

RNTPC Paper No. A/YL-NSW/250B
 For Consideration by the Rural and
 New Town Planning Committee
On 28.4.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/250

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|---------------------------|---|
| <u>Applicant</u> | Gold Asset Development Limited represented by Prudential Surveyors International Limited |
| <u>Site</u> | Lots No. 999 s.E (Part), 1001 s.A RP (Part), 1002 s.A RP (Part). and 1327 RP (Part) in D.D. 115 and Adjoining Government Land (GL), Au Tau, Nam Sang Wai, Yuen Long |
| <u>Site Area</u> | 1,170.3m ² (about) (including about 316m ² of GL) |
| <u>Lease</u> | (i) Lots 999 s.E, 1001 s.A R.P., 1002 s.A R.P. are Old Scheduled Agricultural lots (ii) Lot 1327 RP is New Grant No. 6825 demised for orchard use with 40.47m ² converted to "House" status |
| <u>Plan</u> | Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 |
| <u>Zoning</u> | "Undetermined" ("U") (about 912.8m ² or 78%) Area shown as 'Road' (about 257.5m ² or 22%) |
| <u>Application</u> | Proposed Petrol Filling Station with Sales Office |

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed petrol filling station (PFS) with sales office (**Plan A-1a**). According to the covering Notes of the OZP, all uses or developments falling within area zoned "U" and area shown as 'Road', except those specified, require permission from the Town Planning Board (the Board). The majority of the Site is currently vacant and covered by vegetation, and the GL portion of the Site mainly covers the existing public pavement and cycle track abutting Castle Peak Road (**Plan A-2**).
- 1.2 The Site is subject of 4 previous applications all submitted for PFS (No. A/YL-NSW/1, 17, 182 and 217). Except for the first application, all the other applications were submitted by the same applicant. Application No. A/YL-NSW/1 was rejected by the Rural and New Town Planning Committee (the Committee), while Applications No. A/YL-NSW/17 and A/YL-NSW/182 were approved by the Committee/the Board on permanent/temporary basis. The planning permission for application No. A/YL-NSW/17 had lapsed, and the planning permission for A/YL-

NSW/182 was revoked on 6.3.2011 due to non-compliance with approval conditions on the submission of tree survey report, landscape/drainage/run-in proposals and provision of 3m-high solid boundary wall. The last Application No. A/YL-NSW/217 was rejected by the Committee on 23.11.2012. A comparison table and the details of the current application and the previous applications (No. A/YL-NSW/17, 182 and 217) are at **Appendices IIa and IIb**.

- 1.3 The Site, of rectangular shape adjoining the Yuen Long Bypass Floodway (YLBF), comprises 854.3m² of private land (73%) and 316m² of GL (27%) (**Plan A-2**). The proposed PFS includes a single storey shroff structure (10.6m²), one canopy (53.1m²) providing shelter for 4 filling points (for 4 vehicles), and 4 underground oil tanks, and will provide ancillary tyre pumping service. The major development parameters of the application are summarized in the following table (**Drawing A-1**):

| Major Development Parameters | Application No. A/YL-NSW/250 |
|--|--|
| Site Area | 1,170.3m ² (854.3m ² private land and 316m ² of GL) |
| Plot Ratio | 0.054 |
| GFA | 63.7m ² |
| Site Coverage | 5.4% |
| Site Level | 8.2mPD |
| Shroff Structure: - GFA - No. of storey | 10.6m ² 1 storey (3.5m) |
| Pumping Station: - Covered Area - No. of Canopy - Filling Point - Height | 53.1m ² 1 4 6.3m |
| Design Capacity | 4 filling points (for 4 vehicles) (vehicles longer than 5m will be prohibited from entering the PFS*) |
| Waiting Space | 4 vehicles 1 additional space for tyre pumping (also used for waiting space) |
| Buffer | a. 3m high wall along site boundary except road frontage b. landscape buffer along most part of the boundary and near the site entrance |
| Other Facilities | a. 4 underground oil tanks (3m deep) (total of 282 ton) b. an underground petrol interceptor (2m deep) c. manhole (2m deep) d. a meter room, store room, toilets, sale area inside the shroff, and F.S water tank |
| Operating Hours | 24 hours' services and 7 days a week |

* The only long vehicle permitted to enter the PFS would be the road tanker (about 10m long) which would arrive once daily during non-peak hours. When the road tanker enters the Site, PFS staff will reserve the petrol filling space F1 and waiting space W1 (**Drawing A-1**) in advance to ensure smooth manoeuvring.

Access Arrangement

- 1.4 The Site is accessible from Castle Peak Road. The applicant has proposed a vehicular access, which, together with proposed merging/diverging lanes, will span about 70m along Castle Peak Road. The proposed access would require closure of a section of the existing cycle track and portion of the pavement along Castle Peak Road for conversion into merging/diverging lanes of the Site and pavement area (**Drawings A-1, A-5 and Plan A-2**). The applicant will be responsible for the management and maintenance of the proposed merging and diverging lanes.

Noise Impact

- 1.5 A quantitative assessment (**Appendix Ic**) has been undertaken to assess the potential noise impact upon the nearby noise sensitive receivers (NSRs) regarding vehicle movements, refuelling exercise and refilling of underground storage tanks by road tanker at the proposed PFS.

Landscape Proposal

- 1.6 According to the tree survey report and landscape proposal (**Appendix Ib**), there are 23 existing trees within the Site and near the site boundary. The applicant proposes that all the existing trees are to be felled and given the constraints of the Site, only 3 heavy standard sized trees with bamboo planting/landscape buffers are proposed as compensation (**Drawings A-1, A-3 and A-4**).
- 1.7 The application was received by the Board on 18.10.2016. On 9.12.2016 and 17.2.2017, the Committee decided for two times to defer decisions on the application as requested by the applicant pending further submission from the applicant to address departmental comments. On 22.12.2016, 29.12.2016, and 3.3.2017, the applicant submitted further information (FI) and the application is scheduled for consideration by the Committee at this meeting.
- 1.8 In support of the application, the applicant has submitted the following documents including technical assessments:
- (a) Application Form dated 18.10.2016 **(Appendix I)**
 - (b) Supplementary Planning Statement (including Layout Plan, Traffic Impact Assessment (TIA), Environmental Assessment (EA), Tree Survey Report and Landscape Proposal and Geotechnical Planning Review Report (GPRP)) **(Appendix Ia)**
 - (c) Letters dated 22.12.2016 and 29.12.2016 providing response to comments from departments with revised traffic survey and revised tree survey report and landscape proposal **(Appendix Ib)**
 - (d) Letter dated 3.3.2017 providing response to comments from departments with revised EA, revised swept path analysis, historical aerial photographs and reply from Mass Transit Railway Corporation Limited (MTRCL) **(Appendix Ic)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia** and FIs at **Appendices Ib and Ic** and summarised as follows:

- (a) The Site is located at the eastern fringe of Yuen Long New Town. At present, there are 5 PFSs serving the Yuen Long New Town area. They were all built in the 1980/90's and located to the south of Castle Peak Road serving the westbound Castle Peak Road (**Drawing A-2**).
- (b) There is no PFS serving the area north of Castle Peak Road (though there is a dedicated Sinopec LPG filling station located at Tak Yip Street in an industrial area north of Castle Peak Road which serves LPG taxi and other LPG powered vehicles (**Drawing A-2**)). The proposed PFS is located at a convenient location to serve vehicles using eastbound Castle Peak Road and traffic coming from the north side of Castle Peak Road.
- (c) Yuen Long is now fully developed with a population of around 200,000. Development of the new town continues with the Yoho Town development not fully completed. Car population is expected to continue to grow. As compared with other new towns, Yuen Long, with 6 PFSs (including the proposed PFS), is comparable to other new towns including Shatin (8 PFSs), Tai Po (5 PFSs), Tuen Mun (7 PFSs) and Sheung Shui/ Fanling (7 PFSs).
- (d) The Site has been left idle for over a decade and the proposed PFS would enable better use of land. Since the Site is located at the southwestern corner of the "U" zone, development of the Site as a PFS should have little (if any) impact on the future development of the "U" zone.
- (e) The TIA (**Appendices Ia and Ib**) undertaken concludes that the proposed development will not induce adverse traffic impact on the adjacent road network.
- (f) The EA (**Appendix Ic**) which covers air quality, water quality and noise impact assessments concludes that no adverse environmental impacts are anticipated during the operation of the proposed PFS. A quantitative assessment of noise impact upon the nearby NSRs concludes that no adverse noise impact associated with vehicle movements, refuelling exercise and refilling of underground storage tanks by road tanker at the proposed PFS is anticipated.
- (g) The proposed development is acceptable from traffic, sewage, geotechnical, landscape and environmental point of view. An existing 3m concrete boundary wall has been erected along the north and east boundary of the Site as safety separation between the proposed PFS and the nearby recipients.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The Site (forms part of a larger “U” site) (**Plan A-1**) has been zoned “U” on the draft Nam Sang Wai OZP since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail and YLBF, which were under planning at that time, would traverse the area. Following the completion of these infrastructure projects, on-going land use reviews of the “U” zone have been undertaken for the area.
- 4.2 According to the Explanatory Statement of the Nam Sang Wai OZP, these areas are within a transitional location between the urban and rural areas. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardizing the long-term planning intention of the areas. While the alignments of West Rail and YLBF have been fixed, the areas zoned “U” are subject to future land use review. Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the West Rail and the YLBF.
- 4.3 According to the 2017 Policy Address, the Tung Shing Lei “U” zone is one of the 25 potential housing sites which are mostly estimated to be made available for housing development in the short to medium term, subject to timely amendments to the relevant OZPs and/or completion of the necessary procedures. The subject “U” zone (including the Site) is identified for public housing purpose. Further study is to be conducted to confirm the appropriate development parameters and ascertain the technical feasibilities.
- 4.4 The Site has encroached upon the existing cycle track and pavement along Castle Peak Road. According to the Highways Department (HyD), this section of cycle track (about 70m) was just widened by the Civil Engineering and Development Department (CEDD) under Contract No. YL/2013/01 and handed over to Transport Department (TD)/HyD for management/maintenance on 11.10.2016. The cycle track forms part of the New Territories (NT) Cycle Track Network connecting North West NT with North East NT - Tuen Mun to Sheung Shui Section. The remaining works for construction of a new cycle track (with footpath) connecting Kam Tin River in Yuen Long to Shek Sheung River in Sheung Shui had commenced in June 2016.
- 4.5 The Site is currently vacant and not a subject of any active enforcement case.

5. Previous Applications

- 5.1 The Site is the subject of 4 previous applications (No. A/YL-NSW/1, 17, 182 and 217) for the same use. The first application was rejected by the Committee while the applications (No. A/YL-NSW/17 and A/YL-NSW/182) were approved by the Committee/the Board on permanent/temporary basis. The last application No. A/YL-NSW/217 was rejected by the Committee. A summary table on the major planning parameters and details of the previous applications (No. A/YL-NSW/17,

182 and 217) and the current one are at **Appendices IIa and IIb** and their locations are shown on **Plan A-1b**.

