

**Minutes of 875<sup>th</sup> Meeting of the  
Town Planning Board held on 12.1.2007**

**Present**

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

Chairperson

Dr. Peter K.K. Wong

Vice-Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Dr. Lily Chiang

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard Vincent W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Director of Planning

Mrs. Ava S.Y. Ng

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

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

Deputy Director of Environmental Protection  
Dr. Michael Chiu

Director of Lands  
Mr. Patrick L.C. Lau

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. Leslie H.C. Chen

Professor Peter R. Hills

Mr. B.W. Chan

Mr. K.Y. Leung

**In Attendance**

Assistant Director of Planning/Board

Mr. S. Lau

Chief Town Planner/Town Planning Board

Mr. C.T. Ling

Senior Town Planner/Town Planning Board

Miss Fiona S.Y. Lung

### **Agenda Item 1**

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

#### Confirmation of Minutes of the 874<sup>th</sup> Meeting held on 22.12.2006

1. The minutes of the 874<sup>th</sup> meeting held on 22.12.2006 were confirmed subject to replace the word 'cause' by 'clause' in paragraph 17.

[Dr. Peter K.K. Wong, Mr. Tony C.N. Kan and Mr. David W.M. Chan arrived to join the meeting at this point.]

### **Agenda Item 2**

#### Matters Arising

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

(i) Appeal Received Against the Court of First Instance's Judgement on Judicial Review of Town Planning Board's Decision with respect to the Draft Tseun Wan Outline Zoning Plan No. S/TW/20

2. The Secretary reported that a judicial review (JR) was lodged by the United Grant Limited (the Applicant) against the Board's decision of not upholding its objection to the draft Tsuen Wan Outline Zoning Plan No. S/TW/20 gazetted on 17.9.2004 under s.7 of the Town Planning Ordinance. The objection was against the rezoning of the Applicant's lots from "Residential (Group B)" partly to "Residential (Group C)" and partly to "Green Belt". The Court of First Instance (CFI) handed down the judgment on 25.10.2006 refusing the JR application and the Board was briefed on the CFI's decision on 10.11.2006. On 21.11.2006, the Applicants filed to the Court of Appeal a Notice of Appeal against the CFI's judgment, seeking an order to set aside the judgment. The main grounds of appeal were that the judge was wrong in law in holding that there was no proper basis for the Applicant's legitimate expectation to arise; that the procedural improprieties committed by the Respondent did not cause the Applicant to suffer any unfairness or prejudice as a matter of substance; and that the Respondent's decision was not so absurd or irrational that it was Wednesbury unreasonable. The hearing for the Appeal was fixed on 24 and 25.7.2007. The Secretary would represent the

Board on all matters relating to the proceedings of the Court of Appeal in the usual manner.

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

(ii) Town Planning Appeal Decision Received

Town Planning Appeals No. 9 of 2004 and No. 5 of 2005  
Proposed Relaxation of Plot Ratio and Building Height Restrictions  
for “Residential (Group C)7” Zone to  
Facilitate Comprehensive Residential Development  
at 2A-2E Seymour Road, 23-29 (odd numbers) Castle Road  
and 4, 4A, 6, 6A Castle Steps, Mid-levels, Hong Kong

3. The Secretary reported that the subject site was zoned “Residential (Group A)” (“R(A)”) and “Residential (Group C) 7” (“R(C)7”) under the approved Mid-levels West Outline Zoning Plan (OZP) No. S/H11/13. Whilst there was no restriction on the development intensity for the “R(A)” zone, the “R(C)7” zone was subject to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 12 storeys. The “R(C)7” portion of the site covered a stepped street area at Castle Steps. The appeals were related to two planning applications No. A/H11/84 and 87 for relaxation of PR and BH restrictions for the “R(C)7” portion of the site. Application No. A/H11/84 for a proposed development with a PR of 10 and BH of 52 storeys was rejected by the Board upon review on 4.6.2004 on the grounds of insufficient planning merits; adverse traffic impact; excessive BH; insufficient information to demonstrate no significant visual impact; and proposed PR relaxation not justified for a ‘Class C’ site under the Building (Planning) Regulations (B(P)R). Application No. A/H11/87 was for a proposed development with a PR of 9 and BH of 54 storeys. The application was rejected by the Board upon review on 7.1.2005 on the grounds of insufficient planning merits and insufficient information to demonstrate no adverse traffic and visual impacts. Heard together by the Town Planning Appeal Board (TPAB) between May 2005 and October 2006, both appeals were dismissed on 12.12.2006. However, there were divergent views amongst the TPAB Members.

Appeal No. 9 of 2004 (Application No. A/H11/84)

4. The Secretary said that Members in the majority (3 out of 5) considered that the factors that should be taken into consideration should not only be confined to the proposed amalgamation of sites in tackling access for servicing and fire fighting as specified in the Explanatory Statement (ES) with respect to the “R(C)7” zone, but also the traffic and visual impacts of the proposed development. Paragraph 7.4.7 of the ES stated that ‘upon submission of comprehensive development/redevelopment proposals, favourable consideration may be given to relaxation of the development restrictions and each proposal will be considered on its own merits’. The word ‘may’ clearly conveyed that the intent was for the Board to exercise its discretion independently and relaxation would depend upon the merits of each proposal. Members in the minority (2 out of 5) held an opposing view. Given the planning history that the “R(C)7” zoning of the site was attributable solely to the stepped street characteristics, the factors of consideration should pertain only to the proposed amalgamation of sites in tackling access for servicing and fire fighting. The traffic and visual impacts were irrelevant.

5. The Secretary also said that all TPAB Members, however, considered that:

- (a) given the poor state of the traffic conditions in the Mid-levels area, the proposed development would account for a significant traffic impact in the area;
- (b) the views from a significant number of households in the neighbouring buildings (particularly Robinson Place and Goldwin Heights) would be substantially blocked by the proposed development;
- (c) many of the alleged planning gains were inherent parts of the development designed to maximize profits and to promote the welfare of future residents in the development as opposed to the public at large; and
- (d) the appellant’s argument that it was irrelevant to consider whether a PR of 10 could be achieved or not, since the grant of planning permission should be distinguished from its implementation, was not applicable in the subject case. The only proposal before the TPAB was a development scheme of PR 10, which was not a viable proposal under the B(P)R.

