ascertain whether the maximum GFA could be achieved; and
- (c) unlike other private developers, the URA had to comply with various requirements, including a noise compliance rate of 80% and building setback. Such requirements would affect the financial viability of the project.

54. A Member asked about the reasons for including areas to be developed into POS, including a section of Pei Ho Street (about 820m<sup>2</sup>), for PR calculation, and how the area (about 2,200m<sup>2</sup>) reserved for GIC facilities would be implemented. Ms. Heidi Chan responded that a large POS of about 1,500m<sup>2</sup> was proposed, comprising a section of the existing Pei Ho Street and area previously zoned “R(A)” on the Cheung Sha Wan OZP. The inclusion of a section of Pei Ho Street for PR calculation was considered not unreasonable in consideration of the following factors:

- project viability would be enhanced and implementation facilitated;
- a section of Pei Ho Street would be closed and integrated with the proposed adjoining open space to form a sizable POS at Site C to be constructed and managed by the URA or its joint venture partner;
- GIC facilities with a GFA of 2,200m<sup>2</sup> would be provided;
- no objection from relevant Government departments, including the Transport Department, to the proposed road closure; and
- any possible impact could be addressed at the MLP submission stage.

Ms. Chan also said that except Pei Ho Street, the remaining part of the proposed POS was previously zoned “R(A)” on the OZP, it could be allowed to be redeveloped up to a domestic PR of 7.5 and non-domestic PR of 1.5.

55. Mr. Michael Ma said that details on the types and location of GIC facilities would be provided at the MLP stage. He also said that according to URA’s estimate, the implementation of the subject DSP would incur a loss. If the section of Pei Ho Street was excluded from PR calculation, it would result in a 10% reduction in GFA and the financial loss was estimated at HK\$270m.

56. A Member noted that the provision of GIC facilities was required in other DSPs and sought clarification on whether the GIC facilities would be provided if the section of Pei Ho Street was excluded from PR calculation. Mr. Michael Ma said that the provision of GIC facilities was required under the Urban Renewal Strategy and the PB, and was not related to the proposed POS and its PR calculation.

57. Another Member asked if the section of Pei Ho Street was excluded from PR calculation, to what extent the BH could be reduced. Mr. Michael Ma said that the expected BH would be 4 storeys lower than the original proposal.

58. As the representatives of the representers and commenter had finished their presentation and Members had no further question to raise, the Chairman informed the representatives of the representers and commenter that the hearing procedures had been completed, and the Board would deliberate on the representations and comments in their absence and would inform them of the Board’s decision in due course. The Chairman thanked the representatives of the representers, commenter and PlanD for attending the meeting. They all left the meeting at this point.

[Professor Peter R. Hills left the meeting at this point.]

59. The deliberation session was reported under confidential cover.

[Mrs. Ava Ng returned to join the meeting at this point.]

60. As the hearing of the representations and comments was completed ahead of schedule, Members agreed to proceed with the consideration of Agenda Items 10 to 15.

**Agenda Item 10**

[Open Meeting]

Request for Deferral of Review of Application No. A/YL-TYST/310

Proposed Flats and Minor Relaxation of Plot Ratio Restriction of “Residential (Group B)1” in “Residential (Group B)1”, “Government, Institution or Community” and “Green Belt” zones, Lot 2131 in DD 121, Tong Yan San Tsuen, Yuen Long  
(TPB Paper No. 7945)

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[The meeting was conducted in Cantonese]

61. The Secretary said that the request was for further deferment of consideration of the review application for three months in order to allow time for preparation of further information taking into account the outcome of another application in respect of the site (Application No. A/YL-TYST/343). 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.

62. 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.

63. The Board also decided to advise the applicant that the Board had allowed another 2 months for the applicant to prepare submission of further information, that is, a total of 13 months. No further deferment would be granted unless under very special circumstances.



### **Agenda Item 11**

[Open Meeting]

Request for Deferral of Review of Application No. A/NE-KLH/364

Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking for a Period of 3 Years in “Green Belt” and “Open Storage” zones, Lots 617BRP, 618BRP, 622BRP(Part) and 626RP(Part) in DD 9, Nam Wa Po Village, Kau Lung Hang, Tai Po  
(TPB Paper No. 7951)

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[The meeting was conducted in Cantonese]

64. The Secretary said that the request was for further deferment of consideration of the review application for not more than 2 months, pending a reply from the Lands Department regarding the applicant’s enquiries on a highway project which affected the availability of the application site due to land resumption. 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.

65. 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.

66. The Board also decided to advise the applicant that no further deferment would be granted unless under very special circumstances.

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangements for Consideration of Further Objections to the Proposed Amendments to the Draft Wan Chai North Outline Zoning Plan No. S/H25/1  
(TPB Paper No. 7947)

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[The meeting was conducted in Cantonese]

67. The Secretary presented the Paper and requested Members to decide whether the further objections and written representations should be considered by the Board and on the proposed hearing arrangement.