- 5.2 Application No. A/YL-NSW/1 (site area of about 3,614m² encroaching on the YLBF-to-be-built at that time) for a proposed PFS submitted by a different applicant was rejected by the Committee on 5.8.1994 mainly on grounds of its impact on the future planning of the area zoned "U" and insufficient information to demonstrate that the vehicular access arrangement would not cause disruption or hazard to the through traffic on Castle Peak Road.
- 5.3 Applications No. A/YL-NSW/17, 182 and 217 were submitted by the same applicant of the current application. Application No. A/YL-NSW/17 for a proposed PFS (site area of about 3,285m² encroaching on the then project area of the YLBF) was approved with conditions by the Committee on 14.2.1997 on a temporary basis for a period of 4 years on consideration that the temporary approval would not jeopardise the Government's implementation programme of the YLBF which was scheduled for commencement in 2001. On 1.4.1997, the applicant applied for a review of the Board's decision to grant only temporary approval instead of a permanent one. The review application was approved by the Board on 27.6.1997 taking into account the applicant's undertaking that he would not object to the YLBF should it be gazetted; would cease operation of the PFS and demolish it for a period of one and a half years or a longer period if required, to make way for the YLBF project and would not demand any compensation; and to design and construct the PFS taking into account the YLBF. The building plans for the proposed PFS were approved by the Building Authority on 30.9.1998 before the planning permission expired on 27.6.1999. The PFS had been built but it was never put into operation. As the western portion of the application site was resumed to make way for the construction of YLBF in 2002, the PFS was demolished subsequently.
- 5.4 Application No. A/YL-NSW/182 for a proposed PFS (on a smaller site of about 1,079.6m² located to the east of the completed YLBF) was approved with conditions by the Committee on 7.11.2008 on a temporary basis for a period of 5 years on consideration that the temporary approval would not jeopardize the long-term planning of the "U" zone and the technical assessments submitted had demonstrated that the proposed PFS would not have adverse impacts on the surrounding areas. On 9.12.2008, the applicant applied for a review of the Board's decision and requested to extend the period of permission from 5 years to 50 years. On 6.3.2009, the Board decided to approve the application upon review on a temporary basis for a period of 10 years given that the site was in close proximity to some sensitive uses including the expanded Pok Oi Hospital (POH) and a hotel, and the future use of the "U" zone was still subject to review, it would not be appropriate to approve the application for a period of 50 years as requested by the applicant.
- 5.5 The applicant was not satisfied with the Board's decision on Application No. A/YL-NSW/182 and lodged an appeal to the Appeal Board seeking permanent approval for the proposed PFS. On 28.10.2010, the Appeal Board decided to dismiss the case and agreed that as compared with previous application No. A/YL-NSW/17 approved in 1997, application No. A/YL-NSW/182 was materially different in terms of scale, design and development parameters. Also, in light of

changing circumstances, in particular, the POH located in close proximity had expanded since 1997 and the impact of the proposed PFS on the operation of the hospital and the health of patients would be perpetual if permanent approval was granted. As such, the Board's decision was reasonable and being in line with the planning intention. Subsequently, the planning permission of application No. A/YL-NSW/182 was revoked on 6.3.2011 due to non-compliance with approval conditions on the submission of tree survey report, landscape/drainage/run-in proposals and provision of 3m-high solid boundary wall.

- 5.6 Application No. A/YL-NSW/217 (site area of about 3,234m² including a decked-over area of YLBF (of 2,205m² GL) was rejected by the Committee on 23.11.2012 on the grounds that the proposed PFS was located within an area zoned "U" which was being comprehensively reviewed; approval of the application would pose an undue constraint to the future land use in the area; there was no strong planning justification for decking a portion of the YLBF for the proposed PFS use; and the applicant did not submit any technical assessments to demonstrate that the proposed development would not have adverse drainage, ecological, geotechnical, visual and landscape impacts on the surrounding areas.

6. Similar Application

There is no similar application within the subject "U" zone.

7. The Site and Its Surrounding Areas (Plans A-1a to A-4b)

7.1 The Site is:

- (a) vacant and formed within the private land portion. The GL portion of the Site is mainly the existing cycle track and pavement along Castle Peak Road;
- (b) accessible directly from Castle Peak Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are some residential dwellings (the nearest is about 40m away), unused land, parking of vehicles and open storage of vehicle parts and construction materials which are suspected unauthorized development (UD);
- (b) to the immediate east is the Sun Kong Hotel.
- (c) to the west across YLBF is POH (about 17m away) under "Government, Institution or Community" ("G/IC") zone on the Nam Sang Wai OZP; and
- (d) to the south across Castle Peak Road are some residential dwellings (about 40m away), unused land and an electricity substation under "Residential (Group C)" ("R(C)") zone and further southeast is a PFS with car wash services under "Other Specified Uses" annotated "PFS" "OU(PFS)" zone on the Tai Tong OZP (Plan A-1a).

8. Planning Intention

Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the West Rail and the YLBF. To realise a built-form which represents a transition from the Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intentions of the areas.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the applications and the public comments received are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long (DLO/YL):

- (a) The Site comprises four private lots in DD 115 and adjoining GL. As far as the private lots are concerned, preliminary land status check review that Lots No. 999 S.E, 1001 S.A RP and 1002 S.A RP in DD 115 are Old Scheduled Agricultural lots. Lot No. 1327 RP in DD 115 is held under New Grant No. 6825. The area and permitted use of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD.
- (b) The Site is subject to Shek Kong Airfield Height Restriction.
- (c) In the event that planning permission is given, the applicant has to apply to LandsD for a land exchange. Such application will be considered by the LandsD acting in its capacity as the landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of additional GL (if any), for the proposed development will be approved. In the event of the land exchange application is approved, it would be subject to such terms and conditions including, among other things, the payment of premium and administrative fee as may be imposed by LandsD.
- (d) According to Lands Administration Office (LAO) Practice Notes (PN) 7/2007 and 7/2007A on “Tree Preservation and Tree Removal Application for Building Development in Private Projects”, in general, the ratio for no. of trees to be felled and compensated should not be less than 1:1.

Environment

9.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application at this stage.
- (b) From the noise planning perspective, as the Site is located in close proximity to sensitive receivers including POH and Sun Kong Hotel, potential noise nuisance is a concern. The EA has failed to demonstrate that noise impact generated from the operation of the proposed PFS (i.e. refueling exercise, refilling of underground storage tanks and vehicles entering and exiting the station) would not have adverse impact on the nearby sensitive receivers.
- (c) The proposed Tung Shing Lei public housing site is potentially closer to the PFS than any NSRs identified in the EA. The applicant has to take that into account and revise the EA accordingly.
- (d) From the land contamination perspective, the applicant has provided supporting information to demonstrate that the previously installed underground fuel tanks and the associated facilities have never been used for petrol filling purpose. As such, he has no comment in this regard.
- (e) His detailed comments are at **Appendix III**.

Nature Conservation

9.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) Given the Site and its surrounding area are largely disturbed/developed in nature, he has no strong view on the application from nature conservation point of view.
- (b) Nevertheless, he notes that the proposal involves felling of a total of 23 trees (including 7 trees on GL outside the site boundary which is subject to separate approval from LandsD as mentioned by the applicant) but proposes compensatory planting of only three new trees in the landscape proposal. According to LAO 7/2007 on "Tree Preservation and Tree Removal Application for Building Development in Private Projects", it is a general principle to implement compensatory tree planting ratio at not less than 1:1 in terms of quantity and quality within the subject lots by the applicant. Any deviation from this compensatory principle shall be supported with full justification.
- (c) Should the application be approved, the applicant is advised to adopt good site practices and implement necessary measures to prevent any disturbance or water pollution to the nearby watercourse. The

applicant should also seek necessary approval from the DLO/YL before commencement of any tree removal works on GL.

Landscape and Urban Design

9.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Landscape Planning

- (a) He has some reservation on the proposed PFS from the landscape planning perspective.
- (b) The Site is vacant and hard paved. Existing trees are found within the Site and near the site boundary. According to the submitted tree survey information, there are 23 existing trees of common species and generally in poor condition, with the exception of 6 mature palms which are in fair to good condition, within the Site and near the site boundary. All the existing trees are proposed to be felled and would be compensated with 3 heavy standard sized trees and bamboo planting.
- (c) The YLBF is situated to the west of the Site, a hotel to the east, village houses and open storage sites are found to the north. The proposed PFS is considered not incompatible with the existing landscape character.
- (d) However, the 6 mature palms, *Roystonea regia*, located near the eastern boundary are in fair to good condition and should be retained where possible. Otherwise, the applicant should provide technical justifications, such as information regarding the manoeuvring of vehicles and alternative layouts considered, to demonstrate that retention is not feasible.
- (e) Tree nos. T18, T19, T24, T25, T27 and T43 are outside the Site boundary. The applicant is reminded to seek comment and approval from LandsD separately regarding the proposed treatment to those trees outside the site boundary.

Urban Design

- (f) The Site abuts Castle Peak Road to the south and is bounded by the YLBF and a hotel to the west and east respectively. The proposed PFS facilities within the Site are small in scale as compared to the neighbouring buildings and are not incompatible with the context. He has no objection to the application from urban design point of view.

Traffic

9.1.5 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the need of PFS.
- (b) The applicant has proposed about 70m-long existing cycle track to be converted to footpath and carriageway to form the run in/run out/access of the proposed PFS (**Drawings A-1, A-5 and Plan A-2**). The applicant should explore re-provisioning of cycle track so as to maintain the cycle track continuity.
- (c) In view that the applicant has not satisfactorily addressed his comment regarding the re-provisioning of the cycle track, he could not support the application at this stage from traffic engineering perspective.
- (d) The proposed vehicular access serves only the Site. C for T would not take up its traffic management. In this regard, the applicant has confirmed to take up the management and maintenance responsibility of the proposed vehicular access (merging and diverging lanes).

9.1.6 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He has the following comments from highway maintenance point of view:

- (a) A substantial section of cycle track (about 70m) will be affected and has to be converted to footpath and access/ingress/egress to the development. This section of cycle track was just widened by CEDD under Contract No. YL/2013/01 and handed over to TD/HyD for management/maintenance on 11.10.2016. As such proposal may attract potential complaint from cyclists, further comment from CEDD and TD should be sought.
- (b) In view that a substantial section of cycle track would be affected, Road works gazette under Cap. 370 might be required if the affected section of the cycle track is to be completely closed.
- (c) The proposed access proposal shall be submitted to TD for agreement. If TD agrees, a run-in shall be constructed in accordance with the latest version of HyD Standard Drawings e.g. H1116B.
- (d) The applicant should be responsible for design and construction of the proposed modification works at the footpath, cycle track and planting area of Castle Peak Road – Yuen Long to the satisfaction of the relevant departments including HyD.
- (e) In particular, the applicant should demonstrate that the supporting structure across the nullah will not be adversely affected. Upon termination of the operation of the petrol filling station, the applicant shall be responsible for the reinstatement of the affected footpath, cycle track and planting area to its original conditions to the relevant departments' satisfaction.

- (f) Leisure and Cultural Services Department (LCSD) should be consulted on the proposed modification to the planting area of Castle Peak Road – Yuen Long.
- (g) His office is not/shall not be responsible for the maintenance of any vehicular access connecting the Site and Castle Peak Road – Yuen Long.

9.1.7 Comments of the Project Manager (New Territories North and West), Civil Engineering and Development Department (PM/NTN&W, CEDD):

The proposed PFS will affect the section of the cycle track newly built in the adjacent area under CEDD's Contract No. YL/2013/01. Nevertheless, this section of the cycle track was subsequently handed over to HyD/TD for operation, management and maintenance on 11.10.2016. Since it is no longer under the jurisdiction of CEDD's Contract, he has no comment from the contract points of view.

9.1.8 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) He notes that the applicant has consulted the MTRCL (**Appendix Ic**). The MTRCL, from railway protection point of view, has no adverse comments on the proposed PFS as it is located outside the existing Railway Protection Boundary. However, the proposed construction works and operation of the proposed PFS should comply with the relevant statutory regulations. In this regard, he has no further comments on the application from the railway development viewpoint provided the applicant would address MTRCL's comments.
- (b) If railway noise assessment will be carried out as per the request of relevant stakeholder(s), there is prevailing practice or requirement to address the noise impact arising from the existing railway and to take into account its existing and future operation.