The appeal relating to Application No. A/H11/84 was dismissed by all TPAB Members. Members in majority dismissed the appeal on all the above grounds, whilst Members in minority dismissed the appeal due to reason (d) above.

Appeal No. 5 of 2005 (Application No. A/H11/87)

6. The Secretary continued to say that Members in majority dismissed the appeal due to reasons in paragraph 5 (a) to (d) above. The remaining two Members considered that the appeal should be allowed as reason in paragraph 5 (d) above was not applicable to this appeal.

7. The Secretary supplemented that the Summary of Appeal and TPAB's Decisions, consisting of two parts and recording the majority and minority views separately, were tabled at the meeting.

(iii) Appeals Statistics

8. The Secretary reported that as at 12.1.2007, 25 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	90
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	25
Decision Outstanding	:	6
<hr/>		
Total	:	258

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K1/216

Proposed Hotel and Flat (Staff Quarters) in “Government, Institution or Community” zone,  
17 Science Museum Road, Tsim Sha Tsui (KIL 10644)

(TPB Paper No. 7737)

---

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

9. As the application was submitted by the Hong Kong Polytechnic University (HKPU), the following Members declared interests on this item:

Professor Bernard V.W.F. Lim	Having current business dealings
Mr. K.Y. Leung	Being a part-time lecturer
Dr. Peter K.K. Wong	Former Council Member of Hong Kong Community College, HKPU
Dr. James C.W. Lau	) Being an adjunct lecturer
Mr. Edmund K.H. Leung	)

10. Members noted that Dr. Peter K.K. Wong, Dr. James C.W. Lau and Mr. Edmund K.H. Leung were not receiving any salaries from the HKPU and were not involved in the subject application. As their interests were considered to be indirect and insubstantial, they should be allowed to stay in the meeting and participate in the discussion of this item. Members also noted that Mr. K.Y. Leung had sent his apologies for being unable to attend the meeting, while Professor Bernard V.W.F. Lim had not yet arrived to join the meeting.

[Dr. C.N. Ng, Ms. Margaret Hsia, Ms. Sylvia S.F. Yau, Mr. Nelson W.Y. Chan, Dr. Lily Chiang and Dr. James C.W. Lau arrived to join the meeting at this point.]

**Presentation and Question Session**

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



Ms. Keren Seddon	)	Applicant's representatives
Mr. Rocco Yim	)	
Ms. Cindy Tsang	)	
Ms. Sandy Lam	)	
Mr. Lawrence Kuk	)	
Mr. C.M. Chan	)	
Mr. Charles Kung	)	
Prof. C.K. Poon	)	
Mr. Shu Keung Chan	)	
Prof. Edwin Chan	)	
Mr. Tsan Yip Lai	)	

12. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Ms. Heidi Chan to brief Members on the background to the application.

13. With the aid of a Powerpoint presentation, Ms. Heidi Chan did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a proposed hotel and staff quarters development in an area zoned "Government, Institution or Community" ("G/IC");
- (b) the reasons for the Metro Planning Committee (MPC) to reject the application on 29.9.2006 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Architectural Services Department (ArchSD) advised that the applicant could further explore the possibility of reducing the height of the hotel atrium (about 20m); and the Chief Town Planner/Urban

Design and Landscape (CTP/UD&L) had no objection from urban design perspective, and advised that the merit, if any, of the building height reduction in the revised scheme would be offset by replacement of the previous staggered façades. Such staggered façades would actually help to break the building mass effect of the development;

- (e) public comments – one public comment, supporting the application, was received during the publication period of the review application; and
- (f) PlanD's views – the current scheme with a building height (BH) of 116mPD, if approved, would be the tallest in its immediate vicinity. There might be scope to relocating some of the facilities to the basement levels and reducing the height of the hotel atrium so as to reduce the overall height of the above-ground development. Should the Board consider that there was merit in the special design of the building, special consideration could be given to the approval of the application upon review.

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

15. Professor C.K. Poon made the following main points on the need for and special merits of the proposed development:

- (a) according to the Journal of Hospitality and Tourism Research in 2002, the School of Hotel and Tourism Management (SHTM) of the HKPU was the only school in the Asia Pacific rated among the World's top 15 academic institutions in hospitality and tourism based on research and scholarly activities. In August 2005, SHTM's ranking was raised to the fourth;
- (b) other recent achievements of SHTM included designation as Asia's only university in the 16-member World Tourism Organization (WTO) Education and Training Network in 1999; receiving a TedQual (Tourism Education Quality) Certification from WTO in 2000; designation as World Headquarters and Secretariat for the International Academy for the Study of Tourism (IAST) in 2002; and receiving an International Achievement Award from the

International Society of Travel and Tourism Educator (ISTTE) for innovation and contribution to the field of tourism education in 2003;

- (c) the proposed development would give SHTM the visibility of a world-class institution in line with the practice of top hotel and tourism schools in the world to attract high quality students and the best teaching staff from around the world. It would provide purpose-built facilities to enable practical, hands-on training for hospitality and tourism students, enhance work-integrated education and research in hospitality management, and provide hotel facilities and guestrooms for visitors;
- (d) the proposed development would facilitate partnership with industry and educational institutions in the Mainland and would increase the competitiveness of Hong Kong; and
- (e) the teaching hotel would be owned by the HKPU and any profit generated from its operation would be ploughed back in totality to support the future development of the HKPU.

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

- (a) there were neither statutory nor non-statutory BH restrictions for the application site. The skyline of Tsim Sha Tsui area had already undergone much changes in recent years with the addition of tall buildings, such as Concordia Plaza (about 98mPD) and Urban Renewal Authority (URA) development project at Hanoi Road (about 265mPD). As shown in the photomontages, the varying heights of buildings would provide variation to urban skyline;
- (b) the proposed overall BH had been reduced to 116mPD. Compared with the approved BH of 98.5mPD, the revised proposal represented an increase of 17.5m (about 18.62% in absolute height or 17.77% in mPD). The proposed increase in BH of not exceeding 20% of the approved levels fell within a Class B Amendment according to the Town Planning Board Guidelines No.

