

**Minutes of 845th Meeting of the
Town Planning Board held on 21.10.2005**

Present

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

Chairperson

Hon. Patrick S.S. Lau

Vice-Chairman

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Keith G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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

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

Assistant Director of Environmental Protection
Mr. Elvis Au

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

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

Secretary

Absent with Apologies

Mrs. Angelina P.L. Lee

Dr. Peter K.K. Wong

Mr. Francis Y.T. Lui

Mr. C.K. Wong

Mr. Tony W.C. Tse

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Professor Bernard Vincent W.F. Lim

Mr. Alfred Donald Yap

In Attendance

Assistant Director of Planning/Board

Mr. P.Y. Tam

Chief Town Planner/Town Planning Board

Mr. C.T. Ling (a.m.)

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

Senior Town Planner/Town Planning Board

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

Mr. Tom C.K. Yip (p.m.)

1. The Chairperson extended a welcome to all Members.

Agenda Item 1

Confirmation of Minutes of the 844th Meeting held on 7.10.2005

2. The minutes of the 844th meeting held on 7.10.2005 were confirmed without amendments.

[Dr. Rebecca L.H. Chiu arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

3. The minutes of this item were recorded under confidential cover.

[Mr. S. L. Ng, Dr. C. N. Ng and Ms. Carmen K. M. Chan arrived to join the meeting at this point.]

Agenda Item 3

Report on Consultation with Green Groups on Draft Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses

(TPB Paper No. 7430)

[Open Meeting (whole agenda item). The meeting was conducted in Cantonese.]

4. As the subject matter was to report on consultation with the Green Groups, the following Members declared interests on this item:

Professor K.C. Ho	Being the President of Green Power
Dr. C.N. Ng	Being one of the Directors of Conservancy Association

5. Members considered that Professor K.C. Ho and Dr. C.N. Ng could be allowed to stay and participate in the meeting as their interests are indirect/insubstantial.

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

Mr. K.K. Ling	Assistant Director/New Territories North and Enforcement
Mr. Wilson So	District Planning Officer/Tuen Mun and Yuen Long
Mr. W.K. Hui	District Planning Officer/Tai Po and North
Mr. David Ng	Senior Town Planner/New Territories Headquarters

Presentation Session

7. Messrs. K.K. Ling and David Ng covered the following aspects in their presentations as detailed in the Paper:

- (a) the background on the proposed revisions to the draft Town Planning Board Guidelines for Application for Open Storage and Port Back-up (OS/PBU) Uses;
- (b) major views of the Green Groups on the proposed revisions to the draft Guidelines and PlanD's responses;
- (c) proposed revision to the draft Guidelines to address the concerns of the Green Groups and the previous comments made by the Board; and
- (d) the broad coverage of Category 1, 2, 3 and 4 areas and the distribution of areas in the respective categories.

Discussion Session

8. Members generally expressed appreciation of PlanD's effort to conduct a comprehensive consultation exercise with the local community, the stakeholders and the Green Groups, and to take into account their views in revising the draft Guidelines. The revised version represented a proper balance of the different interests in respect of OS/PBU uses.

Distribution of Area

9. Referring to the table in paragraph 5.2 of the Paper, a Member noted that the re-categorisation was mainly a redistribution of areas among the 4 categories and sought clarification on why there was a discrepancy in the total area under item A (Guidelines No. 13C) and item C (Guidelines No. 13D). Mr. David Ng explained that the discrepancy arose from the inclusion of the So Kwun Wat area in and the exclusion of the major residential built-up areas such as Fairview Park and Palm Spring from the 4 categories in the revised Guidelines No. 13D. The revision was made in response to the comments made by the Tuen Mun District Council.

Colour Scheme of the Plan

10. The same Member noted that colour green was used to denote the Category 1 areas. Knowing that the public generally associated colour green with greenery and conservation, another colour should be considered to denote the Category 1 areas to avoid giving the wrong impression to the public. This view was shared by other Members. The Chairperson requested PlanD to work out an alternative colour scheme for the plans.

Enforcement and Reinstatement Issues

11. A Member said that the Guidelines were revised in consultation with all the stakeholders and had struck a proper balance of the various interests involved. At the moment, the OS/PBU uses might already have been established before an application was made to the Board. With clearer guidance for future applications for OS/PBU uses and delineation of the areas under the 4 categories, the situation of 'development first, application later' should hopefully be avoided. Mr. K. K. Ling said that the Planning Authority would continue its effort to take enforcement action against unauthorised developments without

planning permission.

12. A Member noted the implementation problem associated with OS/PBU uses and asked for means of ensuring that the land would be reinstated after the expiry of planning permission. Reinstatement was of particular importance for land involving storage of e-wastes and for abandoned agricultural land. Another Member shared the concern and asked for past record on whether the owners/occupiers would comply with the reinstatement requirement. Mr. K. K. Ling said that the reinstatement issue could be tackled on two fronts. First, the Board could impose a reinstatement clause as an approval condition. Second, the Planning Authority could issue a Reinstatement Notice (RN) as part of the planning enforcement action under the Town Planning Ordinance. Prosecution action could be taken against the owners/operators if they failed to comply with the RN within 3 months. Past experience suggested that the owners/operators were generally willing to reinstate the land, though not up to a high standard of quality.

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

Consultation of Stakeholders

13. In response to a Member's query on whether other stakeholders had been consulted on the draft Guidelines, Mr. David Ng said that consultation with the Heung Yee Kuk and trade associations had been conducted between October and December 2004 and their views were presented to the Board for consideration on 22.4.2005. They were mainly concerned about high land price, and requested that Government should provide the required infrastructure for OS/PBU uses, and that the approval period should be extended.

Long-term Planning

14. Some Members' comments/questions related to the long-term planning for OS/PBU uses were summarised as follows:

- (a) with the promulgation of the revised Guidelines to guide the future applications for OS/PBU uses, the next important task was to review the cumulative impacts of such uses from a strategic perspective. The contamination problem arising from OS/PBU uses, in particular the pollution in Deep Bay, should be addressed;
- (b) whether there was any policy to address the contamination problem and mechanism to monitor the process of de-contamination;
- (c) consideration should be given to reserving suitable land for warehouse and storage uses that could suit modern need. Clarification was sought on whether the 135 ha of land in Hung Shui Kiu and Ping Che/Ta Kwu Ling areas had been included in the table in paragraph 5.2 of the Paper;
- (d) whether more land around Kwai Chung could be designated for OS/PBU uses;
- (e) whether any incentives would be offered to attract the operators to relocate OS/PBU uses to the areas reserved for such uses; and
- (f) whether there was any estimate on the amount of land required for OS/PBU uses, noting the recent change to the “4-up 4-down” policy for cross-boundary container vehicles.

15. The responses made by Messrs. K.K. Ling and David Ng were summarised as follows:

- (a) on contamination problem, other than requiring the applicants to undertake technical impact assessments to demonstrate that the proposed development would not generate adverse impacts, the OS/PBU uses were also under the control of other relevant legislation such as Waste Disposal Ordinance and Water Pollution Control Ordinance;
- (b) the additional 135 ha of land was proposed in Hung Shui Kiu and

PingChe/Ta Kwu Ling New Development Areas (NDAs) and had not been included in the table in paragraph 5.2 of the Paper. The additional land would fall within both Categories 1 and 2 areas;

- (c) land around Kwai Chung areas had already been fully occupied; and
- (d) the Guidelines would be regularly reviewed to keep in view the latest change in policies which might affect the demand for land for OS/PBU uses.

16. Mr. Bosco C.K. Fung supplemented the following points:

- (a) the land around the existing container terminals (CT) 1 to 8 had been fully occupied. In the planning of CT9 in Tsing Yi, more container back-up areas had been reserved and should be able to contribute to meeting the demand for OS/PBU uses. Notwithstanding, it was envisaged that there would still be a spill over of the OS/PBU uses to the rural New Territories;
- (b) the demand for land for PBU uses was studied in the Hong Kong Port - Master Plan 2020 Study. The Study found that the land reserved should be sufficient to meet the demand up to year 2010. Beyond that, the demand of land was less certain as it might be affected by policy changes;
- (c) the draft Guidelines dealt with applications for temporary OS/PBU uses only, thus allowing the flexibility to provide land on a temporary basis to cater for the current demand without pre-empting the future land use options. By designating the areas into 4 categories, the planning intention was to confine the temporary OS/PBU uses within Categories 1 and 2 areas, thus avoiding the sprawling of such uses to other rural areas as far as possible; and
- (d) the future development of the Hung Shui Kiu and PingChe/Ta Kwu Ling NDAs would be subject to further review, taking into account population growth and demand for development, etc.. There had yet to be any policy commitment for their development at this stage.

17. The Chairperson said that the development of the NDAs was included in the Hong Kong 2030 Study. The draft Guidelines had incorporated the views from various stakeholders, and had tried to strike a balance in meeting development need and protection of the environment. Referring to some Members' concern on the pollution in Deep Bay, she understood that both Hong Kong and Shenzhen authorities had put in a place a regular monitoring programme. Mr. Elvis Au confirmed the Chairperson's understanding and said that the Deep Bay area was subject to increasing population pressure, which would adversely affect the condition of Deep Bay. The long-term objective was to reduce pollution in the area. The zero discharge policy would be adopted in assessing new development projects. Environmental Impact Assessment would also be required for major development projects.

18. The Chairperson said that with rising expectation of the community on environmental quality and sustainability, the Board played an important role to guard against undesirable land uses. The revised Guidelines had laid down clear rules for OS/PBU uses and the next issue was to ensure that unauthorised developments were put under effective control. To allow the Board to closely monitor the situation, she requested PlanD to submit a report to the Board on the planning enforcement work carried out in the rural New Territories. Mr. K.K. Ling said that he had already scheduled to submit a report to the Board for consideration in January 2006. A report in January 2006 would be able to provide the statistics for whole year of 2005 and assess the effectiveness of the Town Planning (Amendment) Ordinance after 6 months of implementation.

19. In conclusion, the Chairperson said that in planning for OS/PBU uses, due regard should be given to the demand of the logistics industry, the change in policy on cross-boundary traffic arrangement for container vehicles, and the provision of new transport infrastructure. Flexibility should be allowed to cater for the operational need of the industry. The Board would closely monitor the latest development in exercising control on OS/PBU uses.

20. After deliberation, the Board:

- (a) noted the outcome of the consultation with the Green Groups on the draft TPB Guidelines No. 13D and PlanD's responses in paragraphs 3 and 4 and the detailed comments and responses in Annex V of the Paper;

- (b) agreed to the proposed revisions to the draft Guidelines No. 13D as detailed in paragraphs 5 and 6 of the Paper; and
- (c) endorsed the revised draft Guidelines for Open Storage and Port Back-up Uses at Annex VII of the Paper for promulgation to the public, subject to change to the colour scheme of the plan.

21. The Board also agreed that a press release should be issued to announce the promulgation of the revised Guidelines, and the consultees should be informed of the revised Guidelines accordingly.

Agenda Item 4

Draft Town Planning Board Guidelines for Designation of
“Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone
and Application for Development within “OU(RU)”) Zone
under Section 16 of the Town Planning Ordinance
(TPB Paper No. 7433)

[Open Meeting (whole agenda item). The meeting was conducted in Cantonese.]

22. Mr. C. T. Ling, Chief Town Planner/Town Planning Board of the Planning Department (PlanD) was invited to the meeting at this point.

23. Mr. C.T. Ling covered the following aspects in his presentation as detailed in the Paper:

- (a) the background of the draft Town Planning Board Guidelines for Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)”) Zone;
- (b) criteria for designation of “OU(RU)”) zone and assessment of planning applications for development within “OU(RU)”) zone;

- (c) result of further consultation with the green groups and consultation with the Planning Sub-Committee of the Land & Building Advisory Committee (PSC/LBAC) and Heung Yee Kuk (HYK) on the draft Guidelines;
- (d) applicability of the Clean Record Test and the legal advice obtained;
- (e) applicability of the Balance of Contribution Test and the concept of planning gain; and
- (f) the proposed set of Guidelines for the “OU(RU)” zone.

Discussion Session

24. A Member raised the following questions and comments:

- (a) noting that three pieces of land in Tai Tong had earlier been rezoned to “OU(RU)” as a pilot scheme, whether any development proposals had been approved by the Board so far and if not, whether there was any analysis on the reasons for the lack of success;
- (b) whether new incentives had been considered in the review of the “OU(RU)” zone to facilitate the trial of the concept; and
- (c) ancestral hall was not a place for worship only and it should not be grouped under ‘religious institution’. Consideration should be given to putting it under ‘rural committee/village office’.