68. After deliberation, Members agreed that the further objections and written representations from the original objectors should be considered in the manner as proposed in paragraphs 3 and 4 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations  
and Comments to the Draft North Point Outline Zoning Plan No. S/H8/21

(TPB Paper No. 7948)

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[The meeting was conducted in Cantonese]

69. The Secretary presented the Paper and requested Members to decide whether the representations should be considered by the Board and on the proposed hearing arrangement.

70. After deliberation, Members agreed that the representations should be considered in the manner as proposed in paragraph 3 of the Paper.

71. Agenda items 14 and 15 were reported under confidential cover.

72. The meeting was adjourned for lunch at 12:10 p.m.

73. The meeting was resumed at 2:10 p.m..

[Dr. Greg C.Y. Wong, Dr. C.N. Ng, Messrs. Nelson W.Y. Chan, Tony C.N. Kan, Walter K.L. Chan and K.Y. Leung arrived to join the meeting at this point.]

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

Mr. Raymond Young  
Dr. K.K. Wong  
Dr. Greg C.Y. Wong  
Professor Nora F.Y. Tam  
Mr. Nelson W.Y. Chan  
Professor David Dudgeon  
Mr. Tony C.N. Kan  
Dr. C.N. Ng  
Dr. Daniel B.M. To  
Mr. Alfred Donald Yap  
Mr. Walter K.L. Chan  
Mr. Y.K. Cheng  
Ms. Anna S.Y. Kwong  
Dr. James C.W. Lau  
Ms. Starry W.K. Lee  
Mr. K.Y. Leung  
Dr. Michael Chiu  
Miss Annie Tam  
Mrs. Ava S.Y. Ng

**Agenda Item 5**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TKL/298

Proposed Temporary Open Storage of Used Building Materials (Timber and Metal) with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot 1497B1(Part) in DD 76 and Adjoining Government Land, Sha Tau Kok Road, Ma Mei Ha, Ta Kwu Ling (TPB Paper No. 7940)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

75. Mr. W.K. Hui, District Planning Officer/Shatin, Tai Po and North of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point:

Ms. Yuen Yin Sai

Mr. Lai Ho Sun

Ms. Suen Sau Kwan

Mr. Yiu Koon Man

76. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. W.K. Hui to brief Members on the background to the application.

77. With the aid of some plans, Mr. W.K. Hui did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary open storage of used building materials (timber and metal) with ancillary office for a period of 3 years on a site zoned “Agriculture” (“AGR”) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee to reject

the application on 13.7.2007 were set out in paragraph 1.2 of the Paper;

- (c) no written representation in support of the review application had been submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected;
- (e) public comments – during the statutory publication period, 3 public comments on the review application were received from the Fanling District Rural Committee and nearby villagers. They objected to the application on the grounds that the application site was used as welding workshop instead of open storage of building materials, and the workshop generated environmental nuisances including air and noise pollution and had adverse impacts on the nearby residents; and
- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. The application did not comply with the TPB Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted for the application site and there was insufficient information in the submission to demonstrate that the proposed use would not have adverse environmental impact on the surrounding areas. DEP did not support the application as there were sensitive uses in the vicinity.

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

79. Ms. Yuen Sin Sai made the following main points:

- (a) the application was only for temporary open storage of used building materials. The building materials included metal railing, tiles and

sign post. There was no storage of sand and stone. No welding or other workshop-related activities would be carried out on site. Noise nuisance should not be expected. There were two sites in the vicinity being used similarly as open storage of construction materials;

- (b) the applicant would be mindful of keeping the site clean and tidy without causing nuisance to the surroundings. All along, the applicant had been cooperative upon receipt of the Enforcement Notice issued by PlanD and had ceased operation of the storage use before obtaining the Board's approval;
- (c) there was no objection from concerned departments including the Drainage Services Department, Transport Department and Fire Services Department. Objection had only been raised by two villages which were located away from the application site. Another village, Leng Tsai, in close proximity to the application site had raised no comments and actually supported the application;

[Professor David Dudgeon arrived to join the meeting at this point.]

- (d) should the application be approved by the Board, the imposition of relevant approval conditions would ensure the use of the application site be monitored by concerned government departments. This would also ensure a better utilisation of the application site. On the other hand, should the application be rejected by the Board, the application site would be left in a derelict state which would in turn create environmental problems to the detriment of the surrounding residents;
- (e) the site had been paved and it was difficult for the applicant to revert to agricultural use as planned on the OZP;
- (f) the building materials to be stored on site could not be accommodated in traditional flatted factories. Given the on-going business requirements, the applicant had been forced to borrow other people's sites for storage purpose in the interim; and

- (g) although there were other sites zoned “Open Storage” (“OS”) in the area, there was always a lack of direct road access to those sites and the need to seek landowners’ agreement on access right had rendered those “OS” sites a non-starter. Notwithstanding that, the applicant was still making efforts to find suitable sites for storing the used building materials. Sympathetic consideration of the application was required as the use of the application site on a temporary basis for three years was important to the business operation of the applicant.