Health Services

9.1.9 Comments of the Secretary for Food and Health (SFH):

He has no comment on the application subject to no adverse environmental and traffic impacts on the normal operation of POH, both during the construction period and after completion of the proposed PFS.

Housing Aspect

9.1.10 Comments of the Director of Housing (D of Housing):

He objects to the application. The proposed PFS would likely pose constraints on the potential public housing development within the same

“U” zone, which is one of the 25 potential housing sites announced in the Policy Address 2017.

Drainage

9.1.11 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, conditions should be stipulated in the approval letter requiring the applicant (i) to submit a drainage proposal; and (ii) to implement the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Board.

Fire Services

9.1.12 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to the followings:

- (a) Water supplies for firefighting and fire service installations should be provided to the satisfaction of Director of Fire Services;
- (b) Detailed fire service requirements will be formulated upon receipt of formal application; and
- (c) The applicant should observe that in general, all area classified as hazardous areas in a PFS should be wholly contained within the boundaries of the Site and the separation distance of at least 4.25m from any hazardous areas to any part of adjacent property which is not of fire-resisting construction should be maintained. Should the building be a domestic premises or premises housing vulnerable populations, e.g. schools, residential homes or hospitals, the distance shall be increased to 12m. In this case, a minimum separation distance of 12m should be maintained.

Water Supply

9.1.13 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) The existing water main will be affected. The developer shall bear the cost of any necessary diversion works affected by the development.

- (c) In case it is not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains shown shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes.
- (d) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Aspect

9.1.14 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no in-principle objection to the proposed development on the application site under the Buildings Ordinance (BO).
- (b) The applicant's attention should be drawn to the following:
 - (i) If the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application;
 - (ii) Before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) If the Site does not abut on a specified street having a width of not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D.
 - (iv) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an

acceptance of any existing building works or UBW on the Site under the BO.

- (v) If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (vi) The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII.

Other Comments

9.1.15 Comments of the Director of Electrical and Mechanical Services (DEMS):

Electricity Safety

- (a) He has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under application should approach the electricity supplier (I.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or within the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Town Gas Safety

- (b) There is a high pressure town gas pipeline running along Castle Peak Road- Yuen Long which is in the vicinity of the Site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/ gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes.

9.1.16 Comments of the Director of Leisure and Cultural Services (DLCS):

According to Figure 2.1 of the applicant submission (**Appendix Ic**), a roadside planter falls within the Site, shrubs were planted on the roadside

planter whilst the Leisure and Cultural Services Department (LCSD) is responsible for horticultural maintenance and the hard structure is being maintained by HyD. The project proponent should inform his office with detailed information, i.e. affected dimensions and the approval for use of land from LandsD, if the plants will be affected in the roadside planter. In general, LCSD requires a lead time of at least 3 months to adjust the schedule for associated horticultural maintenance.

District Officer's Comments

9.1.17 Comments of the District Officer(Yuen Long) (DO(YL)):

His office has no comment on the application and he has not received any comment from the locals.

9.2 The following Government departments have no objection to or no comment on the application:

- (a) Commissioner of Police (C of P); and
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

10. Public Comment Received During the Statutory Publication Period

The application and the subsequent further information submitted by the applicant were published on 25.10.2016, 6.1.2017 and 14.3.2017 respectively. During the statutory public inspection periods, 4 public comments were received, of which two were from a member of the Yuen Long District Council (YLDC) who objects to the application as the nearby villagers consider the proposed PFS dangerous and there are similar facilities in the vicinity. The proposed PFS will also create traffic, environmental and noise nuisances which cannot be mitigated (**Appendices IVa - IVb**). Another member of the public also objects to the application as it is undesirable to locate a PFS so close to a hospital, hotel and other buildings. Fire or explosion on site would cause serious air pollution (**Appendices IVc and IVd**).

11. Planning Considerations and Assessments

Planning Intention

- 11.1 The current application for a PFS with sales office falls within an area zoned "U" and an area shown as 'Road' on the OZP. The Site forms part of a larger "U" site (**Plan A-1a**) which has been zoned "U" on the OZP since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail and YLBF, which were under planning at that time, would traverse the area. According to the ES of the Nam Sang Wai OZP, these areas are within a transitional location between the urban and rural areas. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the

environment and thus jeopardizing the long-term planning intention of the areas. Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the West Rail and the YLBF.

Land Use Potential

- 11.2 The Site (and its wider “U” zone) is located at the eastern fringe of the Yuen Long New Town. With its proximity to the “R(A)” sites at Yuen Long New Town, the West Rail and Light Rail stations, and together with the easy accessibility offered by the strategic road network, the area has potential for an appropriate scale of residential development. The area is however subject to technical constraints including noise impact from the Yuen Long Highway and the MTR West Rail Line.
- 11.3 According to the 2017 Policy Address, the Tung Shing Lei “U” zone is one of the 25 potential housing sites which are mostly estimated to be made available for housing development in the short to medium term, subject to timely amendments to the relevant OZPs and/or completion of the necessary procedures. The subject “U” zone (including the Site) is identified for public housing purpose. Further study is to be conducted to confirm the appropriate development intensities and ascertain the technical feasibilities. Approval of a permanent PFS development at the road frontage of the “U” zone would impose constraints and jeopardize the long-term land use planning for the area, in particular on the potential housing site in the same “U” zone. D of Housing objects to the application as the proposed PFS would likely pose constraints on the potential public housing development within the same zone.

Technical Assessments

Traffic arrangement and cycle track

- 11.4 According to the applicant, the proposed PFS is to serve the eastbound Castle Peak Road as there is no other PFS serving the area north of Castle Peak Road. While C for T has no comment on the need for the proposed PFS, it should be noted that the proposed PFS would affect an existing cycle track (about 70m in length) and portion of the public pavement along Castle Peak Road. The concerned section of cycle track forms part of the NT Cycle Track Network connecting North West NT with North East NT - Tuen Mun to Sheung Shui Section. According to HyD, this section of cycle track was just widened by CEDD and handed over to TD/HyD for management/maintenance on 11.10.2016. TD does not support the application at this stage as the applicant has not satisfactorily addressed his concern regarding the re-provisioning of the cycle track to maintain its continuity. CHE/NTW, HyD is also concerned that cycle track of about 70m to be converted for proposed vehicular access is substantial and would adversely affect the cyclists.

Environmental aspect

- 11.5 The Site is located in close proximity to sensitive receivers including POH and Sun Kong Hotel. DEP does not support the proposed PFS at this stage as the EA

has failed to demonstrate that noise impact generated from the operation of the proposed PFS (i.e. refueling exercise, refilling of underground storage tanks and vehicles entering and exiting the station) would not have adverse impact on the nearby sensitive receivers. Notwithstanding the above, the submitted EA has not assessed the impact on the proposed Tung Shing Lei public housing site which is potentially closer to the PFS than any NSRs identified in the EA.

Landscape aspect

- 11.6 CTP/UD&L of PlanD has reservation on the application from landscape planning perspective as the applicant has proposed the felling of 23 existing trees within the Site and near the site boundary, but proposed compensatory planting of only 3 heavy standard sized trees with bamboo planting. The applicant has failed to provide technical justifications, such as information regarding the manoeuvring of vehicles and alternative layouts considered, to demonstrate that retention of the existing trees is not feasible. In this regard, both DAFC and DLO/YL, LandsD have concerns as, according to LAO PN 7/2007 and 7/2007A on "Tree Preservation and Tree Removal Application for Building Development in Private Projects", it is a general principle to implement compensatory tree planting at a ratio of not less than 1:1 in terms of quantity and quality within the subject lots by the applicant. Any deviation from this compensatory principle shall be supported with full justification.

Previous Applications

- 11.7 The Committee/Board had previously approved 2 applications (No. A/YL-NSW/17 and 182) and rejected 2 applications (No. A/YL-NSW/1 and 217) for the same PFS use at the Site, due to their respective individual merits and circumstances, the details are at para. 5 above. Application No. A/YL-NSW/17 (which covered a much larger site) was approved by the Committee in 1997 mainly on the grounds that the proposed PFS would not jeopardize the implementation of the YLBF and relevant departments have no objection/adverse comments on the application. For Application No. A/YL-NSW/182, the technical assessments submitted had demonstrated the proposed PFS would not have adverse impacts on the surrounding areas. However, the Board granted a temporary approval of 10 years on review, instead of a permanent permission sought in order not to jeopardize the long-term planning of the "U" zone. Although the proposed access under both applications would affect the then cycle track and footpath, the extent was less extensive and concerned departments had no objection to the traffic arrangement (**Plan A-2**). Applications No. A/YL-NSW/1 and A/YL-NSW/217 were rejected by the Committee in 1994 and 2012 mainly on grounds that the proposed PFSs would pose undue constraint to the future land use in the area and impact on the future planning of the "U" zone; and the applicant had failed to demonstrate that proposed development would not have adverse traffic, drainage, ecological, geotechnical, visual and landscape impacts on the surrounding areas.
- 11.8 For the current application, as the proposed PFS would pose constraint to the future land use in the area and impact on the future planning of the "U" zone; affects a newly widened cycle track which forms part of the NT Cycle Track Network from Tuen Mun to Sheung Shui; and has failed to demonstrate that proposed development would not result in adverse traffic, environmental and

landscape impacts on the surrounding areas, approval of the application will set an undesirable precedent for other similar developments. Rejection of the current application is in line with the Committee's previous decisions.

Public Comments

- 11.9 There are four public comments objecting to the application mainly on grounds of safety concerns for locating a PFS close to hospital, hotel and other buildings and that the proposed PFS will also create traffic, environmental and noise nuisances which cannot be mitigated. The planning assessment in the above paragraphs is relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:

- (a) the proposed petrol filling station is mainly located within an area zoned "Undetermined" which is being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area; and
- (b) the applicant fails to demonstrate that the proposed development would not have adverse traffic, environment and landscape impacts on the surrounding areas.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years until 28.4.2022, instead of a permanent basis sought. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) submission of a revised traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.10.2017;
- (b) the design of the affected cycle track and footpath within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.10.2017;
- (c) in relation to (b) above, the re-provision of the affected cycle track and footpath within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.1.2018;
- (d) the design of the vehicular access for the proposed development within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.10.2017;

- (e) in relation to (d) above, the provision of the vehicular access for the proposed development within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.1.2018;
- (f) the submission of a fire service installations proposal 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 28.10.2017;
- (g) in relation to (f) above, the implementation of the fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.1.2018;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.10.2017;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.1.2018;
- (j) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.10.2017;
- (k) in relation to (j) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.1.2018;
- (l) the submission of a revised environmental assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.10.2017;
- (m) in relation to (l) above, the implementation of the mitigation measures as identified in the revised environmental assessment within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.1.2018;
- (n) the provision of boundary wall on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.10.2017;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) is 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

| | |
|------------------------------|--|
| Appendix I | Application Form dated 18.10.2016 |
| Appendix Ia | Supplementary Planning Statement (including Layout Plan, TIA, EA, Tree Survey Report and Landscape Proposal and GPRP) |
| Appendix Ib | Letters dated 22.12.2016 and 29.12.2016 provided response to departmental comments with revised traffic survey and revised tree survey report and landscape proposal |
| Appendix Ic | Letter dated 3.3.2017 provided response to departmental comments with revised EA, revised swept path analysis, Historical Aerial Photographs and Reply from MTRCL |
| Appendix IIa | Comparison table of previous and current s.16 applications covering the Site |
| Appendix IIb | Previous s.16 applications covering the Site |
| Appendix III | Detailed Departmental Comments |
| Appendices IVa to IVd | Public comments received during the statutory public inspection period |
| Appendix V | Recommended Advisory Clauses |
| Drawing A-1 | Site Layout Plan |
| Drawing A-2 | Plan showing existing PFS and LPG stations in Yuen Long area |
| Drawing A-3 | Tree Survey and Felling Plan |
| Drawing A-4 | Compensatory and Landscape Plan |
| Drawing A-5 | Swept Path Analysis Plan |
| Plan A-1a | Location Plan |
| Plan A-1b | Location Plan with previous applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a and 4b | Site Photos |