25. Mr. C.T. Ling made the following responses:

- (a) no applications in the “OU(RU)” zone had been approved by the Board so far. The applications received were mainly for temporary open storage uses and they were assessed in accordance with the criteria set out in the relevant Guidelines. The reason for rejection was mainly on land use incompatibility;
- (b) no application for long-term development under Column 2 of the “OU(RU)” zone had been received yet and it might be too early to assess if the incentives provided were adequate; and
- (c) amendment would be made to group ‘ancestral hall’ under ‘rural committee/village office’.

26. The Chairperson said that the main incentive in the “OU(RU)” zone was to allow development up to a maximum plot ratio of 0.4. In view of the rural setting and the infrastructure capacity, a plot ratio of 0.4 was considered appropriate for the time being. It should provide the necessary incentive to encourage rural upgrading, particularly when compared with the previous “Agriculture” zoning which did not allow for development.

27. The same Member queried why the pilot scheme in Tai Tong was not mentioned in the Paper and enquired whether there was a time-table for a review of the “OU(RU)” zone. The Secretary responded that the main purpose of the Paper was to report on consultation with the PSC/LBAC and HYK. For Members’ background information, during the exhibition of the pilot scheme in Tai Tong Outline Zoning Plan (OZP), an objection from the green groups was received. The Board decided not to uphold the objection but directed that a set of Guidelines should be prepared to set out the main planning criteria for designating “OU(RU)” zone and for assessing planning applications for development within the zone. The Board also directed that views from the green groups should be sought, and no new “OU(RU)” zone should be designated until the new Guidelines had been promulgated. If the proposed set of Guidelines was agreed by the Board at this meeting, more areas would be examined for rezoning to “OU(RU)”. In considering new areas for rezoning, the experience learnt from the pilot scheme would be duly considered. The Guidelines could also be subject to further review at a later stage.

28. While indicating in-principle support to the Guidelines, a Member said that the new zoning concept amounted to a policy change and considered that there was a need to conduct a strategic assessment on the potential impacts of the “OU(RU)” zone. The Chairperson said that PlanD should carefully assess the impacts arising from the new “OU(RU)” zone.

29. Referring to the legal advice mentioned in paragraph 4.2 of the Paper, Ms. Ava Chiu asked whether track record could be taken as a relevant consideration only when the application site was subject to enforcement action under section 23(1) of the Town Planning Ordinance. Mr. C. T. Ling said that if an applicant failed to comply with the approval conditions, the planning permission could be revoked. The unauthorised development without planning permission would be subject to enforcement action. The Board could take into account such track record in considering a planning application. The Chairperson said that it was the established practice of the Board to take into account all relevant circumstances in determining a planning application.

30. Subject to the regrouping of the land use term ‘ancestral hall’ under the ‘rural committee/village office’ use, the Board agreed that the set of Guidelines attached at Annex F of the Paper as suitable for promulgation to the public.

[Hon. Patrick S.S. Lau left the meeting at this point.]

Agenda Item 5

Proposed Amendments to the Endorsed Planning Brief for the Urban Renewal Authority (URA) Development Scheme (H15) at Lee Tung Street and McGregor Street, Wan Chai
(TPB Paper No. 7432)

[Open Meeting (whole agenda item). The meeting was conducted in Cantonese.]

31. The Secretary reported that as the subject matter involved an Urban Renewal Authority (URA) development scheme (H15), the following Members had declared interests on this items:

Mr. Bosco C.K. Fung as the Director of Planning	Being a non-executive director of the URA
Mr. Patrick L.C. Lau as the Director of Lands	Being a non-executive director of the URA
Ms. Margaret Hsia as the Assistant Director (2) of the Home Affairs Department	Being a co-opt member of the Planning, Development and Conservation Committee of the URA
Dr. Alex S.K. Chan	Being a co-opt member of the Review Committee of the URA
Dr. Greg C.Y. Wong	Having current business dealings with the URA
Mrs. Angelina P.L. Lee	Having current business dealings with the URA
Mr. Michael K.C. Lai	Being a former non-executive director of the URA
Mr. Tony W.C. Tse	Being a former director of the URA

32. The meeting noted that Mrs. Angelina P.L. Lee and Mr. Tony W.C. Tse had tendered apologies for not attending the meeting, while Mr. Michael K. C. Lai had not yet arrived at the meeting. Mr. Bosco C.K. Fung, Mr. Patrick L.C. Lau, Ms. Margaret Hsia, Dr. Alex S.K. Chan and Dr. Greg C.Y. Wong temporarily left the meeting at this point.

33. Professor Nora F.Y. Tam asked if the meeting should be adjourned for a short while as this item was scheduled for 11:00 a.m.. The Secretary said that the time schedule for individual items was indicative only for general reference by Members. Members might proceed with consideration of this item slightly ahead of schedule.

34. Ms. Christine Tse, District Planning Officer/Hong Kong, Planning Department (PlanD) was invited to the meeting at this point.

[Mr. Alex C.W. Lui arrived to join the meeting at this point.]

35. The Secretary reported that three letters were received from the Chairperson of the Wan Chai District Council (WCDC), Ms. Ada Y.K. Wong and two councillors of WCDC, Mr. Steve Y.F. Chan and Ms. Mary Ann King. They considered that the development scheme in Lee Tung Street was a controversial project and were not satisfied that PlanD had not consulted WCDC on the proposed amendments to the Planning Brief (PB). They requested the Board not to endorse the revised PB before consultations with the WCDC.

36. The Secretary continued to explain the general procedures for the preparation of PB and MLP for a development scheme. As the PB would guide the preparation of Master Layout Plan (MLP) for the redevelopment area, generally speaking, consultation with the District Council would not be conducted on the preparation of PB. Thorough consultation would however be conducted at the stage of MLP preparation. As for the case of the H15 development scheme in Lee Tung Street, the PB had previously been endorsed by the Board. In the consideration of the review application submitted by a group of local residents and shop owners, the Board agreed that the good elements of the development scheme proposed by the applicants should be incorporated into the PB. Having incorporating the amendments required by the Board, the revised PB was submitted to the Board for consideration at this meeting. According to past practices, upon endorsement by the Board, URA would follow the broad parameters and principles in preparing a MLP for the development scheme and the public would be consulted on the MLP.

37. The Chairperson said that as the PB would form the basis for the preparation of MLP by URA and the WCDC had expressed strong interest in the future development of the area, the request for consultation with the WCDC should be respected. She proposed that the Board should proceed to consider the proposed amendments to the PB, but withhold from making a decision at this meeting. The proposed amendments would then be submitted to the WCDC for consultation. The revised PB, together with the views of the WCDC, should be resubmitted to the Board for further consideration. Members agreed to the proposed approach.

38. A Member asked if the PB would be applicable to all development schemes. The Secretary clarified that the subject PB was for the development scheme (H15) at Lee Tung Street/McGregor Street in Wan Chai.

39. The Chairperson said that in future, consultation with the relevant District Council should be adopted as a standard practice in the preparation of PB on major development schemes.

40. A Member asked if DC would be consulted on review applications submitted under section 17 of the Town Planning Ordinance. The Secretary advised that upon the commencement of the Town Planning (Amendment) Ordinance 2004, the public would be consulted on all review applications. The District Council was not consulted on the PB in the past mainly because it was largely a technical document to guide the preparation of MLP, which would be submitted to the relevant District Council for consultation. The Chairperson said that as the district representative body, the District Council should, in future, be consulted on the preparation of PB, in addition to the consultation on the MLP. In the subject case, the WCDC should be consulted before the proposed amendments to the PB would be endorsed by the Board.

Presentation Session

41. Ms. Christine Tse covered the following aspects in her presentation as detailed in the Paper:

- (a) background on the decision of the Board on the review application submitted by a group of local residents and shop owners; and
- (b) proposed amendments to the PB covering 4 aspects, namely the “People-Centred” Approach, preservation of streetscape and local character, provision of linked open space, and overall design and layout as detailed in Appendix II of the Paper.

Discussion Session

Preservation of Streetscape

42. A Member noted that the proposed amendments to the PB was to take into account the views of the local residents and asked if the views of URA had been sought. This Member also commented that preserving the streetscape was different from ‘re-creating’ it. The true value of preservation of a streetscape was in the authenticity of the architecture itself. If both the residents and the old tenement buildings were gone, there would be nothing left for preservation. The Chairperson said that a distinction should be made between declared monuments that should be preserved under the Antiquities and Monuments Ordinance, and those that were not.

43. Ms. Christine Tse said that if the Board considered that URA should be consulted, PlanD would consult both the WCDC and URA in parallel and report back to the Board on their views. She said that the buildings on both sides of Lee Tung Street were not declared monuments that should be preserved intact. However, since the existing tenement buildings along Lee Tung Street had intrinsic streetscape value, it was considered worthy that effort should be made to retain the streetscape and local character. As there was at present no information on the structural safety of the tenement buildings, URA would be required to undertake a structural assessment of the feasibility and implications of retaining the tenement buildings to ascertain whether all or part of the tenement buildings were structurally suitable to be retained. If it was confirmed that the existing structures could not be retained, then URA would need to consider a scheme to ‘re-create’ the streetscape in essence.

Development Intensity

44. Another Member noted that the revised PB stipulated that development up to the maximum plot ratio and site coverage under the Building (Planning) Regulations had to be justified by an acceptable design and layout. Clarification was sought on who would be the decision-making body on the design and layout. The Chairperson said that it would be for the Board to decide in the context of the MLP submission.

“People-Centred” approach

45. Referring to section A of the revised PB at Appendix II of the Paper, a Member noted the elaboration of the “People-Centred” approach. Out of the four bullet points, three were on the affected owners, tenants and residents, while one was on the community. The

proposed amendments would not adequately address the calls from the local people. For the local community, their main concern was how their social network and community spirit could be preserved, and for the community at large, the focus should be on environmental improvement. The Chairperson agreed that the “People-Centred” approach as stated in the PB could be appropriately elaborated. Another Member was of the view that the “People-Centred” approach should be adopted in all redevelopment projects and considered that the approach needed not be as specific as those elaborated in the proposed amendments to this PB.

Consultation Process

46. A Member raised concern on the prolonged consultation process. It appeared that the stakeholders were consulted one at a time and the consultation was not conducted in a coordinated manner. There should be a consultation strategy that would be consistently applied in the preparation of PB. All the stakeholders, including the relevant DC and URA, should be included in the consultation process at the outset.

47. A Member opined that as the proposed amendments to the PB were made in response to the concern raised by the local residents and WCDC, further consultation with them was considered not necessary as this would prolong the overall development process. If the proposed amendments were acceptable to URA, the project should go ahead.

48. Another Member shared the views made by the two Members and considered that all parties, including URA should be consulted at the outset, and having consulted and views taken into account for assessments, if any, the project should proceed.

49. In conclusion, the Chairperson said PlanD should further revise the PB to take into account Members’ comments. The PB should allow flexibility for innovative design. In view of the concern of the WCDC, further consultation should be conducted before the Board would make a decision on the proposed amendments to the PB. Members’ concern on the prolonged consultation process was noted, but consultation with the WCDC should not unduly delay the process. Members also agreed that URA should be consulted. The revised PB, together with the views of WCDC and URA, should be resubmitted to the Board for consideration.

50. The Secretary reported that during the meeting, the H15 Concern Group submitted a letter to the Board. The Concern Group was not satisfied that no consultation, including that with the Concern Group, had been conducted on the proposed amendments to the PB. The Secretary continued to say that as Members had agreed that the proposed amendments to the PB would be submitted to the WCDC for consultation, the local residents could be consulted via the WCDC. A reply to the H15 Concern Group would be provided by the Secretariat.

[Mr. Bosco C.K. Fung, Ms. Margaret Hsia and Dr. Alex S.K. Chan returned to join the meeting at this point.]

Agenda Item 6

Progress Report on the Development of the West Kowloon Cultural District

(TPB Paper No. 7431)

[Open Meeting (whole agenda item). The meeting was conducted in Cantonese.]