80. A Member asked whether the enforcement action initiated by PlanD had been effective against the unauthorized developments (UDs) in the area and if the site to the north-east of the application site had been cleared as a result of the enforcement action. With reference to an aerial photo, Mr. W.K. Hui responded that as a result of PlanD’s enforcement action, some UD’s in the vicinity had been cleared. PlanD would continue its enforcement action against the UD’s in the area.

81. In response to another Member’s enquiry on whether welding would be carried out on site, Mr. Lai Ho Sun advised that the site would only be used for storage of used building materials and there was no welding or other workshop-related activities. He added that the site had been paved and peripheral tree planting had been carried out to avoid possible environmental impact on the surroundings. Mr. Lai tabled a letter from Leng Tsai village confirming its support for the application.

82. As the 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’s representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

83. A Member said that UD’s in the application site and some of its surrounding sites had been cleared by PlanD whilst the remaining UD’s in the vicinity would be

subject to PlanD's continuous enforcement action. In this regard, this Member did not support approval of the application as it would undermine the Government's efforts to clear the area of UD's. The Chairman concurred with this Member's view and added that the applicant had also not provided sufficient information to justify the case. Other Members agreed.

84. After further deliberation, the Board decided to reject the application on review and the reason was that the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted to the application site and insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas.

[Miss Annie Tam and Mr. Alfred Donald Yap returned to join the meeting at this point.]

#### **Agenda Item 6**

[Open Meeting]

Planning and Engineering Review of Potential Housing Sites in Tuen Mun East Area –  
Feasibility Study  
(TPB Paper No. 7941)

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[The meeting was conducted in Cantonese.]

85. The following representatives from government departments and consultants were invited to the meeting at this point:-

Mr. Wilson So	District Planning Officer/Tuen Mun and Yuen Long, Planning Department (PlanD)
Mrs. Christina Kwong	Chief Engineer/Tin Shui Wai & Yuen Long (NTN&W), Civil Engineering & Development Department (CEDD)
Mr. Collin Chan	Scott Wilson Ltd.



Mr. Derek Sun

EDAW City Planning Ltd.

86. The Chairman extended a welcome and invited the representatives to brief Members on the Paper.

87. Mrs. Christina Kwong briefly explained the background to the commissioning of the Study and said that the objective of the Study was to ascertain the appropriate plot ratio and other development parameters for the 14 study sites in the Tuen Mun East Area (the Study Area).

88. With the aid of Powerpoint slides, Mr. Chan then presented the following main points:

- (a) in the Study Area, 8 sites had been planned for housing developments, i.e. zoned “Residential” or “Comprehensive Development Area”. Another 6 sites currently zoned “Government, Institution or Community” could be released for residential development. The Study therefore aimed at ascertaining the appropriate plot ratio and other development parameters for these 14 sites;
- (b) the Study Area was bounded by Tuen Mun River Channel and Hoi Wong Road to its west, the Tai Lam Country Park to its north, Tai Lam Chung Nullah to its east and the coast to its south. The locations and details of the study sites including their baseline development parameters were shown in Annexes 1 and 2 of the Paper respectively;
- (c) the objectives of the Study were to examine the development potential and impact of the proposed developments of the 14 study sites in the Study Area; to review the suitability of Site 14 for public rental housing development or private housing development; to review the development parameters of the study sites; and to review the overall development intensity of the Study Area. The Study would also provide a basis for further detailed engineering investigation and detailed design for the sites;

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

- (d) the Study would be carried out in two stages, i.e. planning review and engineering review, in parallel. A close and interactive relationship between them would be maintained as the Study progressed;
- (e) two sets of development parameters under two development scenarios for the study sites would be prepared before recommending a preferred development scenario;
- (f) the planning review would examine the development opportunities and constraints of the Study Area whilst the environmental review would cover different aspects including archaeology, land contamination, landscape/visual impact, air quality, ecology, hazardous installation and noise;
- (g) the engineering assessments would cover water supply and utility impact assessment, traffic impact assessment, drainage and sewerage impact assessment and geotechnical assessment. An air ventilation assessment including wind tunnel test and construction of physical model would be carried out jointly with the Hong Kong University of Science and Technology;
- (h) two public consultations would be conducted. The first round including consultation with the Tuen Mun District Council was scheduled for early 2008 after the formulation of the preliminary findings of the Study. The second round was planned in mid-2008 after refining the findings of the Study and preferred development scenarios were formulated; and
- (i) the Study would be completed around September 2008.

89. Members had the following questions:

- (a) the reasons for not including Sites 2, 4 and 11 in the archaeological impact assessment (AIA). In particular, it was not sure why Sites 1, 3 and 7 in

proximity to Site 2 were included in the AIA whilst Site 2 was excluded;

- (b) whether two development scenarios would only be prepared for Site 14 rather than all the study sites. In reviewing the suitability of Site 14 for public rental housing development or private housing development, whether factors, e.g. social, other than engineering considerations would be taken into account;
- (c) the reasons for examining the suitability of Site 14 only for public housing development; and
- (d) what the planned population of these study sites was and whether it would create pressure on the planned infrastructure of the Study Area.