36;

- (c) the application site occupied a non-sensitive location and was not along the waterfront. The approval of the application would not set an undesirable precedent in view of the unique inland location, unique land use and “G/IC” zoning of the application site. The special design merit of the proposed building also deserved special consideration; and
- (d) the revised scheme had demonstrated improvements to visual and air quality, when compared with the previously approved scheme.

17. With the aid of a Powerpoint presentation and a physical model displayed at the meeting, Mr. Rocco Yim made the following main points on the building design:

- (a) there was no intention to design a landmark building by simply increasing the BH. Rather, the design emphasized environmental and contextual sensitivity, giving the building an identity of urban responsiveness that matched the achievement of SHTM as the leading hotel school in Asia;
- (b) the entrance portal (approximately 34m high and 18m wide) penetrated the building façade to enhance the visual permeability, reduce wall effect, enhance air flow and bring natural lighting to the hotel lobby below;
- (c) the recessed open landscape deck at level 8, accentuated by a 10m high atrium, was to address the surrounding urban context. The setback at 8/F echoed with the height of the adjacent Fire Services Department (FSD) headquarters, established a dialogue with the cityscape and enhanced the visual permeability of the building;
- (d) to design a building with minimum BH and maximum site coverage would give a bulky building and was more likely to create a wall effect, while to design a building with maximum BH and minimum site coverage would generate a pencil-type building with unnecessary height. The building mass of the revised scheme had struck an optimal balance between the 2 approaches. The rectilinear tower in the revised scheme had an

approximately 10% reduction in site coverage when compared with the 'L-shaped' tower in the previously approved scheme;

- (e) to minimize the building bulk above ground, the revised scheme had already placed car parks, back-of-house area for hotel operations, teaching/conference facilities and plant rooms in the basements. There were genuine difficulties in relocating more facilities into the basements due to functional and statutory constraints;
- (f) regarding ArchSD's comments, the hotel atrium was actually a transparent glass box detached from the entrance portal and the reduction of the hotel atrium itself would not help reducing the BH;
- (g) in view of the MPC's concern on the overall BH, a further revised scheme with BH of 111.5mPD was proposed at this meeting. The BH proposed in the further scheme represented an increase of only 13m (or about 13.2%) when compared with the previously approved scheme; and
- (h) the project had been showcased at the 2006 Venice Architecture Biennale, which was one of the most spectacular and influential architectural exhibitions in the World, and received favourable response.

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

18. In conclusion, Ms. Keren Seddon said that Government departments, in particular CTP/UD&L, generally had no objection to or comment on the application. The Chairman of the relevant Area Committee and the concerned District Council member had no comment on the application. The Tourism Commission, Hong Kong Tourism Board and University Grants Committee supported the application. The only public comment was also in support of the application.

19. The questions raised by Members were summarised as follows:

- (a) whether the staggered façade at the crown of the building would be retained in the further revised scheme with a BH of 111.5mPD;

- (b) from the building design point of view, whether it would be more desirable to keep the upper staggered façade or lower the entrance portal;
- (c) whether there was any scope to reduce the height of the entrance portal and hotel atrium; and
- (d) as the approach road to the Cross Harbour Tunnel was the source of pollution, whether the proposed development would cause polluted air to be trapped and dispersed into the inner part of Tsim Sha Tsui East.

20. Mr. Rocco Yim made the following response:

- (a) if the staggered façade at the crown of the building was to be retained, an additional storey of 3.3m would be required, resulting in an overall BH of 114.8m;
- (b) it would be more desirable to keep the entrance portal intact than the upper staggered façade in maintaining the original building design concept;
- (c) the reduction of the hotel atrium itself would not help reducing the building height as it was actually a transparent glass box detached from the entrance portal. The reduction in the height of the entrance portal would, however, compromise the objective of providing visual and air permeability, and the essence of the design would also be compromised; and
- (d) the entrance portal would reduce the wall effect of the building and allow better air flow, which should have positive effect on the surrounding environment.

21. The Chairperson said that there was no doubt about the need for the proposed development. The achievement and vision of the HKPU was fully recognised. The Board would take into account the environmental and visual impacts as well as the design merit of the proposed development when considering the application.

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

#### Deliberation Session

23. Dr. Lily Chiang declared an interest on this item as her husband was a lecturer of the HKPU.

[Dr. Lily Chiang left the meeting at this point.]

24. In response to a Member's query on procedural matter, the Chairperson explained that the Town Planning Ordinance allowed an applicant to submit further information in support of an application. Unless the further information would result in a 'material change' of the substance of the application or the Board considered that the further information would need to be published for public comment, the information could be accepted by the Board for inclusion into the application and be processed as part of the application. Members noted that the proposed reduction in BH to 111.5mPD represented only a minor change to the proposed scheme, and agreed that the further information could be accepted and be exempt from the publication requirement.

25. Noting that the application site was zoned "G/IC", some Members sought clarification on the development restrictions under the Notes of the Tsim Sha Tsui Outline Zoning Plan and why planning application was required for the proposed development. The Chairperson explained that if the subject site was developed solely into an 'educational institution', planning permission would not be required and there were no plot ratio and building height restrictions for such development under the Notes of the "G/IC" zone. However, the proposed development also comprised 'hotel' and 'flat (staff quarter)' which were Column 2 uses requiring planning permission from the Board. Members could consider the proposed scheme, including the BH, plot ratio and design merit of the proposed building in deciding whether to approve the planning application.