51. The secretary reported that the following Members had declared interests on this item:

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

Being Chairperson of the Proposals
Evaluation Committee (PEC) and a
member of the Steering Committee (SC)
for the West Kowloon Cultural District
(WKCD) development

Mr. Bosco C.K. Fung
as Director of Planning

Being a member of the PEC and SC

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

The Secretary for Environment,
Transport and Works being a member of
the SC

Mr. Patrick L.C. Lau
as Director of Lands

Being a member of the PEC and SC

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

The Director of Home Affairs being a
member of the Public Consultative
Committee of WKCD

Mrs. Angelina P.L. Lee	Business dealings with Cheung Kong (Holdings) Limited (CKH), Henderson Land Development Company Limited (Henderson), Sino Land Company Limited (Sino), and Sun Hung Kai Properties Limited (SHKP), which were involved as the Proponents
Dr. Greg C.Y. Wong	Business dealings with CKH, Sino, SHKP, and Wharf, which were involved as the Proponents
Mr. Francis Y.T. Lui	Business dealings with CKH and Sino
Mr. K.G. McKinnell	Business dealings with CKH
Dr. Lily Chiang	Business dealings with CKH
Mr. Tony W.C. Tse	As the General Manager of the Sales Department of Henderson
Dr. Alex S.K. Chan	Business dealings with SHKP
Mr. Alfred Donald Yap	Business dealings with SHKP
Mr. Edmund K.H. Leung	Business dealings with SHKP
Professor N.K. Leung	As a member of the Council of Hong Kong Academy for Performing Arts (APA) from 1.1.2005, which was a consultant of one of the Proponents (i.e. Sunny Development Limited)
Professor Bernard Vincent W.F. Lim	President of the Hong Kong Institute of Architects, who had formally raised objections against the WKCD in the public arena.

52. The Chairperson said that at this meeting, the Government's representatives would inform Members on the development of WKCD and the Government's proposals in taking forward the project. Being the Chairperson of the PEC and a member of the SC for the WKCD development, she had declared an interest on this item. However, as the subject matter to be discussed at this meeting did not involve consideration of the proposals submitted by the screened-in proponents, nor assessment of individual proposals, she did not consider there would be a conflict of interest for her to chair this meeting. The meeting agreed that the interest of the Chairperson was indirect and that the Chairperson should

continue chairing the meeting.

53. The Secretary said that the subject matter of discussion was mainly related to the plan-making process and planning procedures, and not involving an assessment of individual projects. According to the Board's Procedure and Practice, those Members who had declared interests could be allowed to stay at the meeting and participate in the discussion of this item. The meeting agreed.

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

Miss AU King Chi	Deputy Secretary, Housing, Planning and Lands Bureau (HPLB)
Ms. Lolly CHIU	Deputy Secretary, Home Affairs Bureau
Mr. Danny LAU	Principal Assistant Secretary, HPLB
Mr. KWAN Pak Lam	Project Manager, Civil Engineering Development Department
Mr. Anthony Kwan	Assistant Director, Planning Department
Ms. Cynthia LIU	Chief Manager (Special Projects), Leisure and Cultural Services Department (LCSD)

[Mr. Patrick L.C. Lau returned, and Mr. Michael Lai arrived, to join the meeting at this point.]

Presentation Session

55. Mr. Danny Lau covered the following aspects in his presentation as detailed in the Paper:

- (a) the Board's previous involvement in the planning process of the WKCD development;
- (b) the extensive public consultation conducted and the public response received;

- (c) the findings of the report on public consultation prepared by an independent consultant;
- (d) major areas of public concern and the aspiration of the general public;
- (e) major policy considerations having regard to the outcome of public consultation and the proposed new approach for meeting community expectations;
- (f) the proposed additional development parameters and conditions, including setting a maximum plot ratio limit at 1.81 and a cap of the residential gross floor area (GFA) to no more than 20% of the total GFA, establishing an independent fund, abolishing 'single development' approach and establishing a statutory body to take forward the WKCD development;
- (g) the two-stage plan amendment approach be revised to advance the second stage amendment before the selection of a preferred proposal; and
- (h) the next steps and key milestones in taking forward the WKCD development.

[Mr. Greg C.Y. Wong returned to join the meeting at this point.]

Discussion Session

Plot Ratio

56. Some Members' views on plot ratio were summarized as follows:

- (a) the plot ratio of 1.81 was contained in the original Invitation for Proposals (IFP) and was nothing new. It was only that all the three screened-in proponents had proposed a higher plot ratio for the WKCD development. The new development parameter was the 20% cap on the total GFA for residential development; and

- (b) the maximum plot ratio of 1.81 was generally supported, but flexibility should be allowed in case the screened-in proponents found that the project was not financially viable. In view of the proximity of the WKCD development to the China Hong Kong City, the proposed Express Railway Link and the West Kowloon Station, the eastern part of the area would be suitable for commercial development such as hotel and office that was related to China trade. The proposal of putting a cap of 20% on residential development and requiring 50% of the total GFA for commercial development in WKCD was reasonable.

57. Miss Au King Chi responded that in the IFP published in 2003, plot ratio of 1.81 was only taken as the baseline and not a mandatory requirement. The proponents could submit a proposal with a higher plot ratio. To meet community aspirations for lower development intensity, the plot ratio of 1.81 would be adopted as the maximum for the future development of WKCD.

Arts and Cultural Facilities

58. Some Members were concerned about the standard of provision and utilization rate of the arts and cultural facilities and their views were summarized as follows:

- (a) some 214,000 m² (30% of the total GFA) of land would be reserved for the core arts and cultural facilities. Whether such facilities would achieve the international standard of provision; and
- (b) a large number of theatres and museums would be provided in the WKCD development. Concern was raised on the utilization rate and financial viability of running these venues. Consideration could be given to reducing the number of venues, but providing more greenery to encourage and facilitate lively outdoor performance, like the Central Park in New York.

59. Ms. Lolly Chiu said that to achieve world class standard, it would be important to look at not only the provision of venues, but also the management system, resources on

manpower training and quality of performance.

60. Ms. Cynthia Liu made the following points:

- (a) the proponent would be required to provide at least 185,000 m² Net Operating Floor Area (NOFA) for the Core Art and Cultural Facilities (CACF). The CACF would comprise 3 theatres, 1 performance venue with at least 10,000 seats and 4 museums, among others. In estimating the required floor areas and provisions for the venues, international standards were followed; and
- (b) the 15 venues managed by LCSD all had high utilization rate. Other than the two venues in North District and Yuen Long which were relatively remote, other venues had a utilization rate of over 90%. The demand for using the Hong Kong Cultural Centre and Hong Kong Coliseum was particularly high. The newly built museums such as the Hong Kong Museum of Coastal Defence and the Heritage Museum also had good attendance rate, particularly if quality events were hosted. In working out the requirements for the arts and cultural facilities, various studies had been conducted and the stakeholders had been consulted to ascertain the requirements of the industry.

61. The Chairperson added that nurturing local interest in arts and cultural activities and attracting audience from overseas could also help boost the utilization and attendance rates of the various venues.

Two-stage Plan Amendment Approach

62. A Member raised the following concerns on the revised two-stage plan amendment approach:

- (a) the two-stage plan amendment approach seemed to have been reduced to one-stage. While the public would like to see more control for the planning and development of the WCKD, the revised approach would in effect lower the control of the Board on the project;

- (b) in the original two-stage approach, the preferred scheme would be submitted to the Board for consideration and agreement before the Government would enter into a Provisional Agreement with the Successful Proponent. The Board would then amend the Outline Zoning Plan (OZP) to incorporate the proposed development parameters of the preferred scheme and the OZP would be gazetted for public inspection and comment. In the revised approach, only the development parameters were submitted to the Board for consideration, not the scheme. In so doing, the Board could only comment on the quantitative figures, but could not look at the spatial dimension, overall design and layout, and integration of development mix, etc. of the scheme; and

- (c) the Board previously agreed to rezone the WKCD to “Other Specified Uses” (“OU”) to allow flexibility for the project proponent to come up with innovative design. The preferred scheme would then be submitted to the Board for agreement. If the site was zoned “Comprehensive Development Area” (“CDA”), the applicant would be required to submit a Master Layout Plan (MLP) and the public could comment on the MLP in accordance with the provisions of the Town Planning Ordinance. For an “OU” zone, the planning control framework was not clearly stipulated. Clarification was sought from the Government on whether the public would be consulted on the revised scheme and whether the revised scheme, together with the public views, would be submitted to the Board for consideration and endorsement before the Government would sign an agreement with the successful proponent.

63. A Member was of the view that advancing the second stage amendment was acceptable, if Government could undertake the selected scheme would still be submitted to the Board for agreement.

64. Another Member said that in the revised two-stage approach, the development parameters would be incorporated into the OZP before the selection of a successful proponent. As the amendments to OZP would be published for public inspection and subject to the representation procedures, the proponent might choose to wait for the finalization of the OZP to see if there were any further changes to the development parameters arising from consideration of the representations, and decide whether the WKCD development was still a financially viable project. The procedures might take two to three years to complete. In case the proponent finally decided to pull out, then things had to start all over again. In view of the above, the amendments to the OZP should start the soonest possible, and alternative options of developing the arts and cultural facilities should also be explored for contingency purpose.

65. Miss Au King Chi clarified that the plan amendment process would not be condensed from 2-stage to 1-stage. The Government only intended to advance the stage 2 procedure by incorporating the development parameters into the OZP thereby enabling early public consultation through the statutory planning process, before the selection of a preferred proposal. The proponents would have to revise their proposals based on the development restrictions stipulated on the OZP. The selected proposal would be reported to the Board for consideration in the context of the approved OZP and relevant town planning guidelines with regard to urban design and harbour planning principles.

66. Mr. Anthony Kwan said that in the current submission, the Government would like to seek Members' preliminary views on the proposed changes. Further submission to the Board would be made on the proposed amendments to the OZP, after consulting the Legislative Council (LegCo) and the public on the proposed changes and the screened-in proponents having expressed positive response. If endorsed by the Board, the proposed amendments would be gazatted for public inspection to be followed by the representation procedures under the Town Planning Ordinance. As already stated in the Notes, residential development was a Column 2 use for which planning permission would be required.

67. The Chairperson said that the appropriateness of the “OU” zone for WKCD development had already been thoroughly deliberated several times by the Board, in the plan amendment and objection consideration process. In the previous discussion of the two-stage plan amendment process, the Government had committed that the preferred scheme would be submitted to the Board for consideration and agreement before the Government would sign an agreement with the successful proponent. After consulting the public on the three screened-in proposals, the Government had a better understanding of the views and aspirations of the local community, such as objection to the ‘single development’ approach and concern on the development intensity. To address the public concern, the Government had proposed a new approach on the way forward, including revising the two-stage plan amendment approach by advancing the stage 2 amendment of the OZP. She sought confirmation from the Government team on whether the Government would undertake to submit the selected scheme to the Board for consideration and agreement prior to signing an agreement with the proponent. Miss Au King Chi replied in the affirmative and assured that Members would have the opportunity to assess whether the preferred proposal had satisfied the Board’s Guidelines and all planning requirements when it was reported to the Board for consideration. She added that the Government would not sign any agreement with the proponent before completing that process.

68. The Chairperson continued to say that there were clear criteria for assessing the proposals submitted under the IFP. When a proposal was selected, the Government would clearly explain to the public the basis of its decision. Meanwhile, in order not to pre-empt the future selection process, the Government had refrained from making known to the public which proposal was preferred by the public among the three-screened in proposals. Should the proponents decide to continue with the WKCD development under the IFP, they would be required to submit revised proposals to the Government. On the question of whether there would be further public consultation on the revised proposals, this would be considered by the Government. Miss Au King Chi said that further public views on the development of WKCD could be solicited through various channels, but the detailed arrangement had not yet been firmed up. The next stage of work would very much hinge on the indication from the proponents on whether they could accept the new proposed conditions and requirements including the planning parameters of plot ratio and development mix.

Building Height and Spatial Dimension

69. Members generally shared the views that there should be control on building height and spatial dimension, and their views were summarized as follows:

- (a) planning should be 3-dimensional and control on building heights should be imposed as an additional development parameter, particularly in view of the prominent waterfront location of the WKCD;
- (b) the development parameters only focused on the distribution of GFA among the different land uses. There was uncertainty in the design and layout and spatial arrangement of the different land use components in the WKCD development;
- (c) being an important waterfront site, consideration should be given to introducing stepped height restrictions;
- (d) the western part of the WKCD was the core area and should be subject to lower building height control to minimize the possible visual impact and make it a landmark; and
- (e) while the Board should have final control on the overall design and layout of the development, flexibility should be allowed for innovative design for the area.

70. Mr. Anthony Kwan said that according to the Urban Design Guidelines, the WKCD was outside the view corridor and the area was not subject to any guidelines on building heights for protection of the ridgelines. Having said that, as the WKCD was occupying a prime waterfront location, the stepped height profile recommended in the Urban Design Guidelines would be adopted in the planning of the area. The building height would descend from the inland towards the waterfront. The IFP had already set out that the building height of the canopy should preferably range from a maximum of about 130 mPD at the Cultural Headland to a minimum of about 50 mPD near the eastern end, and the high-rise tower blocks were to be located at the Commercial Gateway near Canton Road. In considering the appropriate building height for the area, it should be noted that to the north of WKCD, a building of 102 storeys (or 480 mPD) had been approved by the Board and high-rise buildings exceeding 200 mPD, such as the Arch and the Surrento, were found

nearby.