90. Mr. Chan had the following responses:

- (a) based on the advice from the Antiquities and Monuments Office (AMO), the Study had only included those sites falling within the archaeological district in the AIA; and
- (b) the two development scenarios would be proposed for all the study sites instead of Site 14 only. In determining the suitability of Site 14 for public housing or private housing, both engineering and planning considerations would be duly considered by the consultants.

91. Mr. Wilson So made the following main points in response:

- (a) PlanD had liaised closely with concerned departments including AMO in drawing up the Study Brief. Having regard to AMO's express concerns about the archeological impact in connection with 9 study sites, the Study Brief had stipulated the requirement for the consultants to undertake an AIA for those sites accordingly. Notwithstanding that, if other sites were found to have archaeological importance in the course of study, AMO would be kept informed and their advice would be sought as appropriate;

- (b) to ensure development of the Study Area on a sustainable basis having regard to both planning and infrastructure considerations, low-density housing was generally considered to be appropriate within the Study Area. However, Site 14 had a long development history in that it had already been zoned as “Residential (Group A)” when the Tuen Mun Outline Zoning Plan was first published in 1984. It was once planned to be developed as a Private Sector Participation Scheme and subsequent study carried out for that site had justified a plot ratio of 4.5. That said, given the current planning intention for low-density development in the Study Area and the capacity constraint of the infrastructure planned for the Study Area, e.g. limited capacity of the Tuen Mun Road and Castle Peak Road, it was opportune for the Study to review the suitability of Site 14 for public housing development and its development parameters; and
- (c) as explained earlier, the Study would come up with two development scenarios and the consultants would make recommendations for all the study sites as to whether they should be developed for housing or other uses. For example, should the consultants recommend Site 14 for public housing development, there might be a possibility that the development intensity of other sites needed to be lowered without overloading the infrastructure capacity of the Study Area. As the Study was now at an initial stage, it was difficult to ascertain the future population and the exact impact on the infrastructure of the Study Area.

92. A Member commented that the consultants should make reference to the social impact caused by the public housing in Tin Shui Wai New Town. The Chairman noted this Member’s concern and responded that only 1 site might be considered for public housing development in the Study Area.

93. A Member noted that Sites 1, 2, 3, 4 and 5 were former military sties and asked if the consultants had any idea on whether they would be planned for housing development or other uses, e.g. recreation. Mr. Derek Sun responded that according to the requirements of the Study Brief, the consultants would examine the suitability of all

study sites for housing development in the first place. Based upon the recommended plot ratio, the Study would examine the need to provide supporting recreational, open space and other community facilities. He could not advise the exact planned use for these ex-military sites at the moment because the Study was still at a preliminary stage.

94. The Chairman asked when the study team would report back to the Board on the preliminary findings of the Study. Mr. Wilson So said that according to the current programme, the preliminary findings of the Study would be ready in early 2008 and after the first round of public consultation, the study team would revert to the Board around March/April 2008.

95. The Chairman thanked the representatives of the government departments and consultants for attending the meeting and they all left the meeting at this point.

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No A/YL/144

Proposed Shop and Services (Temporary Motor Vehicle Showroom)

for a Period of 3 Years in “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” zone, 8/F to 13/F, Golden Plaza,

28 Shui Che Kwun Street (Yuen Long Town Lot 405), Yuen Long Town

(TPB Paper No. 7942)

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

96. The Secretary reported that Dr. James C.W. Lau had declared an interest on this item for having current business dealings with Top Bright Consultants Ltd., the agent for the applicant.

[Dr. James C.W. Lau left the meeting temporarily and Ms. Starry W.K. Lee left the meeting at this point.]

[Dr. Daniel B.M. To arrived to join the meeting at this point.]

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

Mr. Wilson So	District Planning Officer/Tuen Mun and Yuen Long, PlanD
Mr. Raymond Leung	]
	]
Mr. Alex Li	] Applicant's representatives
	]
Miss Cannis Lee	]

98. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson So to brief Members on the background to the application.

99. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a proposed temporary motor vehicle showroom for a period of 3 years at 8/F to 13/F of an existing 15-storey public car park building with G/F retail shops on a site zoned "Other Specified Uses" ("OU") annotated "Public Car Park with Ground Floor Retail Shops" on the draft Yuen Long 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 1.3 of the Paper;
- (c) no written representation in support of the review application had been submitted by the applicant;

- (d) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that under the lease, the use of the subject premises was restricted to a multi-storey car park. The proposed temporary motor vehicle showroom would contravene the lease restrictions. The Assistant Commissioner for Transport/New Territories, Transport Department (TD) did not support the application from a traffic point of view. The submitted report failed to provide adequate traffic justifications, and approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. The Commissioner of Police (District Commander, Yuen Long District) advised that illegal parking was a serious problem in Yuen Long. There was reservation on the cancellation of the parking facility as it would definitely reduce the number of parking spaces and make the situation worse;
- (e) public comments – during the statutory publication period, 2 public comments on the review application were received from a Yuen Long District Council (YLDC) Member and a member of the public. The YLDC Member objected to the application on the grounds of insufficient supply of public car park in Yuen Long to meet the local demand, and the proposed development would aggravate the shortage. The member of the public objected to the application mainly on the grounds that it would attract more people driving to the area and result in local traffic congestion. The subject building was the only covered public car park in the vicinity and 5/F to 7/F had been closed for conversion to car display centre. It would deprive drivers of proper car parking spaces; and
- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. There was insufficient justification in the submission for the proposed conversion of public car parking spaces to motor vehicle showroom. The review application had not provided sufficient information to demonstrate that the proposed

development would have no adverse traffic impact or would not undermine the provision of public car parking spaces in Yuen Long Town. Approval of the review application would set an undesirable precedent for similar applications in the surrounding areas and the cumulative effect of approving such applications would result in a substantial loss of public car parking spaces in Yuen Long Town.

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

101. With the aid of Powerpoint slides and a written submission tabled at the meeting, Messrs. Raymond Leung and Alex Li made the following main points:

- (a) the applicant agreed to reduce the period applied for from 36 months to 24 months. The requested parking spaces would also be reduced from 180 (8/F to 13/F) to 150 (9/F to 13/F), hence the reduction in the total provision of parking spaces would be lowered from 42% to 35%;
- (b) the former Yuen Long Estate site (about 1.8 ha) had been turned into an open air public car park providing about 600 parking spaces (at an hourly rate of \$4 during weekdays) and motor vehicle display area without any planning permission or traffic impact assessment. This site occupied a more central location in Yuen Long Town and would likely have a more direct impact on the local traffic;
- (c) the increased car parking provision and motor vehicle display area in the former Yuen Long Estate site had seriously affected the business of those villagers selling second-hand vehicles in the nearby villages. The current application would be a temporary measure to help those affected villagers to maintain their livelihood. The subject building would provide the only indoor motor vehicle showroom in Yuen Long Town, if approved by the Board;

[Mr. B.S. Lee, Senior Engineer/North West (SE/NW) of TD, arrived to join the meeting at this point.]



- (d) the subject building had an extremely low occupancy rate. It was very difficult for the multi-storey public car park (at an hourly rate of \$12) to compete with other temporary car park sites in the vicinity. The parking spaces on the 5/F or above within the building had been left vacant for a long period of time;
- (e) the Board had previously approved similar applications No. A/K1/200 and A/TW/388 in Tsim Sha Tsui East and Tsuen Wan respectively;
- (f) according to the TD's Parking Demand Study, there would be a surplus provision of parking spaces for private car/taxi/light van in the New Territories West in 2006, 2011 and 2016. The same situation was found for night-time demand and supply of private car parking spaces. As a parking demand study had already been carried out by TD, it was unreasonable to request the applicant to undertake a similar study before the Board approved the application;
- (g) as to TD's request for justifications of the proposed radius of influence, the proposed 800m represented the maximum likely distance that people were prepared to walk after parking their cars to any destinations. Any single distance that people were prepared to walk was around 400m to 500m, which was the same as in planning the catchment of any railway station. For car users, the normal walking distance was within 300m;
- (h) on TD's comment that all temporary supply of parking spaces, including the former Yuen Long Estate site, should be excluded from the supply assessment, it was considered that the temporary parking facilities currently provided much-needed parking spaces for the residents and therefore should not be excluded. Moreover, the other temporary car parks would likely be there in the next two years, which was the same period that the subject application was applying for. For example, it was understood that the public housing development at the former Yuen Long Estate would only take place in 2012/13;

- (i) the application was only for a temporary change of use and the current submission had already addressed those issues relating to the temporary change of use. Any longer term study on parking provision in Yuen Long should be part of government's planning work;

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

- (j) the reasons for illegal parking in the vicinity of the subject car park in Yuen Long were complicated and reflected the behaviour of the local people. There would still be spare parking spaces within the multi-storey public car park even after part of it was converted to a motor vehicle showroom. Also, illegal parking should not be a problem in the area where the application premises was located;
- (k) based on the experience of other similar showrooms, visitors to the showroom would largely use public transport rather than drive their own vehicles. It was estimated that there would be less than 20 vehicle trips/day arising from the showroom use;
- (l) as to the setting of an undesirable precedent, other applications would not have the same conditions as the subject multi-storey public car park; and
- (m) taking account of the reduction of car parking spaces in the application premises due to conversion to the proposed motor car showroom, there were still a total of 1,047 private car parking spaces in the vicinity which would be more than sufficient to cater for the surrounding residential developments.