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

26. Some Members had reservations on the application and their views were summarised as follows:

- (a) the proposed BH almost doubled the height of the existing buildings in Tsim Sha Tsui East area. When viewed in isolation, the building might have design merits; but when put in the context of the surrounding environment, it was visually intrusive. A BH of 98.5mPD in the previously approved scheme was more compatible with buildings in the vicinity, such as the Concordia Plaza;
- (b) there was scope to reduce the height of the entrance portal. The applicant's claim that the entrance portal could enhance air flow to the inner part of Tsim Sha Tsui East was doubtful, given that the source of pollution was from the road leading to the Cross Harbour Tunnel. While the 20m hotel atrium in a transparent glass box might allow visual permeability, it would block the air flow at the lower part of the building;
- (c) as shown in the Drawing R-4 of the Paper, the sun glare reflected from the proposed building might be strong and might have adverse visual impact on the drivers and affect road safety;
- (d) it might not be necessary to have a landmark building for education purpose of a particular faculty of a university;
- (e) consideration might be given to reducing the unit size of the hotel guestrooms so as to reduce the overall height of building, while keeping the proposed number of hotel guestrooms at 299; and
- (f) the approval of the application would set an undesirable precedent for development/redevelopment proposals in other sites in Tsim Sha Tsui East.

27. Others Members supported the application and their views were summarised as follows:



- (a) the proposed scheme had special design merit and was well-received in the international architectural exhibition;
- (b) the applicant had already reduced the BH in the revised scheme to address concerns raised by the MPC and relevant Government departments. When compared with the previously approved scheme, the revised scheme was better in terms of architectural design;
- (c) the entrance portal could allow better air flow between buildings and reduce the wall effect. Reducing the BH of the entrance portal would compromise the original building design concept;
- (d) to allow the applicant to develop the application site into a teaching hotel of a leading hotel school in Asia, the number of hotel guestrooms had to be set at an optimal operation level. The Board should not seek to tinker with it with any suggestion for reduction. Instead, the applicant should be encouraged to provide a full range of hotel rooms in different sizes commensurate with different classes of hotels for teaching purpose. The HKPU should be given the flexibility to design its teaching model and decide on the type and mix of hotel guestrooms; and
- (e) approval of the subject application would unlikely set a precedent in view of its unique land use and “G/IC” zoning. It should also be recognized that there was no building height restriction in areas zoned “Commercial” and “G/IC” in Tsim Sha Tsui area for the time being.

28. In summing up, the Chairperson found the majority of Members were in support of the application in recognition of the special design merit of the building. Approval of the application would demonstrate the willingness of the Board to give due weight to the need for design flexibility and encourage good building design.

29. Some Members were of the view that staggered façade at the crown of the building had worthy design merit and would add interest to the skyline as such that consideration might be given to approving a BH of 114.8mPD to allow the incorporation of the staggered façade in

the further revised scheme. Other Members considered that the Board should not interfere with or seek to impose a specific design concept on the applicant. Should the applicant prefer to retain the staggered façade, a fresh application could be made to the Board for consideration.

30. The meeting agreed that the further revised scheme with an overall BH of 111.5mPD was acceptable. In view of the concern on the possible impact of the reflected sun glare on road driving safety, Members also agreed to advise the applicant to pay special attention to the use of building materials to avoid sun glare to be reflected from the building.

31. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to Board. The permission should be valid until 12.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the building height of the proposed development should not exceed 111.5mPD;
- (b) the provision of 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 submission of a drainage impact assessment during the preliminary project design stage and the implementation of the recommendations identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board.

32. The Board also agreed to advise the applicant of the following:

- (a) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary

approvals;

- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for lease modification of the proposed development;
- (c) the application for hotel concession would be considered upon formal submission of building plans subject to compliance with the criteria under the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 111;
- (d) the proposed staff quarters should be accountable for domestic site coverage in accordance with Building (Planning) Regulation 20;
- (e) to consult the Chief Highway Engineer/Kowloon, Highways Department on the possible improvement for road junction of Science Museum Road and Science Museum Path;
- (f) to consult the Commissioner for Transport on the provision of an elevated walkway from the Site to the existing footbridge over Science Museum Road;
- (g) to consult the Director of Fire Services on the fire service requirements for the proposed development;
- (h) the provision of emergency vehicular access should be in full compliance with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue;
- (i) to consider and incorporate other noise mitigation measures such as further setback from Hong Chong Road wherever practicable and acoustic insulation to any remaining affected residential units as recommended in the Hong Kong Planning Standards and Guidelines;
- (j) to pay special attention to the possible impact of sun glare on drivers as reflected from the building;

- (k) for compliance with the approval condition on the submission and implementation of a Landscape Master Plan as mentioned in paragraph 6.5(c) of the Paper, the applicant should include all trees indicated on the General Arrangement Plan;
- (l) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed development;
- (m) the proposed hotel and back of house areas of the hotel must be physically connected together and should not be separated by other occupancies or other uses; and
- (n) the operators of the proposed health club and CEO club should apply for a Certificate of Compliance for the proposed clubs if they fell within the ambit of Clubs (Safety of Premises) Ordinance (Cap. 376).

[Mr. David W.M Chan, Ms. Maggie M.K. Chan and Professor Paul K.S. Lam left the meeting at this point, while Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

**Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TW/379

Proposed Columbarium, Shop and Services (Retail Shop only), Access Road and Taxi Rank for Religious Institution in “Government, Institution or Community (1)”, “Government, Institution or Community (3)” and “Green Belt” zones, Various Lots in DD 447 and Adjoining Government Land, Tsuen Wan  
(TPB Paper No. 7738)

---

[The hearing was conducted in English and Cantonese.]

33. The Secretary reported that the application was submitted by the Yuen Yuen Institute. Mr. David W.M. Chan had declared an interest on this item as he was the Chairman of the Yuen Yuen Elderly Centre (Sham Tseng) Consultative Committee. Members noted that Mr. Chan had already left the meeting.

34. The Chairperson briefly introduced the background of the review application. She said that the applicant sought planning permission to develop the application site into a religious institution together with a 20,000-niche columbarium, ancillary retail shops, public coach park, access road and taxi rank. The application was rejected by the Rural and New Town Planning Committee (RNTPC) on 7.7.2006 on the grounds that there was insufficient information to demonstrate that the proposed development would not have adverse impacts on traffic, landscaping, drainage and the streamcourses. The applicant had subsequently submitted various assessments to address the RNTPC’s concern on the adverse impacts of the proposed development. As concerned departments had no comments on the various assessments, the Planning Department (PlanD) had no strong view on the review application for reasons stated in paragraph 6.1 of the Paper.