71. The Chairperson drew Members' attention that the intended building height restriction had been included in the Explanatory Statement of the OZP. Miss Au King Chi said that as and when the Administration reported the preferred proposal to the Board, Members could consider if the overall design and layout of the proposal was acceptable.

Canopy

72. A Member asked when a decision would be made as to whether the canopy would be built. Another Member considered that as 51% of the respondents had indicated support to the construction of the canopy during the public consultation, the Government should go ahead with its construction.

73. The Chairperson said that while 51% respondents in the telephone polls supported the construction of a canopy as a landmark, views collected via other means, such as written submissions indicated that there were also objections against its construction.

74. Miss Au King Chi said that the Government would further review the situation upon receiving the response from the three screened-in proponents on whether they would continue with the WKCD development within the IFP framework.

Provision of Greenery

75. A Member asked for information on the provision of greenery in the WKCD development. Mr. Anthony Kwan said that it was required in the IFP that at least 20 ha of open space should be provided for public use. A large part of the open space would likely be reserved for greenery and a promenade would be provided for various leisure and recreational uses along the waterfront.

'Single Development' Approach

76. A Member disagreed with the proposed deletion of the 'single development' approach as the Government would take over the role of the developers to bear the financial risk. Another Member noted the proposal that the successful proponent would be required to carve out at least 50% of the residential and commercial GFA for other developers to bid and asked for further information on the control mechanism on the carving out and bidding of land.

77. Miss Au King Chi said that the Government would work further on the detailed arrangement upon receiving a positive response from the screened-in proponents.

Prolonged Consultation

78. A Member considered that the Government had already conducted a very comprehensive public consultation exercise and good response was received from the public. The public had indicated support to the WKCD development and would like to see its early implementation. There had been too many public consultations and there was no need to keep on consulting the public.

79. Miss Au King Chi responded that while the public was in support of the early implementation of the WKCD development, they did raise concern on, for example, the 'single development' approach, development intensity, and sustainability of the arts and cultural facilities. Taking into account the public views, the Government had proposed modifications under the IFP framework for taking forward the development of WKCD, and thus needed to further consult the public, Board and LegCo on the proposed way forward. The Government would also invite response from the three screened-in proponents to ascertain if they would be prepared to continue with the WKCD development. If the proponents decided to pull out from the IFP, the Government would have to consider the best way forward as a result.

80. The Chairperson added that the deliberation on the Government's proposed way forward by the Board, as well as that in LegCo, was conducted in an open meeting and the three screened-in proponents should be fully aware of Members' views in deciding whether they would continue with the WKCD development. The proponents would have time until

end of January 2006 to consider and indicate their position.

New Statutory Body

81. A Member supported the setting up of a new statutory body to take forward the development of the WKCD. As drafting a new piece of legislation would take time, consideration should be given to setting up a provisional body to take up the work in the interim. Another Member sought clarification on the role of the statutory body in the WKCD development.

82. Miss Au King Chi responded that the Government would work on the setting up of the statutory body as a priority. Public consultations however were necessary on the powers, functions and membership of the proposed body.

[Ms. Ava Chiu, Mr. Stanley Y.F. Wong, Mr. Erwin A. Hardy, Mr. Keith G. McKinnell and Prof. Peter R. Hills left the meeting during the deliberation of this item.]

83. In conclusion, the Chairperson said that the Government should duly consider the views made by Members on the proposed way forward, additional development parameters, and revised approach to the two-stage plan amendment process.

84. After deliberation, the Board:

- (a) noted the results of the Public Consultation and the proposed way forward for the development of the WKCD;
- (b) agreed in-principle to the proposed additional development parameters set out in paragraphs 4.6 to 4.10 of the Paper as a basis for the future planning of the WKCD; and
- (c) agreed on the revised approach to the two-stage plan amendment process.

85. The meeting adjourned for lunch at 1:10 p.m..

86. The meeting was resumed at 2:20 p.m.

[Mr. David W.M. Chan and Mr. Edmund K.H. Leung arrived to join the meeting at this point.]

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

Mrs. Rita Lau
Dr. Rebecca L.H. Chiu
Mr. Michael K.C. Lai
Mr. David W.M. Chan
Mr. Nelson W.Y. Chan
Dr. Lily Chiang
Mr. Edmund K.H. Leung
Dr. C.N. Ng
Mr. Daniel B.M. To
Ms. Sylvia S.F. Yau
Mr. Elvis W.K. Au
Mr. Bosco C.K. Fung

Agenda Item 7

Review of Application No. A/H9/61
Proposed Religious Institution – Buddhist Hall with
Ancillary Office and Quarters in “Open Space” and
“Other Specified Uses” annotated “Business” Zones
27 A Kung Ngam Village Road, Shau Kei Wan
(TPB Paper No. 7422)

[The hearing was conducted in Cantonese.]

88. Ms. Christine Tse, the District Planning Officer/Hong Kong (DPO/HK) of the Planning Department (PlanD) was invited to the meeting at this point.

89. The following applicant and his representatives were invited to the meeting at this point:

Mr. Chan Tai-man	-	Applicant
Mr. Lui Tong)	Applicant's representatives
Mr. Lau Kam-chi)	
Mr. Mark Chin-pang, Splendour)	

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

91. With the aid of some plans, Ms. Christine Tse did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission to develop a 6-storey Buddhist hall with ancillary office and quarters on the application site which was mainly (92%) zoned "Open Space" ("O") on the approved Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/14. A small portion (8%) of the site was zoned "Other Specified Uses" annotated "Business" ("OU(B)"). The proposed Buddhist hall required planning permission from the Board within the "O" zone, but was always permitted in the "OU(B)" zone;
- (b) on 24.6.2005, the Metro Planning Committee rejected the application for reasons that it was not in line with the planning intention of the "O" zone, and that it was technically unacceptable as it encroached upon an access road to the eastern part of the A Kung Ngam Industrial Area and its design could not meet the relevant building requirements;

- (c) in support of the review, the applicant had submitted a written representation which was at Annex E of the Paper. The applicant's justifications were summarized in paragraph 3 of the Paper. The applicant said that his previous planning application (Application No. A/H9/34) was rejected by the Board in 1991, but the proposed open space and access road affecting the site had not been implemented up to now. The applicant considered that the rejection reason in relation to the design of the proposed Buddhist hall not meeting the building requirements was raised prematurely. Due to the rejection of development on the site, the applicant hoped that the site could be surrendered to the Government for an exchange of vacant land of similar area in the same district or for payment in lieu thereof;
- (d) PlanD maintained its view of not supporting the application for reasons as stated in paragraph 5 of the Paper. The proposed Buddhist hall was not compatible with the planned open space use and was not in line with the long-term planning intention to develop the site as part of an open space to serve the needs of local residents as well as the general public. The Leisure and Cultural Services Department (LCSD) had strong reservation on the application. The access road to the north of the application site would need to be widened to serve the eastern part of the A Kung Ngam Industrial Area. As part of the site fell within the area required for the proposed road widening, the Highways Department and Transport Department did not support the application. The Buildings Department (BD) objected to the application as the design of the proposed Buddhist hall did not comply with the requirements under the Buildings Ordinance;

[Dr. Lily Chiang arrived to join the meeting at this point.]

- (e) the District Officer (Eastern) informed that the 29 responses from the locals and District Council Members objected to the application while 3 responses supported the application. Two additional objection

letters were just received and tabled at the meeting. The objections were raised on ground of land use incompatibility, need for open space, and adverse environmental and traffic impacts on the surrounding areas; and

- (f) the Lands Department advised that the applicant's proposal to surrender the site to the Government was against the prevailing land policy and would not be considered. Unless the client departments had confirmed that the site was required for the implementation of the proposed open space and road project and submitted an application for acquisition, the request for cash compensation would not be considered.

92. The Chairperson then invited the applicant and his representatives to elaborate on the application.

93. Messrs. Chan Tai-man and Mark Chin-pang, Splendour made the following main points:

- (a) the applicant's building previously existed on the site was inadvertently demolished by the Government 12 years ago and a limited amount of compensation was paid to the applicant. The applicant applied for redevelopment on the site in 1991 but the application was rejected due to the proposed road improvement scheme. After consulting the staff of PlanD, the applicant applied again in 2005 for the proposed Buddhist hall, which was permissible under the Notes for the "O" zone;
- (b) the applicant's two applications were rejected by the Board on similar grounds. If his building had not been demolished, he could have rental income in the past 12 years. He had suffered from the loss and could not make a living if the proposed development was rejected. He did not know what to do under such circumstances; and

- (c) the application site was private land with a lease term of 999 years. The applicant could not understand the rationale for zoning the site as “O”. The applicant just wanted to develop his land in accordance with the lease, but was forbidden by the Government.

94. In response to questions from the Chairperson and Members, Ms. Christine Tse made the following main points:

- (a) the staff of PlanD had explained the permissible uses in the “O” zone to the applicant. While the proposed use was under Column 2 of the Notes for the “O” zone, PlanD did not support the application as it was not in line with the planning intention of the “O” zone and the proposal was not technically feasible;
- (b) due to wrong identification of the application site as Government land, the Lands Department demolished a 2-storey building on the site in 1993 for safety reason but compensation had been paid to the landowner subsequently. The site and its surrounding areas were later rezoned to “O” with a view to providing more open space for the concerned area. The Secretary added that the site was zoned “Industrial” and ‘Road’ on the OZP before the rezoning and the applicant had not raised any objection when the site was rezoned;
- (c) the applicant’s previous application for industrial use covered a larger site and was rejected by the Board in 1991 for adverse impacts on the future road works and traffic condition in the area; and
- (d) the site was currently used for storage of some waste materials. The adjacent village houses in the same “O” zone were used for such uses as storage, local provisions store and residential purposes. LCSD had no development programme for the “O” zone.

95. In response to Members’ questions, Messrs. Chan Tai-man and Mark

Chin-pang, Splendour made the following main points:

- (a) the application site was owned by the applicant. The ground floor of the building previously on the site was used as a local provisions store and the upper floor was rented out. Despite the applicant's strong objection, the Government had wrongly demolished the building. The applicant had no choice but to accept the compensation offered by the Government. The site had then been left idle;
- (b) there was unreasonable restriction on the use of the applicant's land and the applicant had lost rental income in the past 12 years due to the wrong act of the Government. The applicant had tried to redevelop the building on the site in 1991 but was rejected by the Government due to a proposed road project. Although 12 years had passed, the Government still had no programme for land resumption, the proposed road improvement and open space development;
- (c) the applicant was not aware of the rezoning of the application site to "O" and therefore had not raised objection to the rezoning;
- (d) there was no valid ground to reject the application. The use of the application site was unrestricted under the lease, except for non-offensive trades. The Fire Services Department had no objection to the application. The staff of PlanD had advised that applications for 'Religious Institution' or 'Shop and Services' uses could be allowed under the Notes of the OZP for the "O" zone. The proposed use should therefore be in line with the planning intention of the "O" zone. As the applicant had the right to refine his preliminary plan, the objection of BD was not substantiated; and
- (e) burning incense and offerings were prohibited by relevant laws and would not be carried out on the site.

96. Noting the history of the site, the Chairperson reminded the applicant that the planning control on OZP did not have a direct relationship with the conditions in the lease. Being an independent statutory body under the Town Planning Ordinance, the Board would consider the application based on its planning merits and relevant planning considerations, such as the planning intention of the “O” zone and the views of the concerned Government departments. The applicant had to demonstrate the planning merits of the proposed development to justify a departure from the planning intention of the “O” zone.

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

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

98. The Chairperson remarked that Members should focus on the planning merits of the proposed development in considering the application. She said that the proposed use was not in line with the planning intention of the “O” zone nor compatible with the surrounding environment. Members shared the view.

99. While agreeing to other Members’ view of not supporting the application, a Member was sympathetic with the situation of the applicant in that his building was wrongly demolished, the rezoning of the site to “O” had unfortunately not come to his attention, and there was no development programme for the proposed open space and road improvement. This Member asked about the possibility of a land exchange or cash compensation as proposed by the applicant. In response, the Chairperson said that, as pointed out by DPO/HK, such proposals were not accepted by the Lands Department unless land resumption was confirmed to be required. Moreover, the compensation issue relating to the demolition of the building previously on the site had been settled between the Government and the applicant.