Appendix IIa of RNTPC
Paper No. A/YL-NSW/250B

| | Previous Approved Application No. A/YL-NSW/17 (Lapsed) | Previous Approved Application No. A/YL-NSW/182 (Revoked) | Previous Rejected Application No. A/YL-NSW/217 | Current Application No. A/YL-NSW/250 |
|--|---|--|--|---|
| Site Area | 3,285 m ² | 1,079.6 m ² | 3,234 m ² | 1,170.3 m ² |
| Covered Area | 77.57 m ² | 34.745 m ² | 77.57 m ² | 63.70 m ² |
| Site Coverage | 2.4 % | 3.2 % | 2.4 % | 5.4 % |
| Plot Ratio | 0.02 | 0.022 | 0.024 | 0.054 |
| Office Structure: - GFA - No. of storey - Height | 10.61 m ² 1 storey - | 10.625 m ² 1 storey 3m | 10.61 m ² 1 storey 8.23m | 10.6 m ² 1 storey 3.5m |
| Pumping Station: - Covered Area - No. of Canopy - Filling Point - Height | 66.96 m ² 2 10 - | 24.12 m ² 1 4 - | 66.96 m ² 2 10 - | 53.1 m ² 1 4 6.3m |
| Design Capacity | 16 vehicles (2 container vehicles and 14 private cars/trucks) | 4 vehicles (1 heavy goods vehicle and 3 private cars) | 16 vehicles (2 container vehicles and 14 private cars/trucks) | 4 vehicles (vehicles longer than 10 metres will be prohibited from entering the PFS) |
| Parking Space | 0 | 3 private cars | 0 | 0 |
| Waiting Space | 4 vehicles | 4 vehicles | 4 vehicles | 4 vehicles and 1 space for tyre pumping |
| Buffer | a. 3m high wall along site boundary b. a landscape buffer near the site entrance | a. 3m high wall along site boundary b. landscape buffers at the northern part | a. 3m high wall along site boundary b. a landscape buffer near the site entrance | a. 3m high wall along site boundary b. landscape buffer along most part of the boundary and near the site entrance |
| Other Facilities | a. 4 underground oil tanks b. petrol interceptor | a. 3 underground oil tanks b. petrol interceptor | a. an underground oil tank b. an underground petrol interceptor c. a septic tank & soakaway pit system | a. 4 underground oil tanks b. an underground petrol interceptor |

Previous s.16 Applications covering the Application Site

Approved Applications

| <u>No</u> | <u>Application No.</u> | <u>Proposed Use(s)/ Development(s)</u> | <u>Decision of the RNTPC/TPB</u> | <u>Approval Conditions</u> |
|-----------|------------------------|--|---|--------------------------------|
| 1. | A/YL-NSW/17 | Proposed Petrol Filling Station | Approved with conditions on a temporary basis for a period of 4 years (14.2.1997) Approved with conditions by TPB upon review on a permanent basis (27.6.1997) | A1 - A6 |
| 2. | A/YL-NSW/182 | Proposed Petrol Filling Station | Approved with conditions on a temporary basis for a period of 5 years (7.11.2008) Approved with conditions by TPB upon review on a temporary basis for a period of 10 years (26.3.2009) Dismissed by Town Planning Appeal Board (28.10.2010) [revoked on 6.3.2011] | A1 - A5, A7, A8 |

Approval Conditions

- A1 The submission and implementation of landscaping proposals/tree survey report
- A2 The provision of a 3-metre high solid boundary wall
- A3 The submission and provision of drainage proposal
- A4 The provision of oil interceptors
- A5 The submission and implementation of a vehicular ingress/egress arrangement/run-in proposal and the reinstatement of a footpath and cycle-track located outside the application site
- A6 The approval is granted on the basis of the following undertaking to the Town Planning Board, as confined by the applicant:
 - (a) The applicant will not object to the Floodway project when it is gazetted;
 - (b) The applicant will cease operation of the petrol filling station and demolish it, for a period of one and a half years or a longer period if required, to make way for the Floodway project when construction takes place and will not demand any compensation;
 - (c) The applicant will bear the full costs of design and construction of the deck-over area of the application site as well as the area outside it; and
 - (d) The applicant will surrender an easement to Government to facilitate free access by the staff of the Drainage Services Department to the part of the application site on the deck at all times to carry out maintenance and inspection works of the Floodway whereas the

A7 Reinstatement clause

A8 Revocation clause

Rejected Applications

| <u>No.</u> | <u>Application No.</u> | <u>Proposed Use(s)/ Development(s)</u> | <u>Date of Consideration</u> | <u>Decision of the RNTPC/IPB</u> | <u>Main Reason(s) for Rejection</u> |
|------------|------------------------|--|----------------------------------|--------------------------------------|---|
| 1. | A/YL-NSW/1 | Proposed Petrol Filling Station | 5.8.1994 | Rejected | R1 and R2 |
| 2. | A/YL-NSW/217 | Proposed Petrol Filling Station | 23.11.2012 | Rejected | R3, R4 and R5 |

Rejection Reasons

- R1 The site falls within an area zoned "U" to cater for a possible railway proposal through the area as suggested in the Railway Development Study. Approval of the application prior to the finalisation of the study will jeopardise the future planning of the area
- R2 There is insufficient information in the submission to demonstrate that the vehicular access arrangement will not cause disruption or hazard to the through traffic on Castle Peak Road.
- R3 The proposed petrol filling station is located within an area zoned "Undetermined" which is being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area
- R4 There is no strong planning justification for decking a portion of the Yuen Long Bypass Floodway for the proposed petrol filling station use
- R5 The applicant fails to demonstrate that the proposed development would not have adverse drainage, ecological, geotechnical, visual and landscape impacts on the surrounding areas.

DETAILED DEPARTMENTAL COMMENTS

Comments of Director of Environmental Protection (DEP)

His detailed comments on noise aspect of the revised EA report (Appendix Ic) are as follows

Table 4.2

1. The applicant should provide the considerations and justifications in respect of the choice of the representative background noise measurements (e.g. time, measurement location and equipment used etc.) to show that it is conducted properly and also to support the determination of noise criteria for the planned fixed noise source.

Table 4.6 and Appendix B

2. No measurements were taken on 27.10.2016 for the refueling exercise F2 as shown in Appendix B. This does not tally with the information provided in Table 4.6. The applicant should review and revise.

Table 4.7 and Appendix B

6. It is noted that six noise measurements were taken to determine the SWL for vehicular movement (F1) and the average value is used for the fixed noise assessment as shown in Appendix C. The applicant should review and clarify whether the largest value of the SWL should be adopted to represent the worst-case scenario that already happened in the six occasions.

Appendix C

7. It appears that the calculation of the noise level generated from the refueling exercise (F2) at NSR 1 is incorrect. The applicant should double check the calculation in Appendix C and revise as appropriate.