35. Members agreed that the application could be approved subject to the conditions set out in paragraph 6.3 of the Paper. Subject to the applicant’s agreement, Members considered that there was no need for PlanD and the applicant’s representatives to give a presentation on the review application.

**Presentation and Question Session**

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

Mr. Ian Brownlee	)	Applicant's representatives
Miss Jessica Lam	)	
Mr. Tang Wai-kei	)	
Mr. Alain Lau	)	
Mr. Thomas Chow	)	
Mr. Ben Ridley	)	
Mr. Edmond Kwok	)	

37. The Chairperson extended a welcome and informed the applicant's representatives that the Board was prepared to grant planning permission to the application subject to the conditions set out in paragraph 6.3 of the Paper. Noting that the applicant's representatives had no objection to dispense with the presentation on the review application, she asked if the applicant had any comment on the approval conditions.

38. Mr. Ian Brownlee thanked Members for approving the application and had no comment on the approval conditions set out in the Paper.

39. Mr. Tang Wai-kei, Chairman of the Yuen Yuen Institute, also thanked Members for supporting the expansion of Yuen Yuen Institute. The institute was a non-profit making charitable organisation, offering a wide range of services. The approval of the subject application would enable the institute to be developed into the largest place for worship of the Dao religion and a place for tourism of the traditional Chinese culture.

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

Deliberation Session

41. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The permission should be valid until 12.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the two proposed buildings accommodating the proposed columbarium together with the prayer halls and shelters were restricted to a maximum gross floor area of 2,510m<sup>2</sup>, and the total number of niches to be provided in the proposed columbarium was restricted to a maximum number of 20,000;
- (b) the implementation of pedestrian circulation and vehicular arrangement facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of detailed design and implementation of the proposed mitigation measures to the affected stream course to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (d) the implementation of mitigation measures/drainage facilities identified in the submitted Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the submission and implementation of a Landscape Master Plan including tree preservation and felling proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the design and provision of emergency vehicular access, water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) the design and construction of the proposed development with respect to the

overhead lines to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board; and

- (h) no structure/buildings should be erected within the 36-m working corridor of the 132kV overhead lines (the distance from the centre line in between the two outermost conductors supported by the pylon to the edge of the preferred working corridor was 18m) to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board.

42. The Board also agreed to advise the applicant of the following:

- (a) the approval of the application did not imply that the necessary approvals would be given by any Government departments. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) to apply to the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department for a lease modification to permit the applied use;
- (c) to consult the Chief Building Surveyor/New Territories West, Buildings Department on site coverage, gross floor area and plot ratio calculations of the proposed development;
- (d) to observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
- (e) to liaise with the Director of Electrical and Mechanical Services and the CLP Power Hong Kong Limited on the safety precautions and requirements for the design and works of the proposed development in the vicinity of overhead lines; and
- (f) to liaise with the representatives of Lo Wai Village to address their concerns.

[Ms. Sylvia Yau temporarily left the meeting at this point.]



**Agenda Item 5**

Review of Application No. A/NE-TK/214

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Green Belt” zone, Lot 297A1 in DD 26, Chim Uk Village, Shuen Wan, Tai Po (TPB Paper No. 7739)

---

**Agenda Item 6**

Review of Application No. A/NE-TK/215

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Green Belt” zone, Lot 297A5 in DD 26, Chim Uk Village, Shuen Wan, Tai Po (TPB Paper No. 7740)

---

**Agenda Item 7**

Review of Application No. A/NE-TK/216

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Green Belt” zone, Lot 297A6 in DD 26, Chim Uk Village, Shuen Wan, Tai Po (TPB Papers No. 7741)

---

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese.]

43. As Applications No. A/NE-TK/214, 215 and 216 were similar in nature and the application sites were located in close proximity to each other, the three applications could be considered together. Members noted that the applicant’s representatives had just informed the Secretariat that they would not attend the review hearing. The meeting agreed to proceed with the hearing in the absence of the applicant’s representatives.

**Presentation and Question Session**

44. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North of the Planning

Department (PlanD) was invited to the meeting at this point.

45. The Chairperson extended a welcome and invited Mr. W.K. Hui to brief Members on the background to the application.

46. Mr. W.K. Hui did so as detailed in the Papers and covered the following main points:

- (a) the applicants sought planning permission for a proposed house (New Territories Exempted House (NTEH) - Small House) each on the application sites in an area zoned "Green Belt";
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 15.9.2006 were set out in paragraph 1.2 of the Papers;
- (c) no written representation was submitted by the applicants;
- (d) departmental comments – the District Lands Officer/Tai Po objected to the application as the proposed house was outside the 'village environ';
- (e) public comments – nine public comments were received for each of the review applications. One commenter each supported the applications, while the remaining commenters objected, mainly on the grounds that the proposed House was against the planning intention and would set an undesirable precedent, and there was land available in the vicinity of Chim Uk; and
- (f) PlanD's view – PlanD did not support the applications for reasons stated in paragraph 5.1 of the Papers.

47. As Members had no further question to raise, the Chairperson thanked PlanD's representative for attending the meeting. Mr. W.K. Hui left the meeting at this point.

Deliberation Session

48. The Chairperson said that as the applicants had not submitted any further information in support of the review applications, there was no change in circumstances that warranted departure from the previous decision.

49. After further deliberation, the Board decided to reject Applications No. A/NE-TK/214, 215 and 216 on review and the reasons were:

- (a) the proposed New Territories Exempted House (NTEH) (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;
- (b) the proposed NTEH (Small House) did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the application site and the proposed house were located outside both the ‘Village Environ’ and “Village Type Development” zone of a recognized village; and
- (c) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment.

[Ms. Sylvia Yau returned to join the meeting at this point.]

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/169

Temporary Open Vehicle Park (including Container Vehicles and Private Cars) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 45 in DD 107 and Adjoining Government Land, Nam Sang Wai, Yuen Long

(TPB Papers No. 7744)

---

[The hearing was conducted in Cantonese.]