100. Putting aside the decision on the application, the Chairperson considered that assistance should be offered to the applicant for the identification of a suitable use of his land. In this regard, she requested PlanD to explain to the applicant the possible beneficial uses of the site, e.g. temporary uses. The Secretary added that any temporary use or development of the land not exceeding 5 years was always permitted under the OZP, but erection of temporary structures on the site would require the approval from BD.

101. Mr. Bosco C.K. Fung said that the application site was within A Kung Ngam Village, which was characterized by haphazard developments. The concerned area was rezoned to “O”, “OU(B)” and ‘Road’ to facilitate comprehensive development of the area. While this might affect the rights of individual landowners, there was a statutory mechanism for the affected persons to raise objections to the amendments to the OZP and for consideration of such objections by the Board. The applicant could also liaise with the landowners of the adjacent lots to produce a comprehensive redevelopment scheme and submit an application to the Board for amendment of the OZP where required. However, the approval of a piecemeal development would adversely affect the comprehensive upgrading of the area.

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

- (a) the proposed Buddhist hall was not in line with the planning intention of the “Open Space” zone, which was primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public; and
- (b) the proposed Buddhist hall development was technically unacceptable as it encroached upon an access road to the eastern part of the A Kung Ngam Industrial Area and its design could not meet the relevant building requirements.

[Ms. Sylvia S.F. Yau left the meeting and Mr. Elvis W.K. Au returned to join the meeting at this point.]

103. The Board also requested PlanD to explain to the applicant the possible beneficial uses of the application site.

Agenda Item 8

Review of Application No. A/H15/205

Proposed Hotel Development in “Other Specified Uses”
annotated “Business” Zone

8-10 Wong Chuk Hang Road, Aberdeen, Hong Kong

(TPB Paper No. 7423)

[The hearing was conducted in English.]

104. Ms. Christine Tse, the District Planning Officer/Hong Kong (DPO/HK) of the Planning Department (PlanD) was invited to the meeting at this point.

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

Mr. Ian T. Brownlee

Mr. Anthony Cheung

Ms. Mabelle Ma

Ms. Corina Yeung

Dr. Henry Ngan

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

107. With the aid of some plans and photomontages, Ms. Christine Tse did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission to develop a hotel at the application site which was zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/21. The site was bounded by Wong Chuk Hang Road in the north and Heung Yip Road in the south;
- (b) 22.4.2004, the applicant submitted an application for a hotel with a building height (BH) of not exceeding 190mPD (Option 1) at the site. On 10.12.2004, the applicant submitted a revised scheme with a reduced BH of not exceeding 166mPD (Option 2). On 28.1.2005, the MPC decided to defer the consideration of the application pending the submission of additional information by the applicant to justify the proposed BH and the findings of the urban design review for the Wong Chuk Hang area from PlanD. In April 2005, the applicant submitted a further revised scheme with a BH not exceeding 139mPD (Option 3);
- (c) on 24.6.2005, the MPC considered the findings of a “Study on Building Height Restrictions for Wong Chuk Hang Business Area (WCHBA)” prepared by PlanD and agreed to impose BH restrictions on WCHBA. The MPC also endorsed the Town Planning Board Guidelines for Interim Building Height Control in WCHBA (TPB PG-No. 37) to provide interim guidance on the consideration of development proposals in the area. In considering the Guidelines, the MPC had taken into account the need to avoid negative visual impact on the natural hillside and Aberdeen Channel; to maximize views to skylines and hill silhouettes; to respect the character of the low-rise heritage buildings, e.g. the Holy Spirit Seminary; to enhance

visual connectivity to soften the congested building masses; and to achieve a stepped height profile for visual interest and permeability. Under the Guidelines, two height bands were proposed for the WCHBA, i.e. a BH restriction of 120mPD for the area south of Wong Chuk Hang Road and 140mPD for the area north of the Road. More stringent BH restrictions were proposed for sites for Government, institution or community use to provide visual relief within the high-density environment. However, the MPC considered that flexibility should be allowed for minor relaxation of these building height restrictions and planning permission could be granted for a greater building height if the concerned proposal could demonstrate design merits. The MPC also asked PlanD to consult the public before incorporation of the proposed BH restrictions into the OZP. The public consultation started on 15.9.2005 and would last for two months. A copy of the public consultation digest was tabled at the meeting;

- (d) at the same meeting, the MPC decided to reject the application for reason that the proposed BH exceeded the restrictions stipulated in TPB PG-No. 37;
- (e) in support of the review, the applicant had submitted a written representation. The applicant's justifications were summarized in paragraph 3 of the Paper. The applicant said that there was no BH restriction on the OZP. It was unhelpful to make reference to TPB PG-No. 37 as it was issued after the MPC had considered the application. As the public consultation had not yet concluded, the Guidelines did not provide a sound basis for rejecting the application. The Board had acted improperly in rejecting the application on the basis of information that was not public knowledge at the time when the application was made. The applicant had also made genuine efforts to progressively reduce the height of the proposed hotel from 190mPD to 139mPD to address the visual concern. The applicant

stated that owing to the reduction, the design of the hotel was affected. The proposed building with a BH of 139mPD was less efficient to operate due to the increased number of rooms on each floor. The greater site coverage, slab-like appearance, and lower building height would collectively result in a monotonous form of lower and dense buildings in the area;

- (f) a Southern District Council Member commented that the height of the building was excessive and would adversely affect the view and air quality in the area;
- (g) PlanD did not support the application for reasons stated in paragraph 5 of the Paper. The proposed hotel development with a BH of 139mPD had exceeded the BH restriction of 120mPD for the area to the south of Wong Chuk Hang Road under TPB PG-No. 37. The applicant had not provided sufficient information to demonstrate that there were planning and design merits to justify the proposed BH and how the design would be adversely affected by the reduction in the height of the proposed hotel development. The approval of the application would set an undesirable precedent for similar developments in the surrounding areas, resulting in cumulative negative impacts on the overall visual quality of the area; and
- (h) prior to the completion of the public consultation and incorporation of the BH restrictions into the OZP, planning applications would be assessed on the basis of the recommended BH restrictions as set out in TPB PG-No. 37 which represented the Board's latest intention on the optimal BHs for the area. If the BH restrictions had to be amended as a result of the public consultation, the applicant could submit a fresh planning application to the Board, having regard to the revised BH restrictions stipulated in the OZP.

108. The Chairperson then invited the applicant's representatives to elaborate on

the application.

109. With the aid of some plans and photomontages, Messrs. Ian T. Brownlee and Anthony Cheung made the following main points:

- (a) there was no BH restriction for the “OU(B)” zone on the OZP or in the Board’s Guidelines at the time when the application was made, nor any restriction on the OZP at the moment. The Board should consider the application based on the restriction in force at the time when the application was submitted;
- (b) the applicant had significantly reduced the BH of the proposed hotel by 51m (23%) from 190mPD to 139mPD. On 18.1.2005, the MPC considered Option 2 with a BH of not exceeding 166mPD. In the minutes of the MPC’s meeting, it was stated that there was a general concern on the proposed BH which was some 20m higher than the approved developments in the area and in order not to stand out in the local context, PlanD suggested that the proposed BH might be reduced to a level in line with the latest approved hotel schemes in the vicinity, which were mostly between 130-140mPD. Based on the indication, the applicant had reduced the proposed BH to 139mPD accordingly;
- (c) the applicant had compared the building design under Options 2 and 3 with an illustrative option of 120mPD in compliance with TPB PG-No. 37. It was found that Option 2 with a BH of 166mPD could make the urban landscape most interesting. As the podium did not have a 100% site coverage up to 15m above ground, there would be a gap between buildings as breezeway between Wong Chuk Hang Road and Heung Yip Road and a garden could be provided along Heung Yip Road. Under Option 3, while the building gap could not be provided, there could still be set back at the lower and upper levels to maintain an interesting vertical profile;

- (d) under the 120mPD scenario, a bulky podium with 100% site coverage up to 15m above ground would be required and the provision of building gap, interesting building profiles and sky gardens as in Options 2 and 3 were not possible. The option would block the ventilation at the lower level and result in a very boring urban landscape. Moreover, in order to provide quality services, every 12 hotel rooms should be served by a room attendant. Under Option 3, 28 rooms served by 2 room attendants were proposed on each floor, which was still manageable. Under the 120mPD scenario, 30 rooms would need to be accommodated per floor and the attendant to room ratio would increase to an undesirable level of 1 per 15;

- (e) the proposed hotel had a floor-to-floor height of about 3.1m. The constraint on building design would be more severe for industrial and office buildings, which normally required a greater floor-to-floor height;

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

- (f) the photomontages in the public consultation digest prepared by PlanD had not shown the future residential development at Aberdeen Inland Lot 451 which was a proposed sale site under the Application List. It was estimated that the development would comprise three blocks at a BH of 145mPD and would create a wall effect over the surrounding areas. The proposed BH of 139mPD would not have adverse visual impact on the surrounding areas as the proposed hotel would be surrounded by buildings of similar heights including two recently approved hotel developments (Applications No. A/H15/202 and 210) to the south of Wong Chuk Hang Road with a BH of 135mPD and 137mPD respectively. The adjacent Shek Pai Wan Estate had a BH of about 153mPD;

- (g) after the endorsement of TPB PG-No. 37, the MPC immediately applied the BH restrictions in the Guidelines to reject the application at the same meeting. The rejection was based on Guidelines which did not exist when the application was made, and which was not made known to the applicant or the public before the consideration of the application by the MPC. The Guidelines was promulgated only after a decision had been made to reject the application. Such procedure was fundamentally flawed and unfair to the applicant;
- (h) the BH restrictions under the Guidelines were yet to be confirmed as the public consultation was still in progress. As a basic principle of law, the Board should follow proper procedure in handling the application and should not reject the application based on Guidelines which had not yet been confirmed;
- (i) the Secretariat of the Board refused to provide the MPC paper concerning TPB PG-No. 37, which formed the basis to reject the application. As revealed in the summary of discussion of the concerned MPC meeting provided by the Secretariat, PlanD had advised the MPC that the planning applications approved in the area generally had BHs reaching 140mPD, which was considered to be a reasonable compromise, and different height bands were not advocated in consideration that the WCHBA was not sizable and heterogeneous in nature. Despite the advice of PlanD, the MPC decided to reduce the height band for the area to the north of Wong Chuk Hang Road from 140mPD to 120mPD;
- (j) a total of 9 hotel developments within the WCHBA were approved by the Board in the past few years. All of them exceeded 120mPD in height, and 6 of them were taller than 130mPD. Also, 3 of them with BH between 134mPD and 140mPD were submitted after the subject application but were still approved. The decisions were not consistent. During the last consideration of the application by the

MPC, PlanD had no objection to the application and advised that the proposed BH of 139mPD was generally compatible with those of the existing and committed developments in the area. The Board was requested to give due consideration to the previous professional advice offered by PlanD. PlanD's recommendation in the current Paper only reflected the previous decision of the MPC; and

- (k) approval of the application would not set an undesirable precedent for similar applications as the application was unique in that it was submitted before the publication of TPB PG-No. 37. It would also be consistent with the Board's previous decisions to approve hotel developments with similar heights in the area.

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

111. The Chairperson said that while TPB PG-No. 37 provided a set of guidelines for considering planning applications within the WCHBA in the interim period, the local circumstances and the Board's previous decisions on similar hotel developments should also be taken into account. In particular, there were two approved hotel developments to the south of the application site. She also noted that the applicant had made efforts to reduce the BH of the proposed hotel development and there were some merits in terms of building design and set back of podium in the latest scheme, which might not be achievable if the proposed BH was restricted to 120mPD. Notwithstanding the previous decision of the MPC, the Board should consider the application in the light of all the information provided by the applicant.

112. In response to questions from Members, the Secretary made the following main points:

- (a) TPB Guidelines, once endorsed by the Board, would take immediate effect in considering relevant applications including those submitted before the endorsement of the Guidelines, e.g. the interim BH control for Kowloon Bay and Kwun Tong business areas. TPB PG-No. 37 was interim in nature and each application should still be considered based on its individual merits;
- (b) in endorsing TPB PG-No. 37, it was the intention of the MPC to allow minor relaxation of the BH restrictions through the planning permission system based on the planning and design merits of individual cases. This would provide incentives to encourage better building design;
- (c) ancillary roof-top utility structures were normally excluded in the calculation of the BH of a building, except otherwise stipulated in the Notes of the relevant statutory plan. According to the applicant's latest proposal, the BH of the proposed hotel up to the main roof was 139mPD; and
- (d) given the statutory time limit to consider planning applications and the general practice of the Board, it would be difficult to avoid the consideration of new TPB Guidelines and related planning applications at the same meeting, or to place the former as an agenda item at the later part of the meeting.