102. Members raised the following questions:

- (a) whether TD was satisfied with the proposed reduction of parking spaces from 180 to 150;

- (b) whether free parking would be provided within the multi-storey public car park for visitors to the showroom; and
- (c) why the applicant did not inform the Board earlier of his willingness to reduce the period applied for from 36 months to 24 months and reduce the number of parking spaces affected from 180 to 150.

103. In response, Mr. B.S. Lee made the following points:

- (a) the proposed reduction would help reduce the impact on the local traffic in the area. However, there would still be concerns about illegal on-street parking as Shui Che Kwun Street was a narrow street and there were on-street metered car parks and parking spaces for public light buses. The proposed showroom would attract more vehicles to the multi-storey public car park using Shui Che Kwun Street, resulting in an adverse impact on the local traffic. As to the proposed radius of influence of 800m, it would be preferable if the applicant could undertake a further study to examine the impact on supply and demand of car parking spaces if the radius was reduced to 500m; and
- (b) it should also be cautioned that promotion activities organised by the showroom would generate undesirable traffic loading to Shui Che Kwun Street and Kuk Ting Street, the latter of which was one of the busy streets in Yuen Long Town. In this regard, the applicant should provide more information on the possible traffic generated by such promotion activities and any preventive measures to alleviate the adverse traffic impact.

104. Messrs. Raymond Leung and Alex Li made the following responses:

- (a) the applicant had no objection to TD's requested study on a radius of influence of 500m and would undertake not to conduct any promotion activities should the Board approve the application;

- (b) two-hour free parking was now being offered to visitors to the showroom but most of them would take public transport; and
- (c) the applicant only received the Paper setting out relevant departments' views and recommendations one week before the meeting. In order to address the concerns, the applicant had offered to make changes to the proposal. The proposed reduction of approval period from 36 months to 24 months would also enable concerned departments to review the situation within a shorter period of time.

105. In response to the Chairman's enquiry on TD's views on the applicant's agreement to exclude any promotion activities, Mr. B.S. Lee confirmed that it would help alleviate adverse traffic impact on the area. He added that it was uncertain when the temporary public car park at the former Yuen Long Estate site would cease operation as its closure would result in additional demand for on-street parking and affect the traffic condition of the area.

106. On this issue, Mr. Wilson So said that according to relevant papers submitted by the Housing Department (HD) to the Yuen Long District Council, HD's programme was to commence the public housing development there in 2008 at the earliest with a target completion date of 2012. However, during the discussion of the subject matter at the District Council, opposing views were raised and HD would need to sort out the relevant issues before proceeding further.

[Mr. Walter K.L. Chan left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

107. Mr. Raymond Leung added that his information on the redevelopment programme of the former Yuen Long Estate (completion in 2012/2013) was gathered through the internet. However, in the light of the additional time required for further discussion with the District Council, HD would unlikely commence the public housing development in 2008. Moreover, according to his assessment, the supply of parking spaces in the area would still be sufficient even with the reduction of 600 parking spaces in the former Yuen Long Estate site. That said, to address Members' concern on the uncertainty relating to the redevelopment programme of the former Yuen Long Estate, he

confirmed that the applicant was willing to accept a shorter approval period, say 18 months.

108. Some individual Members had the following further questions:

- (a) whether lease modification was required for the proposed vehicle showroom use; and
- (b) whether 5/F to 13/F or 8 to 13/F were now being used as showroom according to the flyers attached to the Paper.

109. In response, Mr. Wilson So said that according to the advice from the DLO/YL, modification of the lease was required for the proposed sale of vehicles within the multi-storey car park. Whether short term waiver or lease modification would be pursued would be subject to the further advice of DLO/YL. Miss Annie Tam confirmed that should the Board approve the application, DLO/YL would sort out the appropriate means to modify the lease based on legal advice.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

110. Messrs. Raymond Leung and Alex Li had the following responses:

- (a) only 8/F to 13/F were now being used for motor vehicle showroom as submitted in the application; and
- (b) the applicant first rented 5/F to 13/F of the subject building and intended to convert them to motor vehicle showroom use. The proposal had been revised subsequently to convert only 8/F to 13/F for showroom use whereas 5/F to 7/F would be reserved for visitors' parking spaces.

111. Mr. Wilson So pointed out that as stated in paragraph 6 of the s.16 application paper at Annex A of the Paper, 5/F to 13/F were used as motor vehicle showroom and that finding was based on a site inspection carried out in July 2007.

[Dr. Michael Chiu left the meeting at this point.]

112. Noting that the motor vehicle showroom was already in operation, the Chairman asked whether its regularisation would have any additional traffic impact on the area. Mr. B.S. Lee responded that provided there would be no promotion activities, the current traffic situation of the area was tolerable though some illegal parking was observed.