Presentation and Question Session

50. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Ms. Li Ying-mui ) Applicant’s Representatives  
Ms. Hung Wai-hing )

51. 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.

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

- (a) the applicant sought planning permission for temporary open vehicle park (including container vehicles and private cars) for a period of 3 years in an area zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 7.7.2006 were set out in paragraph 1.2 of the Paper;

- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Drainage Services Department (DSD) considered the drainage proposal not satisfactory. The Transport Department (TD) considered there was insufficient information on the internal vehicular arrangement;
- (e) public comments – no public comment was received during the public inspection period of the review application and no local objection was received from the District Office; and
- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper.

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

54. Ms. Li Ying-mui made the following main points:

- (a) to the north of the application site, a sawmill which created more nuisance than the proposed development, was allowed to operate. The application site, which was used for open vehicle park with no maintenance, petrol filling or vehicle stripping activities, should also be allowed;
- (b) the estimated number of daily vehicular trips was 50. It would not generate any adverse traffic impact;
- (c) as the site was only used for parking of vehicles, there would be no adverse landscape impact;

- (d) it would be costly to employ consultants to carry out the various assessments. If the application was approved, the applicant would comply with the government's requirements such as planting more trees, improve the drainage, and maintain the road access; and.
- (e) leaving the land idle might create more environmental nuisance.

55. A Member asked if there were any time restrictions for vehicular movement. Ms. Li said that the application site was mainly used for parking of private cars with some container vehicles. The estimated number of daily vehicular trips was 50, with no time restrictions on vehicular movement.

56. A Member asked about the status of the sawmill and other nearby uses. Referring to Plan R-2 of the Paper, Mr. Wilson So explained that the sawmill, marked with an asterisk, was an 'existing use' under the provisions of the Town Planning Ordinance (TPO). Other nearby uses were largely unauthorised developments. Ms. Li then queried why the sawmill could be tolerated, but not her proposed development. The Chairperson requested Mr. So to explain to Ms. Li the status of 'existing use' under the TPO after the meeting.

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

#### Deliberation Session

58. The Chairperson said that the proposed development was not in line with the planning intention of the "OU(CDWRA)". The applicant had not provided sufficient information to demonstrate that the development would not have adverse environmental, traffic, drainage and drainage impacts on the surrounding areas.

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no strong planning ground to justify a departure of the planning intention even on a temporary basis;
- (b) the proposed development was incompatible with the rural character of the surrounding area including fish ponds, agricultural land and residential dwellings; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was no special circumstances to justify approval of the application and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

[Mr. Raymond Y.M. Chan and Dr. James C.W. Lau left the meeting at this point.]

### **Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/384

Temporary Public Car Park (Private Vehicles and Lorries) for a Period of 3 Years in “Agriculture” zone, Lots 111RP, 112(Part), 113, 115RP, 116(Part) and 117RP in DD 113 and Adjoining Government Land, Kam Tin South, Yuen Long

(TPB Papers No. 7742)

---

[The hearing was conducted in Cantonese.]

60. The Secretary reported that Dr. James C.W. Lau had declared an interest on this item as he had current business dealing with the applicant’s consultant, Top Bright Consultants Ltd. The meeting noted that Dr. Lau had left the meeting already.

Presentation and Question Session

61. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant's representatives were invited to the meeting at this point:

Mr. Raymond Leung	)	Applicant's Representatives
Miss Rufina Tsui	)	
Mr. Lee Kwai-wo	)	
Mr. Leung Ming-kin	)	
Mr. Lee Moon-chuen	)	

62. 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.

63. Mr. Wilson So said that there were some typing mistakes in paragraphs 1.5 and 6.2 of the Paper. Application No. A/YL-KTS/367 should be located to the 'south-east' instead of 'north-west' of the application site. With the aid of some plans, Mr. Wilson So made the following main points:

- (a) the applicant sought planning permission for temporary public car park (private vehicles and lorries) for a period of 3 years in an area zoned "Agriculture" ("AGR");
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 21.7.2006 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Transport Department (TD) advised that the proposed ingress/egress was too close to the existing roundabout and right



turning vehicles from the access road to Kam Ho Road was not allowed;

- (e) public comments – no public comment was received during the public inspection period of the review application and no local objection was received from the District Office; and
- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 6.1 of the Paper.

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

65. Mr. Raymond Leung made the following main points:

- (a) the proposed development could relieve the acute demand for parking spaces for private and good vehicles. The application site was considered ideal for 'park and ride' car parking provision to serve passengers using public transport in view of its proximity to the Tai Lam Public Transport Interchange and would alleviate the existing illegal parking problems in the vicinity;
- (b) none of the 3 previous applications (No. A/YL-KTS/241, 246 and 284) were rejected on the ground that the proposed development was not in line with the planning intention. They were rejected on grounds related to access problem;
- (c) the access problem was not insurmountable. The Lands Department (LandsD) had indicated that it would not block vehicular/pedestrian access serving the public, and immediate control action would only be taken if the access posed immediate danger to road users or residents;
- (d) "No right turn" sign had already been put by the applicant at the junction of the access road and Kam Ho Road. Vehicles could use the existing roundabout to go north and south of Kam Ho Road. Indeed, very few vehicles would turn right to Kam Ho Road as the road ended 850m south of

Pat Heung Road. The concern raised by the TD had been fully addressed;

- (e) the site was a fish pond before the commencement of the Route 3 project. In view of the current condition, the site was considered neither a piece of good agricultural land worthy of retaining nor with good potential for rehabilitation. The proposed temporary use would not jeopardise the long term planning intention of the area;
- (f) the Drainage Services Department (DSD) had no in-principle objection to the drainage proposed submitted. The applicant would take precautionary measures to prevent damage/blockage of the existing channel adjoining the site; and
- (g) the applicant had made major effort to resolve the concerns raised by relevant Government departments. The application had received strong support from local residents, including the Vice-chairman of Pat Heung Rural Committee and two Yuen Long District Councillors.