113. Mr. Bosco C.K. Fung said that as a general rule, the Board would consider applications based on the relevant TPB Guidelines in force at the time of consideration. He also said that the MPC had gone through careful and lengthy discussion before proposing two height bands for the WCHBA. Nevertheless, the Board could consider the application having regard to all relevant factors, e.g. the history of the application, the planning and design merits of the proposed scheme. The decision of the Board on the application should not adversely affect the on-going public consultation as there was

flexibility for the Board to refine the proposed BH for the area after taking into account the results of public consultation.

114. A Member supported the application as the applicant had made improvement to the scheme by reducing its BH. Another Member was in favour of the application in view of the merit of the case. Members also considered that planning gain could be achieved by imposing appropriate approval conditions to require the setting back of the proposed hotel along Heung Yip Road and to require tree planting along the road.

115. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission was subject to the following conditions:

- (a) the implementation of the mitigation measures as proposed in the submitted Environmental Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the provision of internal transport facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the setting back of the proposed development by 3m along Heung Yip Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission and implementation of a landscape proposal, including further setting back of the proposed development along Heung Yip

Road for tree planting, to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (f) the permission should cease to have effect on 21.10.2009 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

116. The Board also agreed to advise the applicant to note the comments from the District Lands Officer/Hong Kong West & South of the Lands Department, the Director of Environmental Protection, the Assistant Commissioner for Transport/Urban of the Transport Department and the Chief Building Surveyor/Hong Kong West of the Buildings Department in paragraphs 8.1.1, 8.1.2, 8.1.4 and 8.1.5 of the Paper at Appendix F-I of Annex A of the Paper respectively.

[Dr. Rebecca L.H Chiu and Dr. Lily Chiang left the meeting at this point.]

Agenda Item 9

Review of Application No. A/YL-HT/396
Temporary Open Storage of Construction Machinery
with Ancillary Storage Facilities
for a Period of 3 Years in “Village Type Development” Zone,
Lot 18RP(Part) and Adjoining Government Land
in D.D. 124, Ha Tsuen, Yuen Long
(TPB Paper No. 7425)

[The hearing was conducted in Cantonese.]

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

118. The following applicant and his representative were invited to the meeting at this point:

Mr. Wong Kwok-kay	-	Applicant
Mr. Tse Cho-man	-	Applicant's representative

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

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

- (a) the applicant sought planning permission for temporary open storage of construction machinery with ancillary storage facilities for a period of 3 years on the application site which was zoned "Village Type Development" ("V") on the draft Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/6. The site had an area of about 300m²;
- (b) on 24.6.2005, the Rural and New Town Planning Committee rejected the application for reasons that the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C) in that there were adverse departmental comments and it was not in line with the intention of Category 4 areas. There was also insufficient information in the submission to demonstrate that the development would have no adverse environmental and traffic impacts on the surrounding areas;
- (c) in support of the review, the applicant had submitted a written representation. The applicant's justifications were summarized in paragraph 3 of the Paper;

- (d) the Environmental Protection Department (EPD) considered that the proposed use would generate additional traffic of heavy vehicles along Tin Ha Road, resulting in additional off-site traffic noise impact on the sensitive receivers in the village settlements along the road, and that conditional approval was not a viable option;
- (e) the Transport Department (TD) considered that approval of the application would set an undesirable precedent for similar applications in the area, resulting in cumulative adverse traffic impact on the nearby area. The Commissioner of Police was of the view that the approval of the application would likely increase the traffic pressure in the Ha Tsuen area; and
- (f) PlanD maintained its view of not supporting the application for reasons stated in paragraph 5 of the Paper. According to the revised TPB PG-No. 13D endorsed by the Board at the earlier part of the meeting, the site remained to be within Category 4 areas. For applications on sites with previous planning approvals, sympathetic consideration might be given if the applicant had demonstrated genuine efforts in compliance with the approval conditions of the previous permission. Since the planning intention of Category 4 areas was to phase out open storage and port back-up uses, a maximum period of 2 years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. The application site had two previous approvals i.e. Applications No. A/YL-HT/102 and 332. The later application was approved in June 2004 for one year so as to provide time for the applicant to relocate the use to other suitable locations. The applicant had complied with the conditions on the implementation of drainage and landscape proposals. There was no local objection to the application.

121. The Chairperson then invited the applicant and his representative to elaborate on the application.

122. Ms. Tse Cho-man made the following main points:

- (a) the applicant had operated his business at the application site for 17 years. The site was previously used as a vehicle repair workshop. The applicant's business had switched to trading of construction machinery and hydraulic breakers since 1996 and the site was only used for testing of machinery and storage purpose. The applicant was not aware that the new business was an unauthorized development until informed by PlanD in 1999. After knowing that, the applicant quickly submitted a planning application to the Board. The applicant was an ordinary citizen observant of the law. Sympathetic consideration from the Board was requested;
- (b) as the operation only involved the use of light good vehicles of less than 5.5 tonnes and generated about 10 vehicular trips per week, it would not induce any additional traffic of heavy vehicles along Tin Ha Road. The concerns of EPD and TD were therefore not relevant. The applicant had committed to maintain and repair the access road to the site from Tin Ha Road, which was on Government land, in his previous application in 1999 as well as the current application, and the road had already been paved; and
- (c) the applicant had tried to relocate his business, but suitable alternative sites were not available. Before 2000, there was vacant land in the vicinity of the application site, but the land had now all been taken up by other open storage uses. If the applicant was forced to move out from the site, the site would soon be occupied by a similar use and the new tenant would unlikely maintain the land properly due to the temporary nature of such use. It would take time to instigate enforcement action and the environment in the area would worsen.

The applicant had made improvement works on the site and had fully complied with the approval conditions of the previous approvals including restricting the operation hours to between 9a.m. and 5p.m.

123. In response to a Member's question, Mr. Wong Kwok-kay said that the site was used for trading of construction machinery and hydraulic breakers. Testing of the hydraulic breakers would not be carried out within the subject site.

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

125. The Chairperson remarked that consideration of the application should be based on the revised TPB PG-No. 13D. As the applicant had made genuine efforts in implementing improvements to the site and there was no local objection to the application, Members could give sympathetic consideration and approve the application for a period of 2 years in accordance with TPB PG-No. 13D.

126. After deliberation, the Board decided to approve the application for a temporary period of 2 years up to 21.10.2007 on review, on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no night-time operation between 5:00 p.m. to 9:00 a.m. as proposed by the applicant should be permitted on the site;
- (b) no operation on Sundays and public holidays should be permitted on the site;
- (c) the landscape planting on the site should be maintained at all times during the approval period;

- (d) the drainage facilities on the site should be maintained at all times during the approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

127. The Board also agreed to advise the applicant to:

- (a) note that a shorter approval period of 2 years was granted in order to allow time for the applicant to relocate the current use on the site to other suitable location; and
- (b) apply to the District Lands Officer/Yuen Long of the Lands Department for Short Term Waiver for erection of structure on the site and Short Term Tenancy for occupation of Government Land.

[Dr. C.N. Ng left the meeting temporarily at this point.]

Agenda Item 10

Review of Application No. A/YL-ST/284
Temporary Public Vehicle Park (excluding Container Vehicles)
for a Period of 3 Years in “Village Type Development” Zone
Various Lots in D.D. 102 and Adjoining Government Land,
San Tin, Yuen Long

[The hearing was conducted in Cantonese.]

128. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and Miss Florence Ma, the applicant's representative, were invited to the meeting at this point.

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

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

- (a) the applicant sought planning permission for temporary public vehicle park (excluding container vehicles) for a period of 3 years at the application site which was zoned "Village Type Development" ("V") on the draft San Tin Outline Zoning Plan (OZP) No. S/YL-ST/6. The site had an area of about 5,000m²;
- (b) on 24.6.2005, the Rural and New Town Planning Committee (RNTPC) rejected the application for reasons stated in paragraph 1.2 of the Paper;
- (c) in support of the review, the applicant had submitted a written representation which was at Annex VI of the Paper. The applicant's justifications were summarized in paragraph 3 of the Paper. The applicant said that that part of the site which was the subject of Small House (SH) applications would not be used for parking. The proposed number of parking spaces had been reduced from 120 to 90;
- (d) the District Lands Officer/Yuen Long advised that the site affected 7

active SH applications which would be approved within 6 to 12 months. The approval of the planning application might frustrate the imminent SH developments. The Environmental Protection Department advised that Wing Ping Tsuen fell within 100m of the site and the nearest sensitive receivers were within 5m to 10m of the site. Nevertheless, the application was acceptable if the site was restricted to parking of private cars, taxis and vans only. The Chief Town Planner/Urban Design and Landscape of the PlanD considered that the applicant had not provided sufficient information to demonstrate that there would not be any potential landscape impact caused by the development. As the site was quite large, the Drainage Services Department (DSD) required the applicant to submit a Drainage Impact Assessment (DIA). The District Officer (Yuen Long) advised that there was local objection raised on ground of law and order;

- (e) the applicant had submitted supplementary information together with a revised Transport Impact Assessment (TIA) on 10.10.2005. Also, the proposed parking provision was further reduced from 90 private car parking spaces to 70 private cars and 50 motorcycles parking spaces. The Transport Department (TD) advised that the improvement works to the San Tin Interchange would be completed in 2008, instead of 2007 as assumed in the applicant's revised TIA, and the junction at Castle Peak Road/Tung Wing On Road would operate beyond its capacity without the improvement works. The applicant had neither assessed the worst case scenario nor proposed measures to address the undesirable traffic condition. TD considered the revised TIA unsatisfactory;

[Dr. C.N. Ng returned to join the meeting at this point.]

- (f) the Village Representatives (VRs) of Wing Ping Tsuen and a Yuen Long District Council Member had submitted letters to support the

application while the VR of Yan Sau Wai Tsuen and a local resident withdrew their previous objections to the application. Their letters were tabled at the meeting; and

- (g) PlanD maintained its view of not supporting the application for reasons stated in paragraph 5 of the Paper. There was no information to demonstrate how the prospective SH developments would not be affected, how the possible interface during the SH construction stage would be dealt with; and how the environmental implications of the public vehicle park on the future residents living therein would be addressed. On 29.7.2005, RNTPC rejected a similar application, i.e. Application No. A/YL-ST/288, for temporary public car park based on the reason that the applied use would frustrate SH developments.

131. The Chairperson then invited the applicant's representative to elaborate on the application.

132. Miss Florence Ma made the following main points:

- (a) that part of the site which might be used for SH developments had been set aside as non-parking area and fenced off. The landowners of the concerned lots had agreed to use the site for temporary vehicle park in the interim period and their supporting letters were tabled at the meeting. The concerned SH applicants intended to jointly develop the SHs so as to reduce the costs. It would take 12 months to obtain approval of all these applications and about 3 to 5 years for their subsequent construction. Therefore, there was room to adjust the development programme of the SHs to avoid possible conflict with the proposed use. The proposed temporary vehicle park would generate rental income for the landowners to fund the construction of their SHs;
- (b) the revised TIA had assessed the traffic situation in 2008. As the

applicant had only received the comments of TD in the morning, there was insufficient time to seek the advice of the consultant. The Board was requested to defer the consideration of the application to allow time for the applicant to prepare responses to TD;

- (c) the applicant was willing to submit a DIA to fulfil relevant approval conditions. The timing of consideration and the circumstances of the application were similar to two approved similar applications, i.e. Applications No. S/YL-ST/279 and 289, which were located to the north of the application site and of similar site areas. The drainage concern was also addressed through relevant approval conditions imposed on these two applications. The same treatment should be given to the current application. As the Government had completed several large scale drainage improvement works in the surrounding areas, the proposed development should not have significant drainage concern. DSD required the applicant to provide drainage information for reference purpose rather than raising an in-principle objection to the application; and
- (d) the applicant of Application No. S/YL-ST/288 had applied for a review of the RNTPC's decision to reject the application. The rejection of that application should not be taken as a reference as the result of the application was not confirmed at this stage.

133. In response to questions from the Chairperson, Mr. Wilson So made the following main points:

- (a) Application No. A/YL-ST/279 was for similar use and with a smaller site area of about 2,000m². Although 4 SH applications within that site were under processing, those SH applications were not at an advanced stage. Sympathetic consideration was therefore given to approve that application for a period of one year. Application No. S/YL-ST/289 was approved by the RNTPC mainly for reasons that

the application would not affect the long term provision of land for SH development and there were no adverse departmental comments on the application; and

- (b) the revised TIA had assumed that the improvement works to the San Tin Interchange would be completed in 2007, but TD's estimation was 2008. The approval of the application would aggravate the traffic condition along Castle Peak Road and Tung Wing On Road and no measures had been proposed by the applicant to address the possible problem before completion of the improvement works to the San Tin Interchange.