113. As the 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's representatives and representatives from government departments for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

114. A Member considered that given the vehicle showroom was already in use and that according to TD, there would be no adverse traffic impact as long as no promotion activities were organised, consideration could be given to regularising the showroom use. The Chairman shared this view and said that given the redevelopment programme of the former Yuen Long Estate site was still uncertain, the subject application could be approved for a shorter period of 18 months with the showroom use confined to 9/F to 13/F as agreed by the applicant at the meeting. Members agreed.

115. In response to a Member's concern on whether a precedent would be set, the Chairman said that each case would be assessed by the Board on its individual merits. Mrs. Ava S.Y. Ng added that there were 5 public car parks in the area but so far application to change the car park use was only received for this car park. Pressure to convert other public car parks should not be imminent.

116. Miss Annie Tam said that subject to the Board's approval, LandsD would consider whether lease modification or STW should be pursued for the motor vehicle showroom.

117. After further deliberation, the Board decided to approve the application on a temporary basis for a period of 18 months up to 9.5.2009 on the terms of the application as submitted and subject to the following conditions:

- (a) only 9/F to 13/F of the application premises should be used for motor vehicle showroom;
- (b) no promotion activities were allowed within the development at any time during the approval period;
- (c) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.5.2008;
- (d) if the above planning condition (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if the above planning condition (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

118. The Board also agreed to advise the applicant:

- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (c) that the owner was required to apply to the District Lands Officer/Yuen Long for modification of the lease or short term waiver so as to implement the scheme. There was no guarantee that such would eventually be forthcoming; and

- (d) to note the Chief Building Surveyor/New Territories West of Buildings Department's comments in paragraph 8.1.6 of Annex A of the Paper that any unauthorized structures on site was liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Besides, separation between different uses (i.e. between 8/F and 9/F) should be provided in accordance with Part XV of Building (Construction) Regulations. If any non-exempted building works were involved, building plans of the proposed works were to be submitted for approval under the BO.

[Dr. K.K. Wong left the meeting at this point.]

### **Agenda Item 8**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/333

Renewal of Planning Permission for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years in "Undetermined" zone, Lot 372DRP(Part) in DD 99 and Adjoining Government Land, San Tin, Yuen Long (TPB Paper No. 7943)

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[The hearing was conducted in Cantonese.]

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

### **Presentation and Question Session**

119. The Chairman said that the applicant's representative on 8.11.2007 had sent a letter to the Secretary of the Board confirming his agreement to the Planning Department (PlanD)'s views as stated in paragraph 5.1 of the Paper. The applicant was willing to accept the approval conditions should the Board approve the application. The



applicant's representative would not attend the meeting. A copy of the letter was tabled at the meeting.

120. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of 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.

121. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for continuing to use the site for temporary container vehicle park, open storage of containers and public car park for a period of 3 years. The application site fell within an area zoned "Undetermined" ("U") on the approved San Tin Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 13.7.2007 were set out in paragraph 1.3 of the Paper;
- (c) no written representation in support of the review application had been submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The Commissioner of Police (C of P) had no in-principle objection on the condition that the Transport Department (TD) found the measures put up by the applicant acceptable in mitigating the likely impact on Lok Ma Chau Road in the aspects of safety and vehicular flow. The Assistant Commissioner for Transport/New Territories (AC for T/NT), TD raised no objection if the approval period was extended to three years since the increase in traffic flow along Lok Ma Chau Road was mild after the opening of Lok Ma Chau Spur Line. With regard to C of P's concern, it might be opportune to impose approval conditions on the submission and provision of mitigation measures within the site to minimize the traffic

impact on Lok Ma Chau Road. The need for and extent of mitigation measures to be provided depended on the proposed layout and ingress/egress of the site and the demand of the usage;

- (e) public comments – during the statutory publication period, no public comment on the review application was received; and
- (f) PlanD's view – PlanD had no objection to the review application for reasons stated in paragraph 5.1 of the Paper. At the s.16 application stage, AC for T/NT had previously advised that the traffic impact on Lok Ma Chau Road arising from the opening of Lok Ma Chau Spur Line was uncertain and the application should only be renewed for 12 months at most. RNTPC therefore decided to approve the application on a temporary basis as the development could help alleviate the shortfall of park-and-ride facilities and the port back-up uses in the area, but a shorter approval period of 12 months was proposed to monitor the traffic condition on the Lok Ma Chau Road after the opening of Lok Ma Chau Spur Line. However, the increase in traffic flow along Lok Ma Chau Road was mild after the opening of Lok Ma Chau Spur Line in mid-August 2007. The AC for T/NT had no objection to the review application if the approval period was extended to three years. To address C of P's concern on the safe and smooth vehicular flow of Lok Ma Chau Road, additional approval conditions were recommended in paragraphs 5.3 (g) and (h) of the Paper.

122. As Members had no further question to raise, the Chairman thanked Mr. Wilson So for attending the meeting. Mr. So left the meeting at this point.

#### Deliberation Session

123. Noting that TD had no objection if the approval period was extended to three years since the increase in traffic flow along Lok Ma Chau Road was mild after the opening of Lok Ma Chau Spur Line, Members agreed that the review application could be approved.