Textual and Presentation

8. General - For clarity, please consider to revise "operation noise" as "fixed noise".

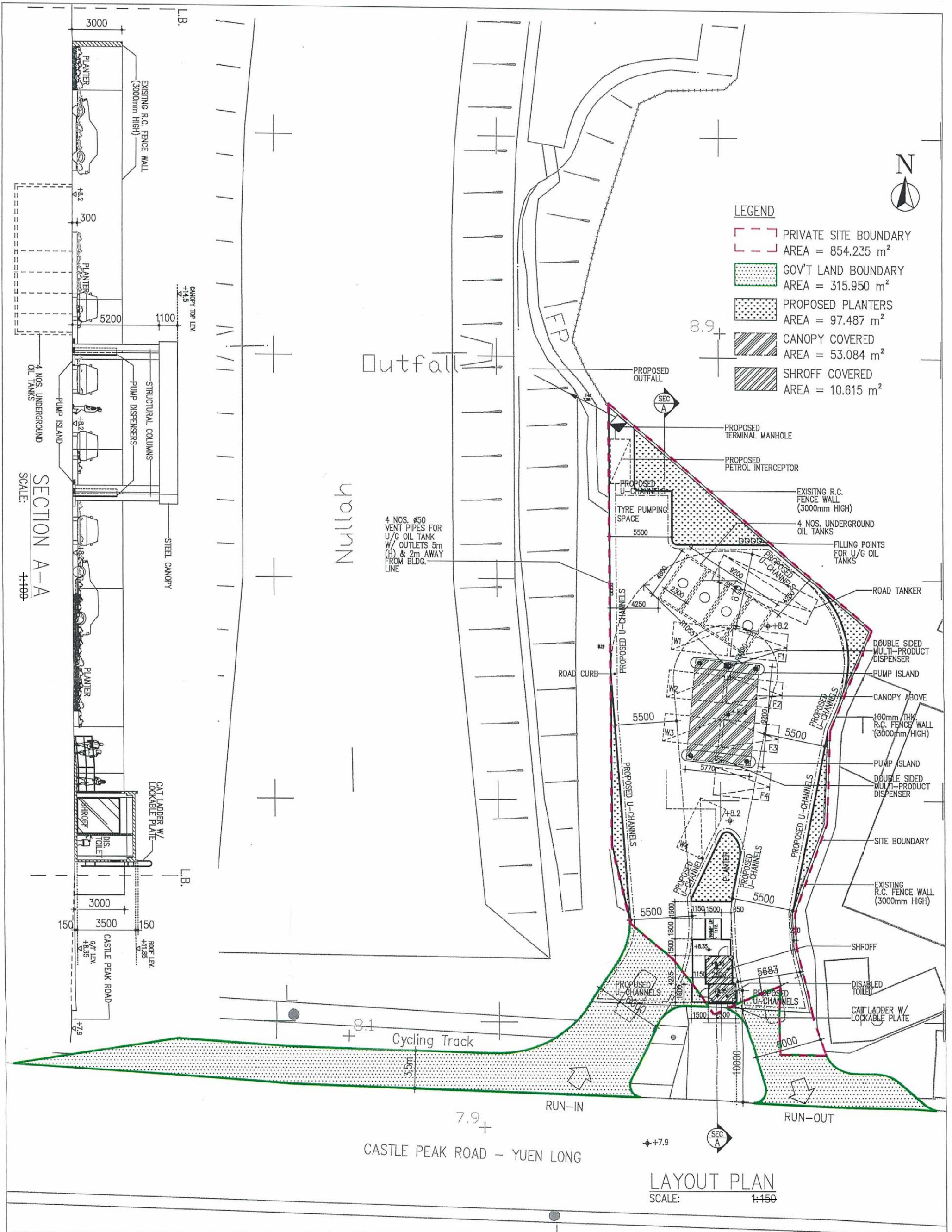
RECOMMENDED ADVISORY CLAUSES


- (a) a shorter approval period of 5 years is imposed in order not to jeopardise the long-term planning of the "Undetermined" zone;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises four private lots in DD 115 and adjoining Government Land (GL). As far as the private lots are concerned, preliminary land status check review that Lots No. 999 S.E, 1001 S.A RP and 1002 S.A RP in DD 115 are Old Scheduled Agricultural lots. Lot No. 1327 RP in DD 115 is held under New Grant No. 6825 but relevant conversion files cannot be traced. As such, the area and permitted use of the lots under application have to verify at the land exchange stage if any land exchange is applied for by the applicant to LandsD. The Site is subject to Shek Kong Airfield Height Restriction. The applicant has to applied to LandsD for a land exchange. Such application will be considered by the LandsD acting in its capacity as the landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of additional GL (if any), for the proposed development will be approved. In the event of the land exchange application is approved, it would be subject to such terms and conditions including, among other things, the payment of premium and administrative fee as may be imposed by LandsD;
- (c) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that a substantial section of existing cycle track (70m) would be affected, Road works gazette under Cap. 370 might be required if the affected section of the cycle track is to be completely closed. The proposed access proposal shall be submitted to Transport Department (TD) for agreement. If TD agrees, a run-in shall be constructed in accordance with the latest version of HyD Standard Drawings e.g. H1116B. The applicant should be responsible for design and construction of the proposed modification works at the footpath, cycle track and planting area of Castle Peak Road – Yuen Long to the satisfaction of the relevant departments including HyD. In particular, the applicant should demonstrate that the supporting structure across the nullah will not be adversely affected. Upon termination of the operation of the petrol filling station (PFS), the applicant shall be responsible for the reinstatement of the affected footpath, cycle track and planting area to its original conditions to the relevant departments' satisfaction. Leisure and Cultural Services Department should be consulted on the proposed modification to the planting area of Castle Peak Road – Yuen Long. His office is not/shall not be responsible for the maintenance of any vehicular access connecting the Site and Castle Peak Road – Yuen Long;
- (d) note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the proposed construction works and operation of the proposed PFS should comply with the relevant statutory regulations. If railway noise assessment will be carried out as per the request of relevant stakeholder(s), there is prevailing practice or requirement to address the noise impact arising from the existing railway and to take into account its existing and future operation;.

- (e) note the comments of the Director of Agricultural, Fisheries and Conservation (DAFC) that the applicant is advised to adopt good site practices and implement necessary measures to prevent any disturbance or water pollution to the nearby watercourse. The applicant should also seek necessary approval from the DLO/YL before commencement of any tree removal works on GL;
- (f) note the comments of the Secretary for Food and Health (SFH) that the applicant should ensure there would be no adverse environmental and traffic impacts on the normal operation of Pok Oi Hospital, both during the construction period and after completion of the proposed petrol filling station;
- (g) note the comments of the Director of Fire Services (D of FS) that detailed fire service requirements will be formulated upon receipt of formal application. The applicant should observe that in general, all area classified as hazardous areas in a PFS should be wholly contained within the boundaries of the Site and the separation distance of at least 4.25m from any hazardous areas to any part of adjacent property which is not of fire-resisting construction should be maintained. Should the building be a domestic premises or premises housing vulnerable populations, e.g. schools, residential homes or hospitals, the distance shall be increased to 12m. In this case, a minimum separation distance of 12m should be maintained;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the Site does not abut on a specified street having a width of not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII;
- (i) note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or within the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity

Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines. As regards town gas safety, there is a high pressure town gas pipeline running along Castle Peak Road-Yuen Long which is in the vicinity of the Site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Ltd. in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/ gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes;

- (j) note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water main will be affected. The developer shall bear the cost of any necessary diversion works affected by the development. In case it is not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains shown shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (k) note the comments of the Director of Leisure and Cultural Services (DLCS) that according to the applicant's submission, a roadside planter falls within the Site, shrubs were planted on the roadside planter whilst LCSD is responsible for horticultural maintenance and the hard structure is being maintained by HyD. The project proponent should inform his office with detailed information, i.e. affected dimensions and the approval for use of land from LandsD, if the plants will be affected in the roadside planter. In general, LCSD requires a lead time of at least 3 months to adjust the schedule for associated horticultural maintenance.



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| REVISIONS : | | |
| REVISIONS : | | |
| <div>1. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>2. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>3. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>4. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>5. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>6. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>7. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>8. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>9. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> <div>10. REVISION OF FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN YUEN LONG</div> | | |
| REV. | DESCRIPTION | DATE |
| (A) | 1. REVISION OF TERMINAL MANHOLE FOR STORAGE WATER. 2. OMISSION OF TREE REMOVAL FROM EXISTING BOUNDARY. 3. REVISION OF PERFORAL FILLING DISPENSER. | AUG/2016 |
| | | |
| | | |
| <div> 河海行</div> <div>PRUDENTIAL SURVEYORS INT'L. LTD. TEL. 25078333 FAX 25086578 TEL. 25078333</div> <div>ATTENDED PERSONS :</div> <div><div>Dennis W.C. Wong Director 1001 S.A. RP, 999 S.E. 1002 S.A. RP YUEN LONG</div><div>PROPOSED PERFORAL FILLING STATION AT LOT NOS. 1327 RP, 999 S.E. 1001 S.A. RP AND 1002 S.A. RP IN DD115 AU TAU, YUEN LONG</div><div>DATELINE TITLE :</div><div>LAYOUT PLAN</div><div><div>SCALE</div><div>DATE</div><div>CHECKED</div><div>SCALE</div></div><div><div>R</div><div>AUG/2016</div><div>TL</div><div>1 : 150</div></div><div><div>300 NO.</div><div>300 NO.</div></div><div><div>B14925</div><div>B1(A)</div></div><div><div>PLANNING CODE</div><div>PLANNING CODE</div></div><div><div>K: VANDERBY SECTION</div><div>K: VANDERBY SECTION</div></div><div><div>A:080135/A422</div><div>A:080135/A422</div></div><div>REVISIONS : AMENDMENT A</div></div> | | |

(摘錄自申請人於 3.3.2017 呈交的進一步資料)
(Extract from Applicant's Further Information Submitted on 3.3.2017)