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

135. The Chairperson noted that the proposed use would affect the SH developments which already had a definitive development programme and adjustment to the layout of the site to avoid interface problem between the SH developments and public vehicle park use might be difficult. The applicant had not provided new grounds to justify a departure from the previous decision of the RNTPC. Members agreed.

136. The Secretary said that as the use under application was a suspected unauthorized development subject to enforcement action of the Planning Authority, the applicant's request for deferment of the consideration of the application could not be accepted in accordance with the established practice of the Board.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. As there was a programme for Small House development within the site, giving approval to the application would frustrate the planning intention; and
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and visual impacts on the surrounding areas.

Agenda Item 11

Review of Application No. A/YL-TYST/288

Proposed Temporary Warehouse and Open Storage of Building Materials and Miscellaneous Goods for a Period of 3 Years in “Undetermined” Zone Various Lots in DD 117 and Adjoining Government Land in D.D. 117 Kung Um Road, Tong Yan San Tsuen, Yuen Long
(TPB Paper No. 7427)

[The hearing was conducted in Cantonese.]

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

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

Mr. Raymond Leung
Miss Cannis Lee

Mr. Yick Hon-yau

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

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

- (a) the applicant sought planning permission for temporary warehouse and open storage of building materials and miscellaneous goods for a period of 3 years at the application site which was zoned “Undetermined” (“U”) on the draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/9. The site was about 7,100m² in size;
- (b) on 24.6.2005, the Rural and New Town Planning Committee rejected the application for reasons stated in paragraph 1.2 of the Paper;
- (c) in support of the review, the applicant had submitted a written representation including a Drainage Impact Assessment (DIA). The applicant’s justifications were summarized in paragraph 3 of the Paper;
- (d) the Environmental Protection Department (EPD) found a crane lorry unloading building materials in a recent inspection and considered that the proposed development would likely involve the use of heavy/container vehicles for delivery of materials and goods. EPD did not support the application as the proposed development might cause traffic noise nuisance to the nearby sensitive receivers, e.g. residential units near the ingress/egress point of the site;
- (e) the Drainage Services Department did not support the application as

the applicant's DIA was not satisfactory. The proposed drainage arrangement would alter the existing flow path and the runoff collected from the site and the adjacent areas might overload the capacity of the existing stream;

- (f) the villagers of Pak Sha Tsuen and the village representatives (VR) of Wong Nai Tun Tsuen, Ma Tin Tsuen and Lung Tin Tsuen, and a Yuen Long District Council Member raised objections to the application on noise, environmental and traffic grounds;
- (g) PlanD maintained its view of not supporting the application for reasons stated in paragraph 5 of the Paper. According to the newly revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D), the classification of the site had been changed from Category 2 to Category 1 areas. However, there was no previous planning approval for the site and there were adverse comments from concerned departments and objections from locals; and
- (h) Application No. A/YL-TYST/248 for temporary open storage of building materials located to the north-east of the site was approved on 10.12.2004 for one year on sympathetic consideration for several reasons: the nearby elderly home did not directly face the storage area; the applicant had carried out small works for local villagers; the submitted drainage proposal was acceptable to DSD; the noise impact of the proposed development could be addressed by restricting the operation hours; and the local objection to the application had been withdrawn. As there were adverse departmental comments on and local objections to the current application, the application did not warrant the same consideration.

142. The Chairperson then invited the applicant's representatives to elaborate on the application.

143. With the aid of a Powerpoint presentation, Messrs. Raymond Leung and Yick Hon-yau made the following main points:

- (a) EPD's concern was related to the handling of waste plastic on the site and the nuisances caused by loading and unloading activities. Such activities were in fact carried out by a tenant without the applicant's consent, and the concerned tenant had already moved out from the site upon request of the applicant. Moreover, plastic recycling was not part of the use under application. The site was currently largely vacant with some area used for open storage of woods. The proposed use should not cause adverse environmental impacts on the surrounding areas, which comprised developments like warehouses;
- (b) under TPB PG-No. 13C, whether the site had previous planning approvals was a relevant factor for sympathetic consideration for applications within Category 3 and 4 areas, but not for those within Category 1 and 2 areas. As such, this factor was not relevant to the current application;
- (c) there were three residential structures near the application site. The house to the south of the site was fenced off by metal sheet and buffered by dense trees. The occupier of the house had confirmed that he had no objection to the application. Another house, which was located to the left of the ingress and egress point of the site, was made up of containers previously used as office. The containers were not desirable for residential purpose from safety and land administration viewpoints. The remaining house was below the road level and close to a vehicle repair workshop, which would cause more imminent nuisances to the concerned house than the proposed use. The storage area of the site would be set back from the boundary by 30m to minimize the possible nuisances to these houses. Many residential structures along Kung Um Road were used for temporary

residential purposes by workers and operators of the adjacent warehouses and workshops;

- (d) upon request of DSD, the applicant had submitted a DIA. While the applicant and DSD held different views on the connection to the main drain, the issue was only technical. DSD's comments as stated in paragraph 4.1.2 (a) to (d) of the Paper were all technical in nature and did not amount to an in-principle objection to the application;
- (e) according to Mr. Yick Hon-yau, who had been the VR of Pak Sha Tsuen for more than 10 years, the villagers had not complained about the open storage uses in the area and had not raised objection to the application. Mr. Yick considered that the environment in the area could be improved through the application;
- (f) the local objections were raised verbally to the District Officer (Yuen Long) and the applicant could not apprehend the rationale of these objections. Wong Nai Tun Tsuen was about 500m away from the site and separated by an "Other Specified Uses" annotated "Rural Use" zone. The VRs of the village informed that they had not raised objection to the application. The VRs of Ma Tin Tsuen and Lung Tin Tsuen all along had objected to all applications due to concern on the traffic condition in the area and their objections were not peculiar to the subject application. The concerned District Council Member for the Shap Pat Heung area had no objection to the application provided that it would not have adverse traffic and drainage impacts on the surrounding areas; and
- (g) under TPB-PG No. 13D, the site fell within Category 1 areas, the planning intention of which was to concentrate open storage uses. Favourable consideration would be given if no significant environmental impacts would be resulted. As there was no definite development programme for the "U" zone, the proposed use, which

could improve the local environment and generate income for the local residents to improve their living, could be tolerated on a temporary basis.

144. In response to questions from Members, Mr. Raymond Leung made the following main points:

- (a) the site would be used for storage of building materials and other miscellaneous goods that were non-dusty, non-polluting and non-contaminating in nature, such as electricity wires, fire service pumps, etc. No workshop or noise-generating activities would be carried out on the site; and
- (b) the applicant would further discuss with DSD with a view to meeting their requirements. Appropriate approval conditions could be imposed to address the concern of DSD.

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

146. The Chairperson noted that the applicant had addressed the concern on environmental nuisances and had committed to complying with the requirements of DSD. As the site fell within Category 1 areas under TPB PG-No. 13D, favourable consideration could be given to the application. Appropriate approval conditions could be imposed to address the outstanding technical issues. Members shared the view.

147. To address a Member's concern that the site might be used for storage of electronic wastes, Members agreed that a condition should be imposed to prohibit the

storage of electrical wastes on the site.

148. After deliberation, the Board decided to approve the application for a temporary period of 3 years up to 21.10.2008 on review, on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) the operation hours of the development were restricted from 9a.m. to 6p.m. as proposed by the applicant;
- (b) no workshop activities and storage of electronic wastes would be allowed on the application site;
- (c) the implementation of the accepted landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the submission of a revised Drainage Impact Assessment and flood mitigation measures proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) in relation to (d) above, the provision of drainage facilities and the flood mitigation measures as identified in the revised Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval

hereby given should cease to have effect and should be revoked immediately without further notice;

- (h) if any of the above planning conditions (c), (d) or (f) was not complied with by 21.4.2006, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) if the above planning condition (e) was not complied with by 21.7.2006, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

149. The Board also agreed to advise the applicant to note the followings:

- (a) the District Lands Officer/Yuen Long of the Lands Department's comments that no structure was allowed to be erected without prior approval from his office. As unauthorized structures were erected on the site and the adjoining Government land had been fenced up without prior approval, his office reserved the right to take enforcement action against such irregularities. The applicant was required to apply for a short term tenancy on Government land and a short term waiver on the lots;
- (b) the Assistant Commissioner for Transport/New Territories of the Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified. Relevant lands and maintenance authorities should also be consulted accordingly;
- (c) the Chief Highway Engineer/New Territories West of the Highway Department's comments that a run-in should be adopted for the access.

The run-in should be constructed to the latest version of Highways Department Standard Drawing No. H1113 and H1114 or H5115 and H5116 as appropriate to suit the site environment. His office would not maintain the land between Kung Um Road and the application lots; and

- (d) the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 12

Review of Application No. A/NE-LT/337

*Proposed 9 New Territories Exempted Houses
(NTEHs) (Small Houses) in "Agriculture" Zone
Lot 1012 s.A to G & RP, Lot 1013 s.A & B,
Lot 1026 s.A & RP in D.D. 19,*

Lam Tsuen San Tsuen, Lam Tsuen, Tai Po

(TPB Paper No. 7428)

[The hearing was conducted in English]

150. Mr. Edmund K.H. Leung and Mr. David W.M. Chan declared interests on the application for acquaintance respectively with Dr. C.K. Lau and Mr. Denys L.P. Kwan, the applicant's representatives. Members considered that their interests were not direct and they could be allowed to stay in the meeting and participate in the discussion of the application.

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

- Mr. W.K. Hui - District Planning Officer/Tai Po and North District, Planning Department (PlanD)
- Mr. S.K. So - Senior Electrical and Mechanical Engineer/New Territories East, Water Supplies Department (WSD)
- Mr. K.K. Ng - Chemist/Resources Management(2), WSD

152. The following applicant's representatives were invited to the meeting at this point:

- Dr. C.K. Lau
- Mr. Stephen T.C. Lam
- Mr. Denys L.P. Kwan
- Mr. Keith S.K. Yip
- Mr. Ken Y.K. Kung
- Mr. Jacko Y.C. Mok
- Ir. Jonathan C.K. Wong

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

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

- (a) the applicant sought planning permission to build 9 New Territories Exempted Houses (NTEHs) (Small Houses (SHs)) on the application site which was zoned "Agriculture" ("AGR") on the draft Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/9. The application site was about 16m away from the village 'environs' of Lam Tsuen San Tusen;
- (b) on 24.6.2005, the Rural and New Town Planning Committee (RNTPC) rejected the application for reason that the proposed NTEHs did not

comply with the interim criteria for assessing planning application for NTEH/Small House development (interim criteria) in that the application site was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the Water Gathering Grounds (WGGs) would not cause adverse impact on the water quality in the area;

- (c) at the s.16 application stage, the applicant proposed to use either community septic tank or bio-treatment system to handle the sewage from the proposed development, but both proposals were not acceptable to the Environmental Protection Department (EPD) and WSD;
- (d) in support of the review, the applicant had submitted a written representation. The applicant's justifications were summarized in paragraph 3 of the Paper. At the review stage, the applicant decided to drop the septic tank option and proposed a bio-treatment system similar to that used in a public toilet at Hang Mei Tsuen (HMT) in Yuen Long. The applicant said that the capital and maintenance costs of the proposed system were reasonable and generally affordable to the owners and the treated effluent could be re-used for irrigation/flushing purposes. As such, the proposed development complied with the interim criteria;
- (e) both WSD and EPD did not support the application. WSD advised that there was insufficient information to demonstrate that the proposed bio-treatment system could meet the effluent discharge standards under the Water Pollution Control Ordinance (WPCO) for WGGs. The proposed system was quite complicated and any failure in the system could lead to serious water pollution problems in WGGs;

- (f) EPD considered that the monitoring results for the toilet in HMT showed that the discharge of the bio-treatment system could not meet the WPCO standards for WGGs and was not aware of any existing wastewater treatment plants for SH developments that could meet the WPCO standards for WGGs. It would be complex for individual SH owners to operate and maintain a communal bio-treatment system; and
- (g) PlanD maintained its view of not supporting the application as there had been no change in planning circumstances since the consideration of the application by the RNTPC.

155. The Chairperson then invited the applicant's representatives to elaborate on the application.

156. With the aid of a Powerpoint presentation, Ir. Jonathan C.K. Wong made the following main points:

- (a) according to the samples of treated water collected on 16.5.2005, the effluent discharge of the HMT toilet could well meet the WPCO standards for WGGs in respect of suspended solids, biochemical oxygen demand, chemical oxygen demand (COD) and Escherichia coli (E.coli). The COD and E.coli level could be further improved by additional UV light sterilizer and frequent replacement of activated carbon. According to the sample collected on 7.1.2005, the discharge of the HMT toilet could still meet EPD's requirements in terms of COD and E.coli. There might be two causes for the exceedance of the standards as identified by EPD. Firstly, the peak load during high tourist seasons exceeded the designed handling capacity of the septic tank under the public toilet. Secondly, the routine replacement of activated carbon was suspended as the Government planned to re-use the bio-toilet system in other places;

- (b) preventive maintenance measures would be provided to ensure the reliability of the system. A wireless monitoring panel would be used to transmit the alarm in short message signal format, via the wireless network, to designated location or mobile phone to alert the personnel to take action in case of system failure. The alarm system could monitor the trip signal of all pumps, air blowers, UV light sterilizer, high and low water levels in flow control tank, catch tank and existing septic tank. There would be 24-hour emergency call for urgent maintenance of the system;
- (c) routine maintenance of the bio-treatment system and the piping works included visual inspection of the cleanliness of recycled water, storage tank water level and control panel status, periodical checking of water pumps and air blowers, prevention of blocking of water pipes, quarterly sampling of water, annual desludging of pre-treatment tank and replacement of activated carbon half a year. Measures would be taken to monitor and prevent water leakage e.g. additional water leakage system and pressure test;
- (d) the bio-treatment system adopted soil and micro-organism processes for high level cleaning of waste water. It was proved to be successful in Japan and the HMT project. The treated waste water was very clean without odour and colour and could be used for flushing, watering and washing;
- (e) the power consumption of the system with 25 ton capacity was 60kwh per day. Assuming that there would be 27 households for the proposed 9 SHs, the electricity tariff and overhaul maintenance cost would be about \$57 and \$143 per household per month respectively, totaling \$200 per household. The total monthly maintenance cost for the whole development was \$5,400; and
- (f) the applicant's consultants, which had received an appreciation from

the Architectural Services Department (ArchSD) for the HMT project, would provide one-stop service for the bio-treatment system and the existing piping system.

157. In response to questions from the Chairperson and Members, Ir. Jonathan C.K. Wong and Mr. Denys L.P. Kwan made the following points:

- (a) with a professional team having wide experience in the concerned fields, the applicant's consultants were confident of providing a bio-treatment system for residential developments. Their parent company in Japan had a lot of experience in different kinds of bio-treatment systems;
- (b) a maintenance team would carry out the routine maintenance of the system at a reasonable charge. The estimation of maintenance cost of the proposed system was based on the figures derived from the HMT project. The overall monthly maintenance cost of \$200 per household had already covered the cost of the remote monitoring system. Unlike the water treatment works operated by WSD, the bio-treatment system was relatively simple and 24 hour on-site monitoring was not necessary;
- (c) as proven in the HMT project, all the waste water after treatment by the proposed bio-treatment system could be re-used for flushing and washing. It was a closed system without discharge into the public drains. The system had been widely used in Singapore; and
- (d) the applicant's consultants had not yet obtained agreement from the 9 SH applicants on the installation of the system but they would do so after the system was confirmed to be acceptable to concerned Government departments. The responsibility of the SH owners on the construction and maintenance of the proposed system would be set out in a deed of mutual covenant and management agreement.

158. In response to questions from the Chairperson and Members, Messrs. W.K. Hui, S.K. So and K.K. Ng made the following points:

- (a) water quality in the concerned area was important as the water would be directed to the Tai Po Tau Pumping station for transferring to various treatment works. The effluent discharge to Lam Tsuen River had to comply with Table 3 of the Group A effluent discharge standards as stipulated in EPD's Technical Memorandum which were more stringent than those standards for the HMT project;
- (b) based on the two samples of treated water collected on 7.1.2005 and 7.5.2005, the discharge of the HMT toilet failed to meet the WPCO standards for WGGs in respect of COD and E.coli. While a sample collected on 16.6.2005 mentioned by the applicant's representatives could meet four of the parameters under the WPCO standards for WGGs, 30 other parameters under the WPCO standards, such as ammonia nitrogen, nitrate, dissolved oxygen etc, had not been mentioned. As such, the acceptability of the proposed system was in doubt;
- (c) the proposed remote monitoring system for maintenance was considered not reliable. WSD's treatment works were manned 24-hour a day but there were still problems in the treatment process and distribution system which required the prompt attendance by the staff. The proposed bio-treatment system involved pumps, blowers and pipe fittings. There was a need for workers/technicians staying on the site to ensure continuous operation of the system as the off-site maintenance workers/technicians might not be able to arrive at the site in a short period of time based on WSD's experience in contracting out service for maintenance of pumping stations. In particular, the estimated low maintenance cost seemed inadequate to provide sufficient incentives for the maintenance contractor. It was

doubtful if the estimated maintenance cost had included the cost of spare parts and pump replacement; and

- (d) the system shown in the technical paper submitted was below ground while that system used in HMT was above ground. With the bio-treatment system placed inside an enclosed box under the high temperature and humidity in Hong Kong, it was doubtful if it could properly function and handle the sewage from 27 households. The applicant had not provided sufficient information on the operation of the system, which involved complicated processes such as pre-treatment and bacterial processes. As any failure of the system could lead to the discharge of sub-standard effluent into WGGs, WSD did not support the application.

159. Mr. Elvis W.K. Au said the system used in the HMT toilet was different from the proposed bio-treatment system. The sewage of the toilet in HMT was discharged into communal drains, while the proposed bio-treatment system might discharge into WGGs and the maximum flow of the system was 25 times of that of the HMT project. In addition, the standards applicable to the HMT project were less stringent than those for WGGs. For example, less than 1000 E.coli count per 100ml could be allowed in the HMT case but only less than 1 E.coli count per 100ml was allowed for WGGs. He said that after taking into account the further information provided by the applicant, the proposal was still unacceptable to EPD.

160. In response to the comments made by Government representatives and questions from the Chairperson and Members, Ir. Jonathan C.K. Wong and Dr. C.K. Lau made the following points:

- (a) the bio-treatment system used in the HMT toilet had fully complied with the relevant requirements applicable to that area. As the HMT area was not subject to the stringent standards for WGGs, the system had not been so designed to meet such standards. While two previous water samples from the HMT project failed to comply with

the WPCO standards for WGGs, a latest sample collected on 16.6.2005 had met the standards; and

- (b) the HMT toilet project was only as a reference and did not fully reflect the capability of the system, which was proved to perform well in Japan. The applicant would take into account all the 34 parameters under the WPCO standards for WGGs, the handling capacity of the treatment tank in designing the proposed bio-treatment system for the proposed SH development. While no water treatment plants had been installed in WGGs before, the applicant was confident of designing a complete system to meet the stringent standards for WGGs, to improve the hygiene and environment of the concerned area and to address the concerns raised by relevant Government departments.

161. The Chairperson remarked that the Board would need to consider whether the proposed development would cause irreversible damage to the WGGs based on information from the applicant and the concerned Government departments, and should not let the WGGs become a testing ground.

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

163. Noting that the samples of treated water from the HMT toilet failed to fully meet the WPCO standards for WGGs, the Chairperson doubted whether the system could handle the sewage from the proposed SH development at a much larger scale. As there could be irreversible damage to the water quality in WGGs, it might not be appropriate to allow the application of such new and untested system for SH developments in WGGs. Members held the same view.

164. After deliberation, the Board decided to reject the application on review for the reason that the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that the application site was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the Water Gathering Grounds would not cause adverse impact on the water quality in the area.

Agenda Item 13

Review of Application No. A/NE-TKL/272

Proposed Temporary Open Storage of Vehicles for Exhibition and Sale
for a Period of 3 Years in “Agriculture” and “Open Storage” Zones
Lot 506 RP in D.D. 83 and Adjoining Government Land, Ta Kwu Ling,
(TPB Paper No. 7429)

[The hearing was conducted in English]

165. Mr. Edmund K.H. Leung declared an interest on the application for acquaintance with Mr. Robin Li, one of the applicant’s representatives. Members considered that Mr. Leung’s interest was not direct and he could be allowed to stay in the meeting and participate in the discussion of the application.

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

167. The following applicant's representatives were invited to the meeting at this point:

Mr. Kenny Lau

Mr. T.S. Chu

Mr. Robin Li

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

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

- (a) the applicant sought planning permission for temporary open storage of vehicles for exhibition and sale for a period of 3 years at the application site which was mainly (90%) zoned "Agriculture" ("AGR") on the draft Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/272. A small portion of the site (10%) was zoned "Open Storage";
- (b) on 24.6.2005, the Rural and New Town Planning Committee rejected the application for reasons that the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C) in that the use was not compatible with the adjacent residential structures, there was no previous planning approval granted to the site and the applicant had not demonstrated that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas and sensitive receivers. Also, there was insufficient information to demonstrate that a satisfactory access to the application site could be provided;

- (c) in support of the review, the applicant had submitted a written representation. The applicant's justifications were summarized in paragraph 3 of the Paper. The applicant's traffic impact assessment (TIA) concluded that the traffic generated by the applied use on the adjacent road network was small and negligible. No medium/heavy vehicles and container vehicles would be used for transportation of goods and the present access arrangement was working satisfactorily. The applicant would pave the site and provide a 5m buffer zone on the northern side of the site and construct a parapet wall of 5-7m in height with absorption surface along the buffer zone to minimize nuisances to the adjacent domestic structures. Trees would also be planted on the western and northern sides of the site. The operation hours would be restricted from 9a.m. to 7p.m. from Mondays to Saturdays. The applicant also proposed to subsidize the nearby affected households to install air-conditioning facilities;
- (d) the Environmental Protection Department (EPD) had no objection to the application as the proposed use would unlikely result in significant environmental impact with the implementation of the mitigation measures proposed by the applicant. In view of the small amount of vehicular traffic generated from the proposed use, the Transport Department (TD) had no objection to the application;
- (e) PlanD maintained its view of not supporting the application for reasons as stated in paragraph 5 of the Paper. According to the revised TPB-PG No. 13D, the site still fell within Category 3 areas. Applications within Category 3 areas would normally not be favourably considered unless the applications were on sites with previous planning approvals. As the application site had no previous planning approval and the proposed use was not compatible with the rural character of the surrounding areas, the application did not comply with the guidelines.

170. The Chairperson then invited the applicant's representatives to elaborate on the application.

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

- (a) TD had no objection to the application as its previous concern had been addressed by the applicant;
- (b) the applicant would provide a 5m buffer zone at the northern side of the site to minimize the nuisances to the adjacent domestic structures and plant trees to serve as visual barriers on the western and northern sides of the site. The maximum gross vehicle weight of vehicles to be parked on the site was only 3.3 tonnes. The operation hours would be restricted from 9a.m. to 7p.m. from Mondays to Saturdays; and
- (c) with the TIA and the proposed landscape arrangement, the proposed use would not have any adverse impact on the surrounding environment. The Board was requested to give favourable consideration to the application.

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

173. Noting that the application site was adjacent to a piece of undisturbed agricultural land, a Member said that approval of the application might set an undesirable precedent which might encourage similar developments at this location.

The Chairperson added that about 90% of the site fell within the “AGR” zone and Category 3 areas under the revised TPB PG-No. 13D, and the application could not meet the assessment criteria in the guidelines.

174. After deliberation, the Board decided to reject the application on review for the reason that the development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that it was not compatible with the rural village character of the surrounding areas; there was no previous planning approval granted to the application site and there was insufficient information submitted to demonstrate that the proposed development would not generate adverse landscape impacts on the surrounding areas.

Agenda Item 14

Submission of the Draft Tai Long Wan
Outline Zoning Plan No. S/SK-TLW/4A
under Section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7434)

[Open meeting]

175. The Secretary briefly introduced the Paper.

176. After deliberation, the Board:

- (a) agreed that the draft Tai Long Wan Outline Zoning Plan (OZP) No. S/SK-TLW/4A and its Notes at Annexes A and B of the Paper were suitable for submission under section 8 of the Town Planning Ordinance (the Ordinance) to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) of the draft Tai

Long Wan OZP No. S/SK-TLW/4A at Annex C of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land-use zones on the draft OZP; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP No. S/SK-TLW/4A.

Agenda Item 15

Any Other Business

- 177. There being no other business, the meeting was closed at 6:45 p.m.