124. After further deliberation, the Board decided to approve the application on a temporary basis for a period of 3 years up to 13.7.2010 on the terms of the application as submitted and subject to the following conditions:

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) no garage use, vehicle repair, dismantling activities and other workshop activities should be carried out on the site during the planning approval period;
- (c) the boundary of the site would be set back to avoid encroachment onto the gazetted alignment of the Sheung Shui to Lok Ma Chau Spur Line;
- (d) the existing landscape planting on the site should be maintained during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained during the planning approval period;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office to the satisfaction of the Director of Fire Services or of the Town Planning Board on or before 13.1.2008;
- (g) the submission of mitigation measures within the site to minimize the traffic impact on Lok Ma Chau Road to the satisfaction of Commissioner for Transport or of the Town Planning Board on or before 9.5.2008;
- (h) in relation to (g) above, the provision of mitigation measures within the site to minimize the traffic impact on Lok Ma Chau Road to the satisfaction of Commissioner for Transport or of the Town Planning Board on or before 9.8.2008;

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

125. The Board also agreed to advise the applicant:

- (a) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that no structures should be erected without prior approval from his office. The landowners/operator should apply to DLO/YL for short term waiver and short term tenancy to regularize the unauthorized structures on site and illegal occupation of Government land. His office reserved the right to take lease enforcement and land control actions against any irregularities;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (d) to comply with the Water Pollution Control Ordinance and follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance. An Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required.

### **Agenda Item 9**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PH/541

Temporary Open Storage of Private Cars Prior to Sale for a Period of 3 Years

in "Village Type Development" zone, Lot 582RP(Part) in DD 111 and

Adjoining Government Land, San Lung Wai, Fan Kam Road, Pat Heung, Yuen Long  
(TPB Paper No. 7944)

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

126. Mr. Wilson So, District Planning Officer/Tuen Mun and Yeun Long of the Planning Department (PlanD), and Mr. Wong Kwok-wah, the applicant, were invited to the meeting at this point.

127. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson So to brief Members on the background to the application.

128. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and

made the following main points:

- (a) the applicant sought planning permission for temporary open storage of private cars prior to sale for a period of 3 years on a site zoned “Village Type Development” (“V”) on the approved Pat Heung 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) no written representation in support of the review application had been submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that three Small House applications in the vicinity were being processed. The Director of Environmental Protection advised that no environmental complaint had been received for the site in the past 3 years. In processing the previous application No. A/YL-PH/488, he had already advised that interface problem might exist and the open storage use should be phased out in the residential zone as early as possible.
- (e) public comments – during the statutory publication period, 1 public comment on the review was received from a San Lung Wai villager stating that she had no comment on the review application; and
- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 5.2 of the Paper. The continuous occupation of the site for temporary open storage use was not in line with the planning intention of the “V” zone on the OZP. There was no justification in the submission for a departure from such planning intention. The continued use on the site was also not in line with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port

Back-up Uses' as the site fell within the Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. Sufficient time had already been given for relocating the use to other location and the Board had advised the previous applicant that no further renewal of approval would be given. There was about 96.46 ha of land zoned "Open Storage" ("OS") on the Pat Heung OZP. There was no information in the submission to demonstrate why suitable sites within the "OS" zones could not be made available for the proposed use.

129. The Chairman then invited the applicant to elaborate on the application.
130. Mr. Wong Kwok-wah made the following main points:
- (a) it was difficult for the applicant to find a small site of about 300m<sup>2</sup> for operating his business in the area;
  - (b) the site had been previously used for storage of good vehicles and private cars. The current application was only for private cars;
  - (c) as advised by the landowner, there was no intention to build houses on the application site although the site was zoned "V";
  - (d) the existing business had only been in operation for only a few months. Should the Board not prefer to give approval for 3 years, he was willing to accept a shorter approval period, say one to two years; and
  - (e) the storage of private cars on the site would not cause adverse impact on the neighbouring villagers. Instead, with the installation of proper lighting on the application site, the security and environment of the area had been improved. These were all well accepted by nearby villagers.
131. As the applicant had no further comment to make and Members had no further question to raise, the Chairman informed him that the hearing procedures for the

review had been completed and the Board would further deliberate on the application in his absence and inform him of the Board's decision in due course. The Chairman thanked the applicant and representative from PlanD for attending the meeting. They left the meeting at this point.

#### Deliberation Session

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

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

- (a) the continued occupation of the site for temporary open storage use was not in line with the planning intention of the "Village Type Development" zone which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects; and
- (b) it was not in line with the Town Planning Board Guidelines No. 13D. According to the guidelines, the site fell within Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. Sufficient time had already been given for relocating the use to other locations. There was no information in the submission to demonstrate why suitable sites within the "Open Storage" zone could not be made available for the applied use.

#### Agenda Item 16

[Open Meeting]

#### Any Other Business

[The meeting was conducted in Cantonese.]



134. There being no other business, the meeting was closed at 4:10 p.m..