參考編號
REFERENCE No.
A/YL-NSW/250

繪圖 DRAWING
A-1

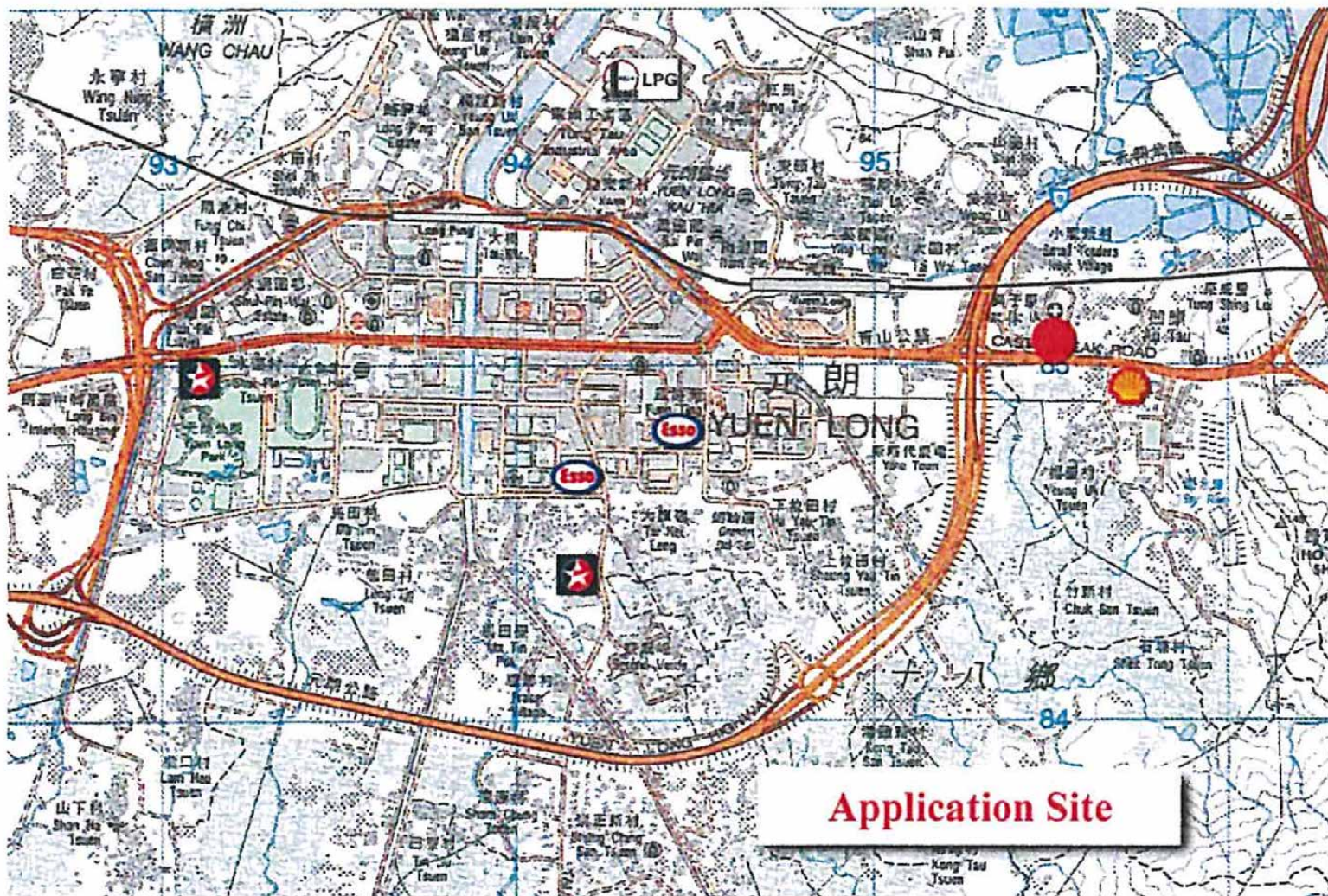


Figure 2.2
Location Plan

Location of All Petrol Filling Stations in the Yuen Long Central Area

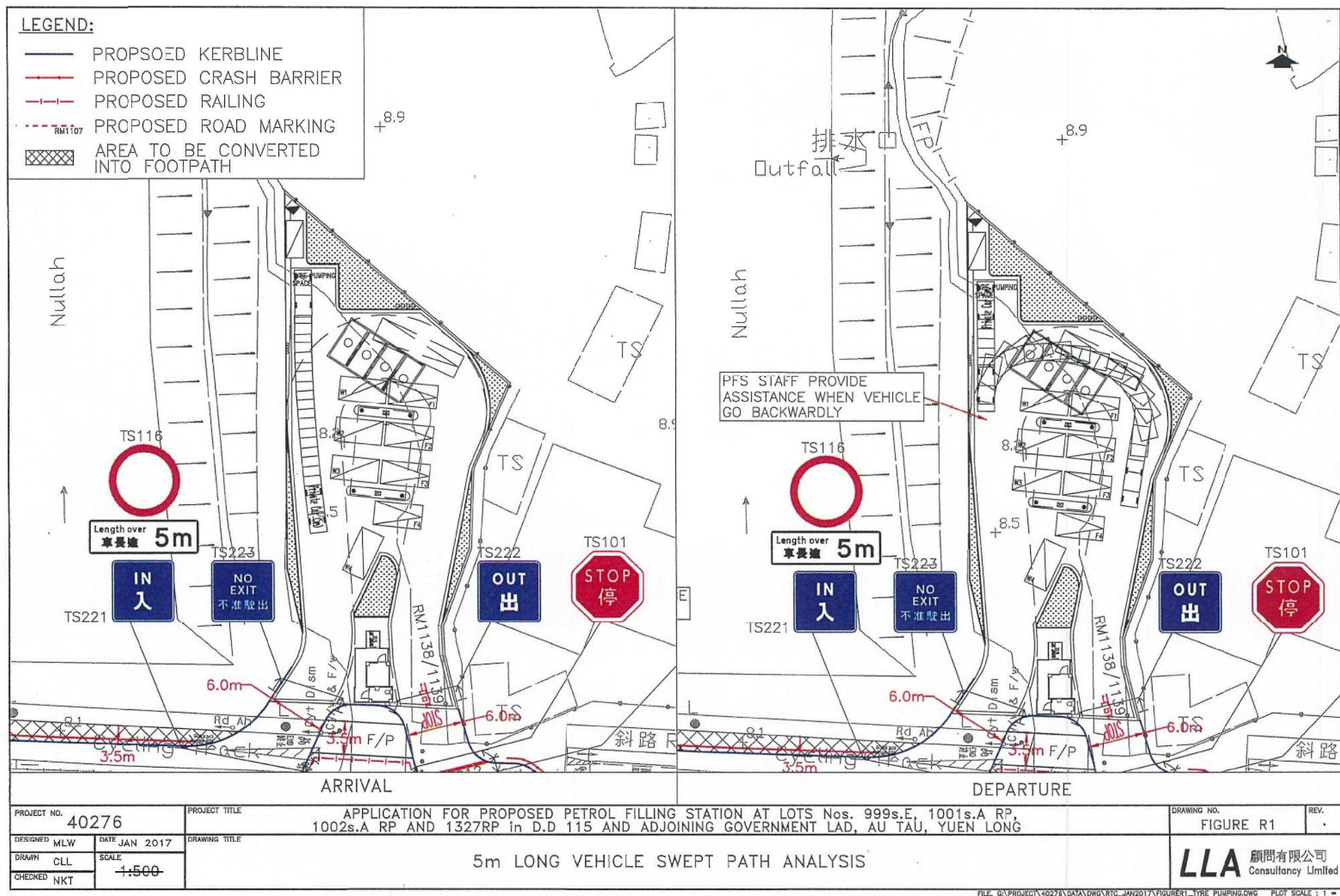
(摘錄自申請人於 18.10.2016 呈交的申請書)
(Extract from Applicant's
Submission of 18.10.2016)

參考編號
REFERENCE No.
A/YL-NSW/250

繪圖 DRAWING
A-2

繪圖 DRAWING
A-3

繪圖 DRAWING
A-4

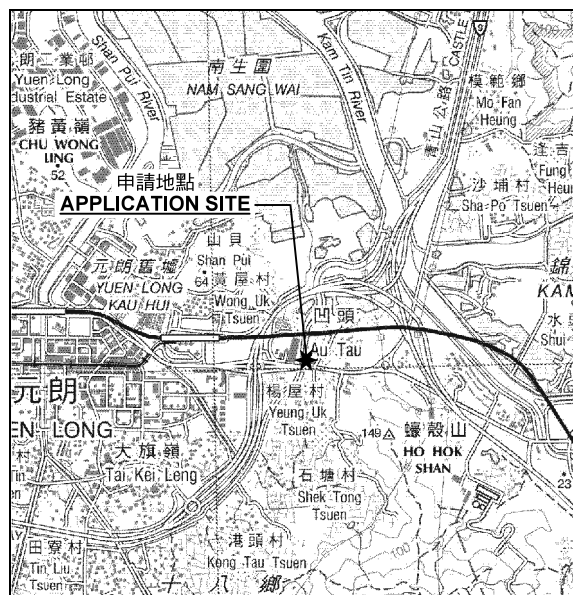
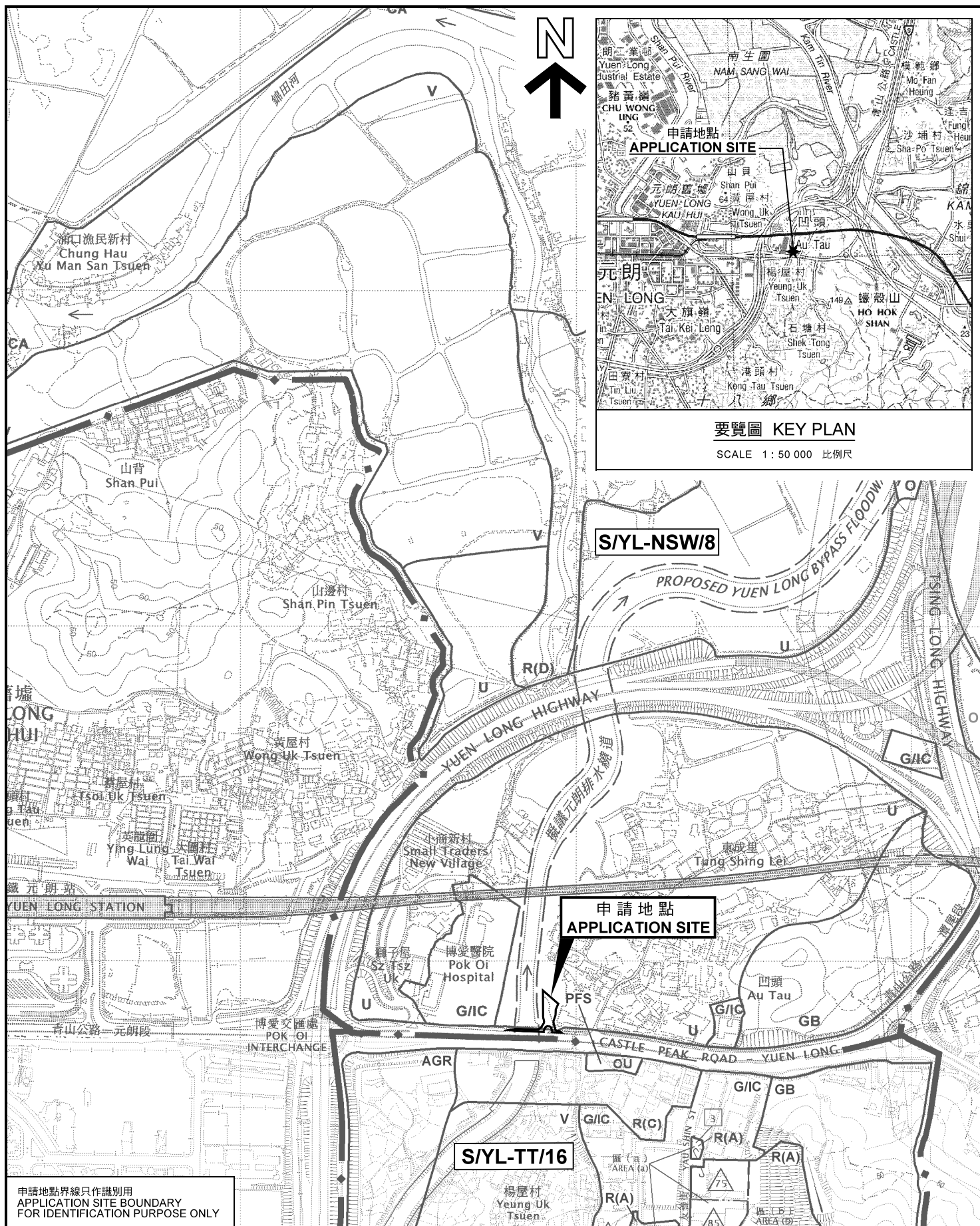


Compensatory and Landscape Proposal

(摘錄自申請人於 3.3.2017 呈交的進一步資料)
(Extract from Applicant's Further
Information Submitted on 3.3.2017)

參考編號
REFERENCE No.
A/YL-NSW/250

繪圖 DRAWING
A-5



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

位置圖 LOCATION PLAN

擬議加油站連辦公室及附屬設備
元朗頭頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG
SCALE 1 : 7 500 比例尺

米 100 0 100 200 300 米
METRES

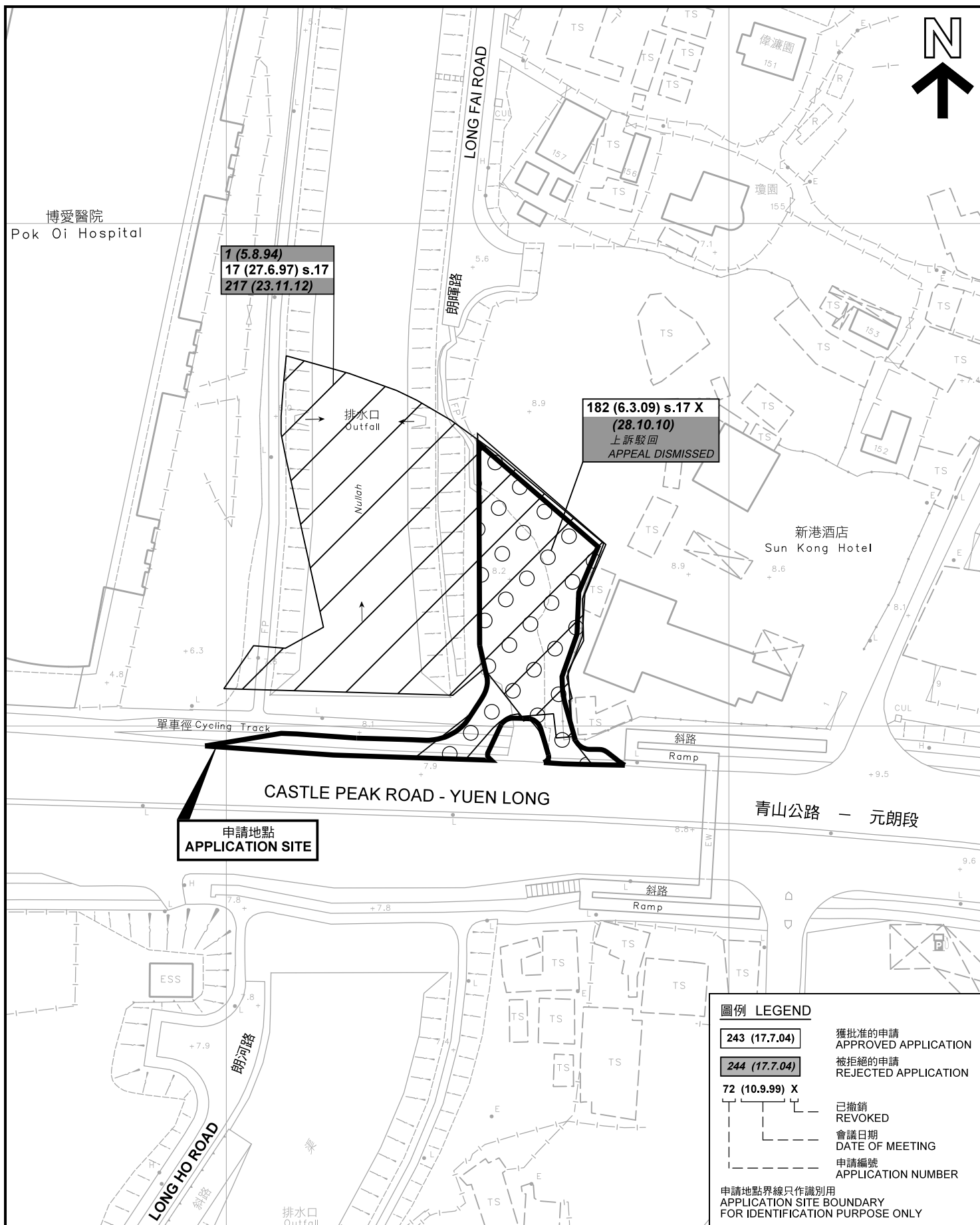
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-1a