66. The questions raised by Members were summarised as follows:

- (a) as shown in the site photos in Plan R-3 of the Paper, the traffic along Kam Ho Road seemed rather low. There appeared to be no complaint on adverse traffic impact by the local residents. Notwithstanding 3 previous applications had been rejected, whether the measures proposed by the applicant could address TD's concern raised in paragraph 4.1.2 (c) of the Paper;
- (b) noting that the application site had been formed and used for car park in the past few years, whether there was any potential for agricultural rehabilitation; and
- (c) whether there was any genuine need for the proposed park-and-ride facilities.

67. In response, Mr. Wilson So made the following main points:

- (a) comparing the aerial photos taken in 1995 and 1996, it could be seen that the application site was used as a works site in 1996 during the construction of West Rail. Application No. A/YL-KTS/158 was approved for a period of 12 months only. Members noted that there were difficulties in providing access to the site, but considered that such problem might be resolved between the applicant and TD through further negotiation. An approval condition to that effect was thus imposed. The subsequent applications (No. A/YL-KTS/241 and 246) were however rejected as the site would become inaccessible after the permanent closure of the existing access road of the car park. Application No. A/YL-KTS/284 was also rejected in consideration that the run-in was too close to the roundabout on Kam Ho Road which was considered undesirable by the TD. The word 'undesirable' was however no longer used by the TD when commenting on the subject application;
- (b) approval of the subject application might set a precedent for other open storage uses in the surrounding areas, such as Application No. A/YL-KTS/385 to be considered by the Board at this meeting. The cumulative effect on traffic flow might need to be considered;
- (c) according to the Agriculture, Fisheries and Conservation Department (AFCD), there were active agricultural activities such as pig farms, chicken farms and nursery in the vicinity. There was a potential for agricultural rehabilitation as farming activities still existed in Kam Tin South areas; and
- (d) there was an existing park and ride facility in the West Rail Kam Sheung Road Station. The proposed development mainly intended to serve the Tai Lam Public Transport Interchange.

68. Messrs. Raymond Leung and Lee Kwai-wo made the following response:

- (a) the existing park and ride facility in the West Rail Kam Sheung Road Station was far away from the application site;
- (b) a new access had been constructed by the applicant and the adjoining land owners and the site was now accessible from Kam Ho Road. The applicant

had already resolved with the LandsD on the land administration matter and addressed the concern of the TD by erecting a 'no right turn' sign at the junction of the access road and Kam Ho Road;

- (c) the application site was not suitable for growing crops after being used as a works area for the construction of the West Rail. The strict control recently imposed by the Government also made it difficult for the applicant to get a licence for running a pig farm or chicken farm; and
- (d) there was a genuine demand from local villagers for the park and ride facilities.

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

[Messrs. Stanley Y.F. Wong and Walter K.L. Chan left the meeting at this point.]

#### Deliberation Session

70. Some Members considered that the subject application was a special case. Considering that the site had been formed and used as a works area for the construction of the West Rail, it might take years for the applicant to rehabilitate the site for agricultural activities. Sympathetic consideration might be given for the applicant to temporarily use the site for car parking.

71. A Member said that pig farms and chicken farms might all be phased out in future, in the light of public health and hygiene considerations.

72. The Chairperson said that the subject application could be approved in view of its history and unique circumstances, but it should not be taken as setting a precedent for other open storage uses in the surrounding areas. A Member suggested that to ensure road traffic

safety, an additional approval condition should be added to control the length of vehicles, should the Board decide to approve the application. Members agreed.

73. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The planning permission should be valid on a temporary basis for a period of 3 years up to 12.1.2010 and subject to the following conditions:

- (a) no medium or heavy good vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or containers trailers/tractors was allowed to be parked on the site at any time during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (c) no right turning vehicle from the access road to Kam Ho Road was allowed at any time during the planning approval period;
- (d) no vehicle exceeding 7 metres long was allowed to enter the site through Kam Ho Road at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.7.2007;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.10.2007;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.7.2007;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9

months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.10.2007;

- (i) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 12.7.2007;
- (j) in relation to (i) above, the implementation of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 12.10.2007;
- (k) the provision of a 3kg dry powder/9 litre water type fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.7.2007;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;  
and
- (n) upon expiry of the planning permission, the reinstatement of the application to an amenity area to the satisfaction to the satisfaction of the Director of Planning or of the Town Planning Board.

74. The Board also agreed to advise the applicant of the following:

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments in paragraph 4.1.1 of

the Paper that his office reserved the right to take enforcement/control action against unauthorized structures and the applicant should submit application for Short Term Waiver/Short Term Tenancy to regularize the irregularities on site;

- (c) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments in paragraph 4.1.2 of the Paper that the right-of-way to the site might not be guaranteed;
- (d) to note Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments in paragraph 4.1.3 of the Paper that a run-in should be constructed at the access point at Kam Ho Road in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. Comment from his office should be sought if excavation had to be carried out adjacent to the slope maintained by his office near the northern boundary of the site;
- (e) to note Chief Engineer/Mainland North, Drainage Services Department's comments in paragraph 4.1.5 of the Paper that connection details between the 600mm diameter discharge pipe and the existing channel to the west of the site should be given. The applicant should take all precautionary measures to prevent damage/blockage of the existing channel adjacent to the site. In the event of any damage/blockage to the channel, the applicant should be held responsible for making good the damage/blockage at his own cost and to the satisfaction of concerned departments;
- (f) to note Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 9.1.9 of Annex A of the Paper that all unauthorised building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the

future;

- (g) to note Chief Town Planner/Urban Design and Landscape, Planning Department's comments in paragraph 9.1.6 of Annex A of the Paper that the applicant was advised to introduce more variety of species into the planting scheme so that the landscape planting would match with the naturalistic woods on the south. Species such as *Ficus hispida*, *Cinamomum camphora*, and *Machilus spp.* were recommended; and
- (h) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisances.

[Professor Bernard V.W.F. Lim left the meeting at this point.]



**Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/385

Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” zone, Lots 1008RP(Part), 1012, 1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016, 1017(Part), 1018(Part), 1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part), 1028B(Part), 1029(Part), 1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and 1038(Part) in DD 113 and Adjoining Government Land, Kam Tin South, Yuen Long  
(TPB Papers No. 7743)

---

[The hearing was conducted in Cantonese.]