本摘要圖於2017年4月18日擬備，
所根據的資料為於2006年10月17日
核准的分區計劃大綱圖編號S/YL-NSW/8
及於2012年3月13日核准的分區計劃
大綱圖編號S/YL-TT/16
EXTRACT PLAN PREPARED ON 18.4.2017
BASED ON OUTLINE ZONING PLANS No.
S/YL-NSW/8 APPROVED ON 17.10.2006
AND S/YL-TT/16 APPROVED ON 13.3.2012



先前申請 PREVIOUS APPLICATIONS

擬議加油站連辦公室及附屬設備
元朗凹頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG

SCALE 1 : 1 000 比例尺

米 20 0 20 40 米
METRES

本摘要圖於2017年4月13日擬備，所根據的資料
為測量圖編號6-NE-6C及6-NW-10D

EXTRACT PLAN PREPARED ON 13.4.2017
BASED ON SURVEY SHEETS No. 6-NE-6C
& 6-NW-10D

圖例 LEGEND

243 (17.7.04)

獲批准的申請
APPROVED APPLICATION

244 (17.7.04)

被拒絕的申請
REJECTED APPLICATION

72 (10.9.99) X

已撤銷
REVOKED

會議日期
DATE OF MEETING

申請編號
APPLICATION NUMBER

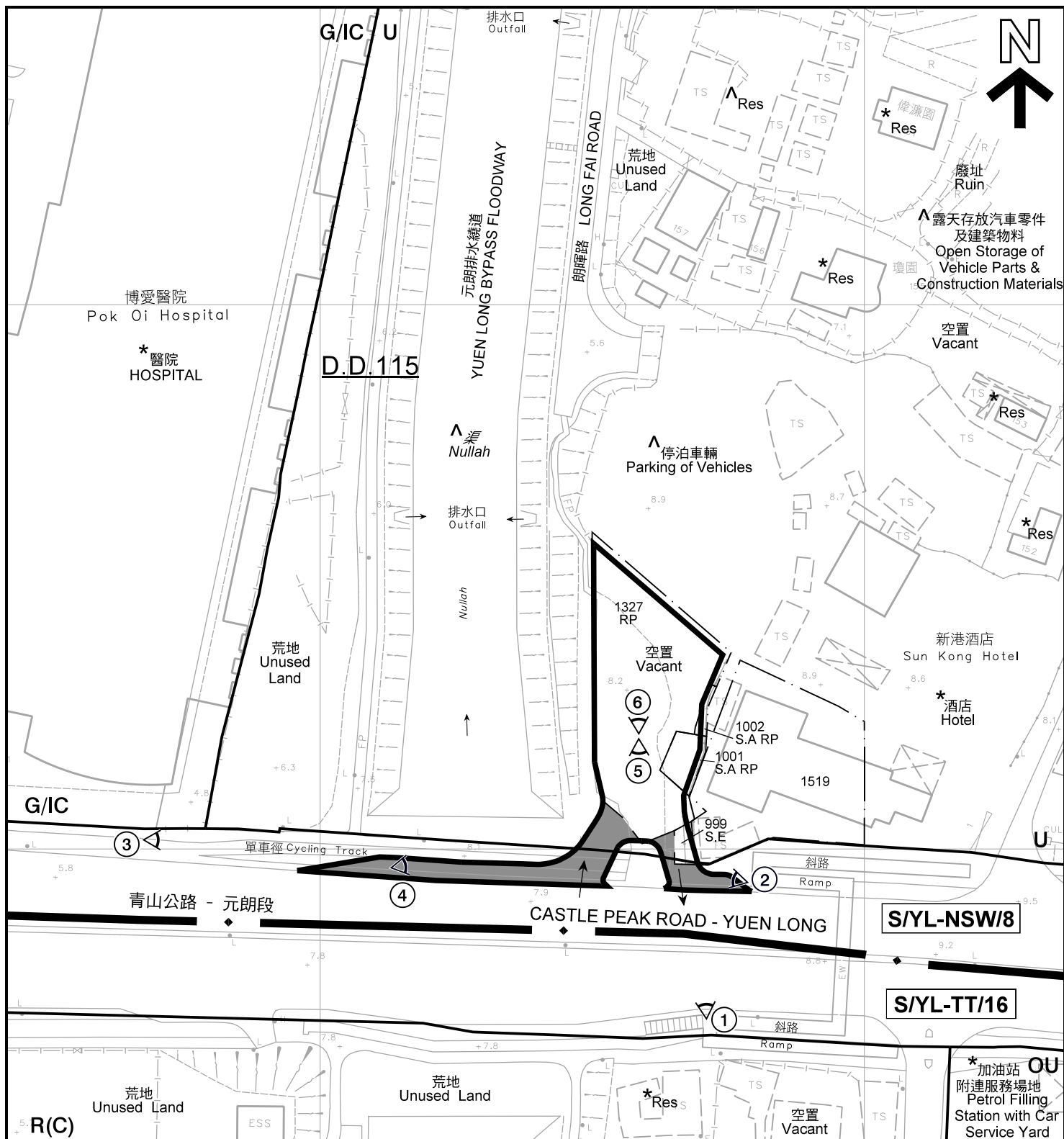
申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-1b



註釋 Notes :

- (1) 2017年1月6日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 6.1.2017
- (2) * 土地用途跟1992年2月14日勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department on 14.2.1992
- (3) ^ 土地用途跟1992年2月14日勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department on 14.2.1992

圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- R(C)** 住宅(丙類)
RESIDENTIAL (GROUP C)
- G/IC** 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
- OU** 其他指定用途
OTHER SPECIFIED USES

- U** 未決定用途
UNDETERMINED
- 政府土地
GOVERNMENT LAND
- RES** 住用構築物
RESIDENTIAL STRUCTURES
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- 入口/出口
INGRESS / EGRESS

平面圖 SITE PLAN

擬議加油站連辦公室及附屬設備
元朗凹頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG
SCALE 1 : 1 000 比例尺

米 20 0 20 40 米
METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-2

本摘要圖於2017年4月24日擬備，所根據的資料
為測量圖編號6-NE-6C及6-NW-10D
EXTRACT PLAN PREPARED ON 24.4.2017
BASED ON SURVEY SHEETS No. 6-NE-6C
& 6-NW-10D



圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2017年4月24日擬備，所根據的資料為地政總署於2015年8月3日拍得的航攝照片編號 CW116078
EXTRACT PLAN PREPARED ON 24.4.2017
BASED ON AERIAL PHOTO No.
CW116078 TAKEN ON 3.8.2015
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

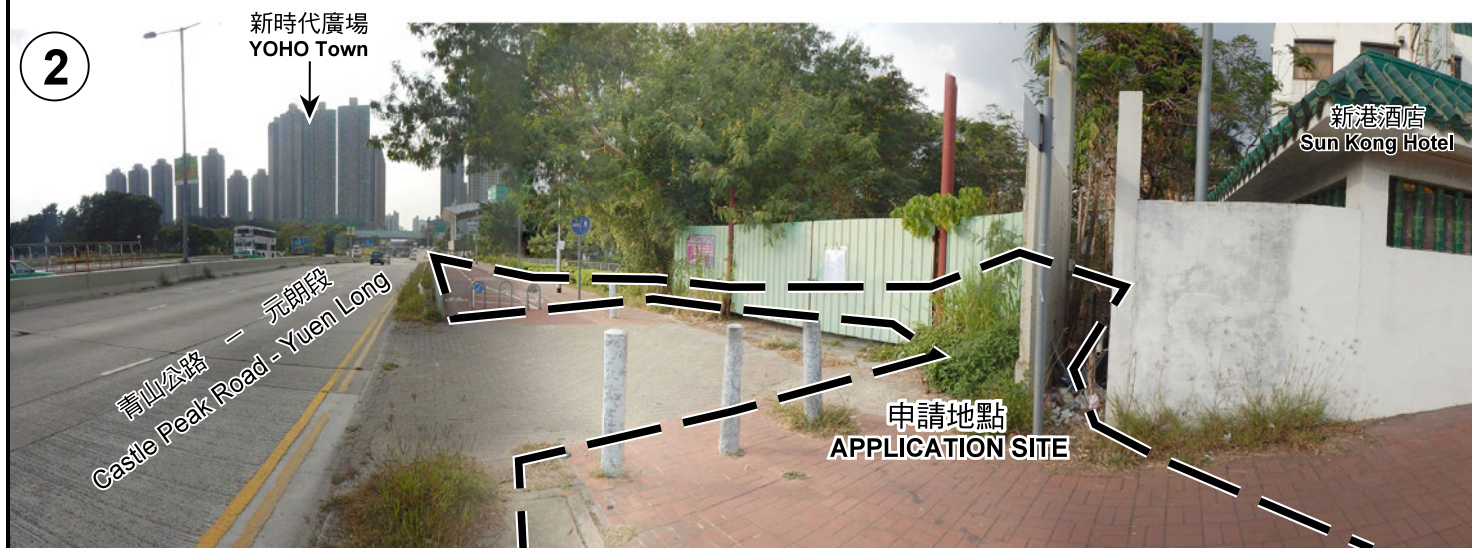
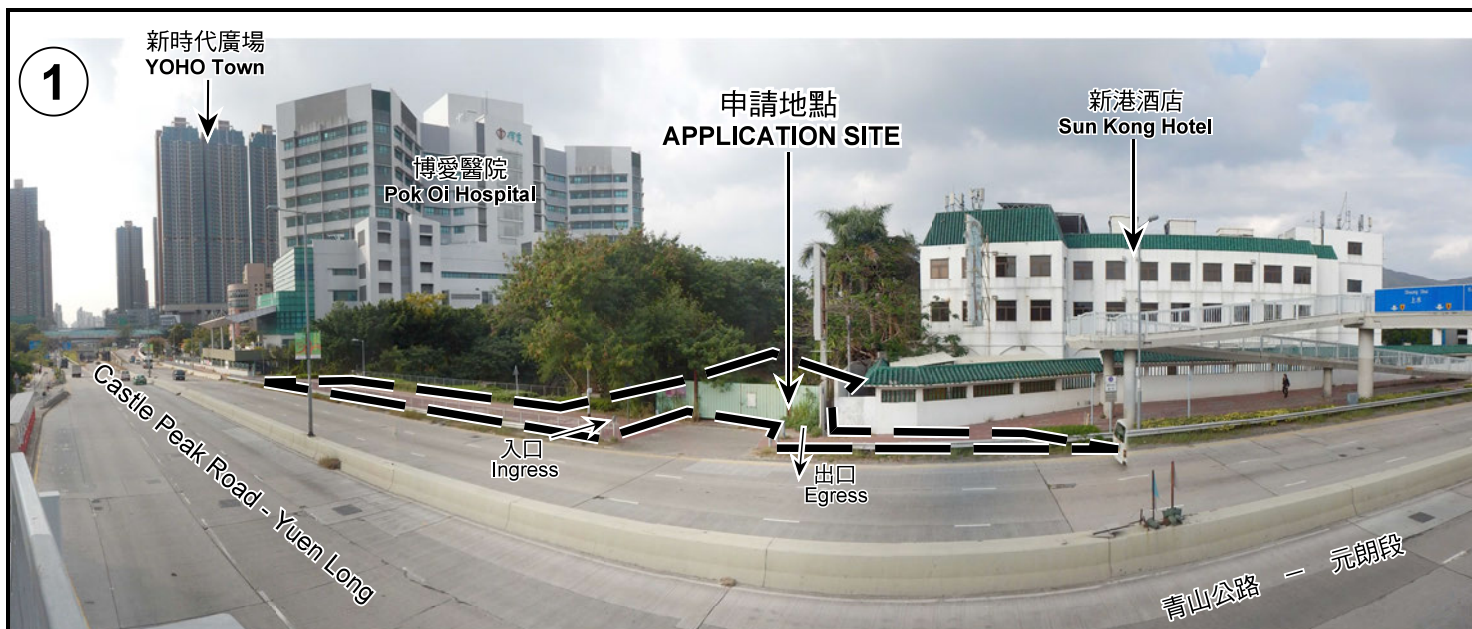
擬議加油站連辦公室及附屬設備
元朗凹頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-3