75. The Secretary reported that Dr. James C.W. Lau had declared an interest on this item as he had current business dealing with the applicant’s consultant, Top Bright Consultants Ltd. The meeting noted that Dr. Lau had left the meeting already.

**Presentation and Question Session**

76. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Mr. Kan Shi-leung	)	Applicant
Mr. Raymond Leung	)	Applicant’s Representatives
Miss Rufina Tsui	)	
Mr. Lee Moon-chuen	)	
Mr. Tsang Hin-keung	)	
Mr. Leung Ming-kin	)	
Ms. Kan Choi-ming	)	

77. 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.

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

- (a) the applicant sought planning permission for temporary open storage of construction materials and machinery for a period of 3 years in an area zoned “Agriculture” (“AGR”);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 21.7.2006 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Agriculture, Fisheries and Conservation Department (AFCD) was not in favour of the application because there were active agricultural activities in the vicinity. The Environmental Protection Department (EPD) did not support the application as there were sensitive uses nearby and environmental nuisance was expected. The Drainage Services Department (DSD) raised concern on the drainage impact on the adjacent areas, particularly in view of the large site area of 1.8 ha. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD did not support the application as the proposed development was large in scale and adverse impact on the landscape character of the area was anticipated;
- (e) public comments – no public comment was received during the public inspection period of the review application and no local objection was received from the District Office; and
- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper.

79. The Chairperson then invited the applicant’s representatives to elaborate on the application.

80. Mr. Raymond Leung made the following main points:

- (a) the application site was a fish pond and later used as a works site for the construction of West Rail from 1999 to 2003. There was disagreement between the villagers and KCRC on the filling materials and the pond was filled with materials not suitable for agricultural activities, bring permanent change to the agricultural landscape. Most of the temporary works area had not been reinstated nor rehabilitated for agricultural uses;
- (b) the works areas was used for storing construction materials and machinery, which was very similar to the use proposed by the applicant in the subject application. As permission had previously been granted by the Government for the KCRC to use the site for works area for 5 years, the site should be considered suitable for open storage purposes, at least on a temporary basis;
- (c) the site photos in Plans R-7 and R-8 of the Paper, which showed that the vicinity of the application site was active agricultural land, were misleading. Indeed, the other 3 sides of the application site were not used for agricultural purpose;
- (d) TD's concern on U-turning by long vehicles had already been addressed. An environmental assessment, a drainage impact assessment and a landscape proposal had been submitted to address the concerns of EPD, DSD and CTP/UD&L respectively. Other outstanding technical matters could be dealt with in the form of approval conditions;
- (e) there was no public comment on the application; and
- (f) approval of the subject application would not set an undesirable precedent as the site history was unique and there were very few abandoned works sites of a similar size in the vicinity.

81. Referring to the aerial photos in Plans R-4, R-5 and R-6 of the Paper, a Member asked whether only the northern portion of the application site was used as a works area for the construction of West Rail. In response, Mr. Lee Moon-chuen said that the northern part of the

site was used as a works area for storing construction materials and machinery. The materials used for filling the site and the pollutant generated from the works area had rendered the whole application site unsuitable for agricultural activities.

82. In response to a Member's query, Mr. Wilson So confirmed that the grey area shown in Plan R-2 of the Paper was the ex-works area for the construction of West Rail.

83. Mr. Tsang Hin-keung, Chairman of the Pat Heung Rural Committee, made the following main points:

- (a) the construction of West Rail and Route 3 had brought about major adverse impact on the agricultural activities in the area. While the local villagers were in support of the infrastructural projects, they could no longer use their land for agricultural activities;
- (b) with the completion of the infrastructural projects, the villagers should be allowed to use the ex-works area for open storage uses; and
- (c) the subject application had a unique case history. The Board should give sympathetic consideration to the application to address the hardship suffered by the local villagers.

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

#### Deliberation Session

85. Members noted that the application site had included a southern portion which was not part of the works area for the construction of West Rail. While the northern portion (i.e. the ex-works area) had been reinstated upon completion of the project, extensive site formation work was carried out between 2005 and 2006 in the southern portion of the application site.

86. Dr. Michael Chiu, Deputy Director of Environmental Protection, commented that the environmental assessment submitted by the applicant was superficial. Statements such as ‘noise generating activities should be located away as far as possible from any noise sensitive receivers’ had not properly addressed the problem and were not acceptable.

87. In response to a Member’s query on whether planning permission from the Board would be required for using the application site as a works area, the Secretary said that under s.13A of the Town Planning Ordinance, any works or use authorised under the Roads (Works, Use and Compensation) Ordinance or any scheme authorised under the Railways Ordinance should be deemed to be approved under the Town Planning Ordinance. Notwithstanding that planning permission would not be required, the Lands Department would monitor the use of the site in granting the short term tenancy and require the reinstatement of land upon completion of the project.

88. A Member said that the environmental impact assessment (EIA) for West Rail had not included an assessment on the supporting activities required for its construction. The secondary/indirect impact of a major infrastructural project on a wider area should also be properly addressed. The Chairperson said that consideration might be given by the EPD to reviewing the requirements under the EIA.

89. After further 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 “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land, farms and plant nursery. In view of the massive scale of the development, there would be adverse impact on existing rural character and

landscape quality of the area;

- (c) the application did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval granted at the site and there were adverse comments from Government departments;
- (d) there was insufficient information to demonstrate that the proposed development would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

### **Agenda Item 11**

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

### **Any Other Business**

90. Referring to agenda item 4 on the review of Application No. A/TW/379 approved by the Board earlier at this meeting, a Member asked whether the boundary of the application site could be revised such that it would not encroach onto Sam Dip Tam. The Chairperson requested the Planning Department to clarify the matter and report back to the Board with a Post-meeting Note.

[Post-meeting Note: The boundary of the application site followed the lot boundary. The applicant had revised the scheme to avoid encroachment onto Sam Dip Tam on the western and eastern sides. PlanD would follow-up with the Lands Department at the land grant stage to address the concern raised by Member as far as possible.]

91. There being no other business, the meeting was closed at 1:20 p.m.