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2017年4月3日擬備，所根據的資料為攝於2017年1月6日的實地照片
PLAN PREPARED ON 3.4.2017
BASED ON SITE PHOTOS
TAKEN ON 6.1.2017

擬議加油站連辦公室及附屬設備
元朗凹頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-4a



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

擬議加油站連辦公室及附屬設備
元朗凹頭丈量約份第115約地段第999號E分段(部分)、
第1001號A分段餘段(部分)、第1002號A分段餘段(部分)
及第1327號餘段(部分)和毗連政府土地
PROPOSED PETROL FILLING STATION WITH
SALES OFFICE AND ANCILLARY FACILITIES
LOTS 999 S.E (PART), 1001 S.A RP (PART), 1002 S.A RP (PART)
AND 1327 RP (PART) IN D.D.115 AND
ADJOINING GOVERNMENT LAND, AU TAU, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NSW/250

圖 PLAN
A-4b

本圖於2017年4月3日擬備，所根據的
資料為攝於2017年1月6日的實地照片
PLAN PREPARED ON 3.4.2017
BASED ON SITE PHOTOS
TAKEN ON 6.1.2017

TOWN PLANNING BOARD

Minutes of 578th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 28.4.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Ms Janice W.M. Lai

Ms Christina M. Lee

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories East,
Transport Department
Mr K.C. Siu

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/250 Proposed Petrol Filling Station with Sales Office and Ancillary Facilities in "Undetermined" Zone and an area shown as 'Road', Lots No. 999 S.E (Part), 1001 S.A RP (Part), 1002 S.A RP (Part) and 1327 RP (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/250B)

Presentation and Question Sessions

98. With the aid of a PowerPoint presentation, Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed petrol filling station with sales office;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as the site was in close proximity to sensitive receivers and there was concern on the potential noise nuisance. The environmental assessment had failed to demonstrate that noise impact generated from the proposed development would not have adverse impact on the nearby sensitive receivers. The Director of Housing objected to the application as it would likely pose constraints on the potential public housing development within the same "Undetermined" ("U") zone. The Commissioner for Transport did not support the application as the applicant had proposed to convert a section of the existing cycle track to footpath and carriageway for the proposed development without re-provisioning of the affected section of the cycle track. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had

reservation on the proposed development as all the existing trees would be felled and compensated by only three heavy standard trees and bamboo planting;

- (d) during the first three weeks of the three statutory publication periods, a total of four public comments were received. Two were from a Yuen Long District Council member and the remaining two from an individual objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The subject "U" zone (including the site) was identified for public housing purpose. Approval of the application would impose constraints and jeopardise the long-term land use planning for the area. The proposed development would affect a section of the existing cycle track which formed part of the New Territories Cycle Track network from Tuen Mun to Sheung Shui, and would have adverse traffic, environmental and landscape impacts on the surrounding areas. Regarding the adverse public comments, the planning assessments above were relevant.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed petrol filling station is mainly located within an area zoned “Undetermined” which is being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area; and
- (b) the applicant fails to demonstrate that the proposed development would not

have adverse traffic, environmental and landscape impacts on the surrounding areas.”

[The Chairman thanked Ms S.H. Lam, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. Ms Lam, Ms Wong and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr Vincent T.K. Lai, Ms Stella Y. Ng and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1064 Proposed Temporary Road Repair Workshop and Storage of Construction Materials with Ancillary Vehicle Repairing and Office for a Period of 3 Years in “Agriculture” Zone, Lots 126 (Part), 127 and 128 in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1064A)

101. The Secretary reported that the site was located in Ha Tsuen area. Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

102. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN _____

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-NSW/250

By Registered Post & Fax (2598 6576)

12 May 2017

Prudential Surveyors International Ltd.
3/F, Tung Hip Commercial Building
244-252 Des Voeux Road Central
Hong Kong
(Attn.: Cheung Sing Din, Leo)

Dear Sir/Madam,

Proposed Petrol Filling Station with Sales Office and Ancillary Facilities
in "Undetermined" Zone and an area shown as 'Road',
Lots No. 999 S.E (Part), 1001 S.A RP (Part), 1002 S.A RP (Part) and
1327 RP (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Yuen Long

I refer to my letter to you dated 13.3.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed petrol filling station is mainly located within an area zoned "Undetermined" which is being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area; and
- (b) you fail to demonstrate that the proposed development would not have adverse traffic, environmental and landscape impacts on the surrounding areas.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 28.4.2017 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 2.6.2017). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Emily Tong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6284.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Recommended Advisory Clauses

- (a) an approval period of 5 years is imposed in order not to jeopardise the long-term planning of the “Undetermined” zone;
- (b) the applicant should be reminded that the land uses for the “U” zone covering the Site is subject to comprehensive review, and the Site may be required for long-term development before the expiry of the planning permission;
- (c) to note D of Housing’s comments that before handover of the potential public housing site to Housing Department for public housing development, the applicant/respective government departments has/have to reinstate the Site and remove all structures, including decontamination works as required, before the estimated land availability date of 2022/23;
- (d) to note DLO/YL, LandsD’s comments that the Site comprises four private lots in DD 115 and adjoining GL. As far as the private lots are concerned, preliminary land status check review that Lots No. 999 S.E, 1001 S.A RP and 1002 S.A RP in DD 115 are Old Scheduled Agricultural lots. Lot No. 1327 RP in DD 115 is held under New Grant No. 6825. The area and permitted use of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD. The Site is subject to Shek Kong Airfield Height Restriction. The applicant has to apply to LandsD for a land exchange. Such application will be considered by the LandsD acting in its capacity as the landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of additional GL (if any), for the proposed development will be approved. In the event of the land exchange application is approved, it would be subject to such terms and conditions including, among other things, the payment of premium and administrative fee as may be imposed by LandsD. As regards the applicant’s proposed 10-years temporary approval, under existing policy, LandsD may consider granting short term waiver (STW) for non-agricultural temporary structures if the criteria as required under the policy is fulfilled. However, whether the proposed PFS could be considered for STW would be considered upon receipt of such formal application by the LandsD and after planning permission has been obtained at which time all relevant factors will be taken into account including comments from the relevant departments etc. According to LAO PN 7/2007 and 7/2007A on “Tree Preservation and Tree Removal Application for Building Development in Private Projects”, in general, the ratio for no. of trees to be felled and compensated should not be less than 1:1. Regarding the use of 316m² /27% GL for the proposed access, given the Site is already served by an existing dropped kerb which is on unleased/unallocated GL (no documentation to suggest that there is a right of access from the Site to Castle Peak Road), under existing policy, LandsD would only consider a direct grant of short term tenancy (STT) where there is no general public interest in the land; the land is neither capable of separate alienation nor required for any future public project. Notwithstanding that, each application would be considered on its individual merit at the time of consideration and other factors as appropriate including future planned use of the land, comments from the relevant departments, local consultation etc., even if the criteria for direct grant STT are met; and in the event that the dropped kerb is not being managed and maintained by TD/HyD, a right of way over the concerned dropped kerb may be required, particularly if there are any works within the dropped kerb (including any improvement works);

- (e) to note C for T's comments that the applicant will be responsible for the construction, management and maintenance of the proposed access to the Site (including the merging/diverging lanes and the ingress/egress, and the 3.5m footpath/pavement in between the merging lane and diverging lane), and such access should be opened to public at all times. The proposed realigned footpath/cycle track shall be handed over to the Government for future management and maintenance upon completion to the satisfaction of the Commissioner for Transport and the Director of Highways;
- (f) to note CHE/NTW, HyD's comments that the cycle track along Castle Peak Road-Yuen Long is proposed to be shifted northwards to tally with the proposed run in to the Site. The applicant should be responsible for design and construction of such proposed modification works at the footpath, cycle track and planting area of Castle Peak Road-Yuen Long to the satisfaction of the relevant departments including HyD. The applicant should demonstrate that the supporting structure across the nullah would not be adversely affected by the proposed modification. No work shall start on site until there is submission to demonstrate that the supporting structure across the nullah will not be adversely affected by the proposed modification, and the submission shall be agreed by HyD. Based on HyD's experience on typical road works, the proposed diversion of the cycle track should be minor in nature and regazetting under Roads Ordinance may not be required provided that the pedestrian and cyclist accesses would be properly maintained during the work. The notice boards erected for the run-in/out of the Site should be maintained by the Applicant;
- (g) to note DFEH's comments that no Food and Environmental Hygiene Department's facilities will be affected and such work and operations shall not cause any environmental nuisance to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses. Proper license/permit issued by his Department is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
- (h) to note DAFC's comment that the proposal involves felling of a total of 23 trees (including 7 trees on GL outside the site boundary which is subject to separate approval from LandsD as mentioned by the applicant) but proposes compensatory planting of only three new trees in the landscape proposal. According to LAO 7/2007 on "Tree Preservation and Tree Removal Application for Building Development in Private Projects", it is a general principle to implement compensatory tree planting ratio at not less than 1:1 in terms of quantity and quality within the subject lots by the applicant. Any deviation from this compensatory principle shall be supported with full justification. The applicant is advised to adopt good site practices and implement necessary measures to prevent any disturbance or water pollution to the nearby nullah. The applicant should also seek necessary approval from the DLO/YL before commencement of any tree removal works on GL;
- (i) to note CBS/NTW, BD that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application; before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO; if the Site does not abut on a specified street

having a width of not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D; for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO; if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and the proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII;

- (j) to note D of FS comments that detailed fire service requirements will be formulated upon receipt of formal application; and the applicant should observe that in general, all area classified as hazardous areas in a PFS should be wholly contained within the boundaries of the Site and the separation distance of at least 4.25m from any hazardous areas to any part of adjacent property which is not of fire-resisting construction should be maintained. Should the building be a domestic premises or premises housing vulnerable populations, e.g. schools, residential homes or hospitals, the distance shall be increased to 12m. In this case, a minimum separation distance of 12m should be maintained;
- (k) to note CE/C, WSD's comments that the existing water main will be affected. The developer shall bear the cost of any necessary diversion works affected by the development; in case it is not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains shown shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes; the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize; and Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (l) to note DLCS's comments that roadside planter falls within the Site, shrubs were planted on the roadside planter whilst LCSD is responsible for horticultural maintenance and the hard structure is being maintained by HyD. Part of the existing roadside amenity area on the street pavement for the realigned cycle track and footpath is under horticultural maintenance of this office. The project proponent should inform his office with detailed information, i.e. affected dimensions and the approval for use of land from LandsD, if the plants will be affected in the roadside planter and the roadside amenity area. In general, LCSD requires a lead time of at least 3 months to adjust the schedule for associated horticultural maintenance. His office shall not take up the responsibilities for management and maintenance of the landscaped area which falls within the private lot boundary. The proposed run-in and run-out areas will pass through some vacant GL and amenity areas where some trees may be affected. From tree preservation point of view, every possible effort should be made to preserve existing tree on site as far as possible and minimize the adverse impact to them. Should any trees be inevitably affected, the project proponent should submit a Tree Preservation and Removal Proposal (TPRP) with

strong justifications to relevant government department(s) for consideration and approval in accordance with DEVB Technical Circular (Works) No. 7/2015; and

- (m) to DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under application should approach the electricity supplier (I.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or within the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and there is a high pressure town gas pipeline running along Castle Peak Road- Yuen Long which is in the vicinity of the Site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/ gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes.