

**Minutes of 890th Meeting of the
Town Planning Board held on 20.7.2007**

Present

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

Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Professor Leslie H.C. Chen

Dr. Lily Chiang

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Planning

Mrs. Ava S.Y. Ng

Director of Lands

Miss Annie Tam

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Vice-chairman

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Professor Peter R. Hills

Mr. Alfred Donald Yap

Professor Paul K.S. Lam

Principal Assistant Secretary (Transport),

Transport and Housing Bureau

Ms. Ava Chiu

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

Director of Environmental Protection

Ms. Anissa Wong

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 888th and 889th Meetings Held on 29.6.2007 and 6.7.2007

[The meeting was conducted in Cantonese.]

1. The minutes of the 888th and 889th meetings held on 29.6.2007 and 6.7.2007 respectively were confirmed without amendment.

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

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 16 of 2006

Temporary Public Vehicle Park (Private Cars and Lorries) for a Period of 3 Years in “Green Belt” and “Village Type Development” Zones,

Lots 246 RP, 247, 248, 249, 250BRP (Part), 276BRP, 277BRP (Part),

279BRP (Part), 286, 287 (Part), 288, 289, 290, 291, 292, 293 and 294 (Part)

in DD 99, Lok Ma Chau Road, San Tin, Yuen Long

(Application No. A/YL-ST/301)

2. The Secretary reported that the appeal was against the decision of the TPB on 11.8.2006 to reject on review an application for temporary public vehicle park (private cars and lorries) for a period of 3 years at a site zoned “Green Belt” (“GB”) with a minor portion zoned “Village Type Development” (“V”) on the draft San Tin Outline Zoning Plan (OZP) No. S/YL-ST/7. The appeal was heard by the Town Planning Appeal Board (TPAB) on 26.3.2007 and dismissed on 22.5.2007 on the following grounds:

- (a) the fact that ‘Public Vehicle Park (Excluding Container Vehicle)’ use was a Column 2 use under the Notes of the “GB” zone did not necessarily mean that the use complied with the planning intention. According to the TPB Guidelines No. 10 for “Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance”, there was a general presumption against development within the “GB” zone. Each application had to be considered on its individual merits and in the context of that presumption;
- (b) the need for a local car park at the application site was not clearly demonstrated by the Appellant;
- (c) the Appellant failed to submit a drainage proposal and landscape plan to the satisfaction of the relevant Government departments; and
- (d) the previously approved applications within the same “GB” zone differed from the current application in terms of the geographical location, access arrangements and technical acceptability. There were no exceptional circumstances nor strong planning grounds to outweigh the planning intention and departmental concerns over the technical aspects.

(ii) Appeal Statistics

3. The Secretary said that as at 20.7.2007, 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	98
Abandoned/Withdrawn/Invalid	:	123
Yet to be Heard	:	20
<u>Decision Outstanding</u>	:	<u>9</u>
Total		267

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

Agenda Item 3

[Open Meeting]

Planning Brief for the Urban Renewal Authority Yu Lok Lane/Centre Street
Development Scheme
(TPB Paper No. 7866)

[The meeting was conducted in Cantonese.]

4. The Secretary said that the item was related to the Urban Renewal Authority (URA) Yu Lok Lane/Centre Street Development Scheme and the following Members had declared interests:

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

5. The Secretary reported that Ms. Margaret Hsia had tendered apologies for not attending the meeting, and Dr. Greg C.Y. Wong and Professor Bernard V.W.F. Lim had not yet arrived. Mr. Michael K.C. Lai said that he was previously a non-executive director of the URA but his term had ceased for more than three years. Members agreed that there was no need for him to declare interest.

[Mrs. Ava S.Y. Ng, Ms. Annie Tam, Mr. Walter K.L. Chan and Mr. Raymond Y.M. Chan left the meeting temporarily, and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

6. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong, Planning

Department (DPO/HK, PlanD), and Ms. Lily Yam, Senior Town Planner/Hong Kong (STP/HK), PlanD, were invited to the meeting at this point.

7. The Chairman extended a welcome and invited Ms. Christine K.C. Tse to brief Members on the Paper.

8. With the aid of a Powerpoint presentation, Ms. Christine K.C. Tse presented the Paper and covered the following aspects:

- (a) background of the draft Planning Brief (PB) for the URA Yu Lok Lane/Centre Street Development Scheme as detailed in paragraph 2 of the Paper;
- (b) the main concerns of the Board raised at the meeting on 24.2.2006 in respect of the draft PB, namely, the boundary of the development scheme, preservation of historical buildings, characteristics of Yu Lok Lane, development intensity, visual impact of the proposed development and provision of pedestrian linkages, as detailed in paragraph 3 of the Paper;
- (c) major amendments proposed to the draft PB to address the Board's concerns, as detailed in paragraph 4 and Appendix I of the Paper, including:
 - (i) inclusion of Tsung Tsin Mansion into the scheme boundary;
 - (ii) incorporation of the requirement of preserving the existing buildings at No. 11 and 12 Yu Lok Lane and the characteristics of Yu Lok Lane;
 - (iii) incorporation of a maximum plot ratio of 8 based on a net site area of about 2,058m² (with the existing right-of-way for Fook Moon Building excluded);
 - (iv) reduction of the maximum building height from 155mPD to 145mPD and incorporation of a remark that the building height should be subject to verification by a visual impact assessment;

- (v) incorporation of a requirement that sensitive layout and disposition should be adopted and gaps between the future development and the neighbouring developments should be maximized;
- (vi) incorporation of the requirement of studying the provision of an additional pedestrian access from High Street to Yu Lok Lane; and

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

- (d) the result of consultation with the Central & Western District Council on the draft revised PB, as detailed in paragraph 5 of the Paper.

9. Members had the following questions/comments:

- (a) whether the advice of the concerned Government departments that no provision of community facilities in the development scheme would be required, as stated in paragraph 5.2 of the Paper, was justified from the planning point of view;
- (b) more landscaping and greening should be incorporated in the development scheme to relieve the high building density in the area;

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

- (c) with a maximum building height of 145mPD as stipulated under Planning Parameter 1(d) in the draft revised PB, the future development would be significantly higher than most of the existing buildings on Third Street and High Street. As shown in the photomontage at Plan 11 and the photograph at Plan 13 of the Paper, the proposed development would constitute a significant visual intrusion in the area. It might also set a precedent for existing buildings on Third Street and High Street to claim similar height upon redevelopment, leading to wall effect along the streets;
- (d) Yu Lok Lane was one of the many lanes in the old Sheung Wan and Sai Ying

Pun which was an interesting feature in the area. The existing characteristics of Yu Lok Lane should be duly preserved. Consideration should be given to refining the requirement under planning parameter 5(b) in the PB to the effect that all the character-defining elements of Yu Lok Lane, rather than just the lane itself, should be incorporated into the design of the public open space;

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

- (e) whether the extinguishment of Yu Lok Lane as stated in the draft revised PB would affect the preservation of the characteristics of Yu Lok Lane;
- (f) it was important that the future development should integrate well with the surrounding environment and bring about benefits to the local residents in the area. Efforts should be made to enhancing the access to the public open space within the development from the surrounding streets;
- (g) how the Antiquities Advisory Board (AAB) would be involved in the preservation aspect of the development scheme; and
- (h) whether there was any guideline regarding the selection of viewpoints for taking photographs to illustrate the visual effect of a development, such as the one shown at Plan 13 of the Paper. To ensure that such photographs would provide a useful reference to assist the Board's consideration, the height level of the viewpoints where photographs were taken should be indicated.

[Professor David Dudgeon and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

10. In response to Members' questions/comments, Ms. Christine K.C. Tse made the following points:

- (a) there were already two community centres in the vicinity of the subject site, one at the junction of Western Street and Third Street and the other at the junction of High Street and Eastern Street, providing a wide range of

community services for the local population. Concerned departments considered that there was no need for new community facilities to be provided in the scheme;

- (b) according to Planning Parameter 5(c) in the revised draft PB, the open space within the development scheme should be fully landscaped as far as practicable and the wall trees and the at-grade tree along Yu Lok Lane should be preserved. Furthermore, on-site opportunities for greening should be maximized and roof garden(s) should be provided to enhance greenery of the scheme. The URA was required to submit a Landscape Master Plan to the Board for consideration at the Master Layout Plan (MLP) submission stage;
- (c) as shown on Plan 10 of the Paper, the proposed maximum building height of 145mPD was similar to the heights of the new buildings on Third Street and Hight Street and a committed development at the junction of Western Street and High Street. Given the special requirement to provide a public open space of not less than 1,100m² within a site area of about 2,058m², a maximum building height of 145mPD was considered acceptable and would not set a precedent for redevelopment of the existing buildings to an excessive height;
- (d) the wordings of the requirements regarding preservation of the historical buildings and Yu Lok Lane under Planning Parameter 5(b) in the draft revised PB could be refined to more clearly reflect the Boards' intention to preserve the characteristics of Yu Lok Lane;
- (e) the extinguishment of Yu Lok Lane as stated under Planning Parameter 3(a) in the draft revised PB implied that the lane would no longer be used as a lane/street upon redevelopment of the subject site. As shown in the concept plan prepared by the URA at Plan 2 of the Paper, the eastern part of Yu Lok Lane would not be built over and would be dedicated as part of a public open space and a right-of-way for Fook Moon Building adjoining the site. The existing buildings at Nos. 11-12 Yu Lok Lane would be preserved for community/commercial uses. How the characteristics of Yu Lok Lane would be preserved would be the subject of detailed design of the

development scheme and would be considered at the MLP stage;

- (f) how the future development would integrate and link up with the surrounding areas would be addressed in the MLP. The PB, if endorsed by the Board, together with comments of Members would form the basis for the preparation of the MLP by URA;
- (g) as advised by the Antiquities and Monuments Office (AMO), the development proposal would be submitted to the AAB for information in due course. In the meantime, the URA would proceed with the planning of the development on the basis of the AMO's advice as incorporated in the draft revised PB. If the AAB had other views on the preservation requirements, the PB could be suitably amended; and
- (h) there was no specific guideline for selection of viewpoints for taking photographs to illustrate the visual effect of a development. In general, a viewpoint showing the views of major visual concerns, such as the vantage points of public view, would be selected. The photograph on Plan 13 of the Paper was taken at the rooftop of Goodwill Garden to the north of the subject site, which was about 109mPD in height. It was taken in response to Members' query raised at the meeting of 24.2.2006 on the possible visual impacts of the proposed development on the surrounding environment. To provide reference for Members' consideration, the height level of viewpoints for taking photographs would be indicated in future.

Preservation of Characteristics of Yu Lok Lane

11. In the deliberation of the PB, there was a general concern among Members on how to preserve the characteristics of Yu Lok Lane. A Member asked whether the requirement regarding possible extinguishment of Yu Lok Lane under Planning Parameter 3(a) in the draft revised PB should be deleted to reflect the Board's intention of preserving the characteristics of the Lane. This Member also suggested that consideration should be given to preserving more existing old buildings on Yu Lok Lane so that the characteristics of Yu Lok Lane could be better preserved and more space for community use could be provided. In response, the Chairman said that Planning Parameter 3(a) was related to the requirement for lane

closure/diversion. The Board's intention of preserving the characteristics of Yu Lok Lane could be emphasized in the PB by suitably refining the requirement under Planning Parameter 5(b). Issues relating to the preservation of the historical buildings and the characteristics of Yu Lok Lane would be addressed by the URA in the MLP to be submitted to the Board under section 16 of the Town Planning Ordinance.

Pedestrian Linkage

12. A Member said that the requirement to study the provision of an additional pedestrian access from High Street under Planning Parameter 3(c) in the draft revised PB might not be sufficient to address the Board's concern since the provision of such additional pedestrian access was not mandatory. In response, Ms. Christine K.C. Tse said that a study would be required to confirm the feasibility of providing an additional access from High Street since there was a level difference of about 5m between High Street and Yu Lok Lane and the two possible areas for provision of such access (i.e. Inland Lot No. 4063 and the area between Nos. 65 and 69 High Street) were private land. The URA would need to explain to the Board if the provision of such an additional access was not feasible. To address the Board's concern, the Chairman suggested that the wording of the requirement under Planning Parameter 3(c) should be amended to expressly state that pedestrian access from Third Street should be provided as far as possible. Members agreed.

Air Ventilation and Visual Impact Assessment

13. A Member said that without stipulating a requirement of undertaking air ventilation assessment (AVA) in the PB, the possible impact of the proposed development on air ventilation in the area might not be adequately addressed. In response, Ms. Christine K.C. Tse said that according to the relevant criteria set out in the Technical Circular on AVA jointly issued by the then Housing, Planning and Lands Bureau and the Environment, Transport and Works Bureau, it was not necessary for the proposed development to undertake AVA. Nonetheless, it was a requirement under the draft revised PB that a sensitive layout and disposition should be adopted and the distance between the future development and the neighbouring developments should be maximized to minimize negative impact on the neighbouring developments and avoid any obstruction of air flow. A Member opined that given the small scale of the proposed development, the impact on air ventilation should not be a critical issue. Another Member shared this view and said that measures to alleviate the visual

impact were more important in this area. The Chairman remarked that according to Planning Parameter 1(d), the URA would be required to submit a visual impact assessment to justify the proposed building height.

Building Height and Development Intensity

14. Relating to some Members' concern on the maximum building height for the proposed development, a Member said that any suggestion to reduce the maximum building height should be considered in the context of whether the plot ratio would also be reduced. Lowering the building height without reducing the plot ratio would result in an increase of site coverage, which would worsen the visual impact and obstruct air flow. A Member reiterated his concern that the proposed building height might set a precedent for redevelopments in the area.

15. The Chairman said that the development intensity of the proposed development had been capped at a plot ratio of 8, which was lower than that of the new developments in the vicinity. The proposed building height was an acceptable balance in maintaining the viability of the scheme. The proposed building height should not set a precedent as the scheme was unique in that a minimum of 1,100m² of public open space was required out of a site area of 2,058m². This view was supported by most Members.

16. After further deliberation, the Board agreed that subject to the amendments to the Planning Parameters 3(c) and 5(b) as stated in paragraphs 11 and 12 above, the draft revised PB was endorsed and should be forwarded to the URA to facilitate their preparation of the MLP.

17. The Chairman thanked Ms. Christine K.C. Tse and Ms. Lily Yam for attending the meeting. Ms. Tse and Ms. Yam left the meeting at this point.

[Mrs. Ava S.Y. Ng, Miss Annie Tam, Mr. Walter K.L. Chan and Mr. Raymond Y.M. Chan returned to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Request for Deferral of Review of Application No. A/H14/52
Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.6 for
House Development in “Residential (Group C)2” zone, 77 Peak Road
(TPB Paper No. 7867)

[The meeting was conducted in Cantonese.]

18. The Chairman said that Dr. Greg C.Y. Wong had declared an interest in this item for having current business dealings with the Wharf (Holdings) Limited, which was the parent company of the applicant, HKRT Peak Properties Limited. Members noted that Dr. Wong had not yet arrived.

[Ms. Maggie M.K. Chan and Dr. Daniel B.M. To left the meeting temporarily at this point.]

19. The Secretary said that the request was for deferment of consideration of the review application for two months to resolve the issues relating to the widening of Peak Road and associated tree felling with relevant Government departments. The request met the criteria set out in the TPB Guidelines No. 33 in that reasonable ground had been provided by the applicant in support of the request, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

20. After deliberation, the Board agreed to the request for deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that a period of two months was allowed for preparation and submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/286
Proposed Temporary Concrete Batching Plant for a Period of 5 Years in “Open Storage” zone,

Lot 167(part) in DD83 and Adjoining Government Land, Kwan Tei North, Fanling
(TPB Paper No. 7869)

[This meeting was conducted in Cantonese and English.]

Presentation and Question Session

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

Ms. Theresa Yeung

Mr. Alvin Lee

Mr. John Lam

Dr. H.F. Chan

Mr. K.M. Chin

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

23. With the aid of some plans, Mr. W.K. Hui presented the application and covered the following aspects as detailed in the Paper:

- (a) the reason for the Rural and New Town Planning Committee to reject the application on 16.6.2006 as set out in paragraph 1.2 of the Paper;
- (b) the written representation submitted by the applicant in support of the review application as summarized in paragraph 3 of the Paper;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application on the grounds that the proposed concrete batching plant and access road were in close proximity to existing residential developments and would result in dust and noise nuisances to the concerned residents. Based on his observation, the findings of the Supplementary Noise Impact Assessment and Air Quality Impact Assessment submitted by the

applicant were inconclusive and the proposed mitigation measures were unlikely to fully avoid the environmental nuisances;

- (d) during the statutory publication periods of the review application and the further information submitted by the applicant on 20.10.2006 and 30.4.2007, 7, 20 and 7 public comments were received respectively, mainly from the residents and local bodies of Kwan Tei North area and a North District Councillor. One of the commenters supported the application on the ground that the applicant had undertaken to provide a number of mitigation measures to protect the nearby environment. The other commenters objected to the application due to concerns on possible environmental nuisances, adverse traffic and drainage impacts and adverse impacts on the activities of the nearby residents; and
- (e) Planning Department (PlanD)'s view – PlanD did not support the application for reasons as detailed in paragraph 6.1 of the Paper in that even though the applicant had suggested in his further submission environmental mitigation measures for the proposed development, there was insufficient information in the submission to demonstrate that the proposed use would not have adverse environmental impacts on the surrounding sensitive receivers. DEP did not support the application.

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

25. With the aid of a Powerpoint presentation, Ms. Theresa Yeung made the following points:

- (a) to address the concerns of the Board and the local bodies on the possible environmental impacts of the proposed concrete batching plant, the applicant had made the following changes to the proposal:
 - (i) the layout had been revised and all components of the plant would be relocated to the northwestern part of the site, which would be over 100m from the existing residential developments nearby;

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

- (ii) a 2.5m high boundary wall lined with a periphery landscape belt would be erected around the site to alleviate the environmental and visual impacts of the plant;
- (iii) sophisticated environmental mitigation equipment, including dust collectors, water spraying system, concrete recycling machine and wheel washing bay, would be installed; and
- (iv) the proposed concrete batching plant would be downsized, with the maximum height reduced from 24m to 13m, and would be fully enclosed with heavy-duty metal cladding lined with sound insulation materials.

[Ms. Maggie M.K. Chan returned to the meeting at this point.]

26. Dr. H.F. Chan elaborated on the environmental aspects of the application and made the following points:

- (a) the applicant's proposals to relocate the major components of the concrete batching plant, enclose the plant with metal cover and erect a 2.5m high boundary wall would reduce the noise level at the nearby residential developments by about 45dB(A), 20dB(A) and 5dB(A) respectively. The resultant noise level would be about 50dB(A), which was lower than the relevant standard of 55dB(A) set by the DEP;
- (b) with full enclosure of the concrete batching plant and installation of dust abatement facilities as proposed, the nearby residential developments, which were all low-rise, would be effectively protected from dust nuisance;
- (c) the proposed concrete batching plant would comply with the standards under the Hong Kong Planning Standards and Guidelines (HKPSG) and the relevant environmental legislations. The DEP in fact had no adverse

comments on the technical aspects of the environmental assessments submitted by the applicant. His concern was mainly related to possible environmental nuisances and based on the views of the Ombudsman about locating temporary uses near to residential developments, as reflected in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site”;

- (d) it was important to distinguish ‘environmental nuisance’ from ‘environmental pollution’. The former was based mainly on subjective judgment and was unmeasurable while the latter could be measured against objective standards such as those laid down in the HKPSG and relevant environmental legislations. The environmental assessments submitted by the applicant demonstrated that no environmental pollution would be caused by the proposed concrete batching plant. As far as environmental nuisance was concerned, the proposed concrete batching plant was not undesirable comparing to the open storage uses which were always permitted under the “Open Storage” (“OS”) zoning of the application site; and
- (e) even with planning permission granted, the proposed concrete batching plant would be subject to stringent environmental control under the Air Pollution Control Ordinance. The applicant was required to apply for a Specified Process Licence under section 14 of the said Ordinance.

27. Ms. Theresa Yeung carried on to say that:

- (a) unlike an asphalt batching plant, a concrete batching plant, which involved a wet-mixing operation and delivery of products by fully enclosed transportation, would not cause significant problems in dust, odour, heat generation and fire risk;
- (b) most of the objections against the application were raised before the applicant revised its proposal to address the environmental concerns. Upon the applicant’s explanation of its revised proposals to the local community, the number of objections had been significantly reduced from previously 26 to currently 6. One local resident had even expressed support to the

application. Most of the outstanding objectors, such as the villagers in Kwan Tei North Village, Sam Tung Uk Village, Kwan Tei Tsuen and the Treasure with Transpiring Templum, were located over 100m from the application site;

- (c) no adverse comments on the traffic, drainage, fire safety, landscape, land administration and engineering aspects were raised by the concerned Government departments;
- (d) the nearest residential zone to the application site was located over 100m to the east and was separated from the site by “OS” and “Green Belt” zone. The area within 100m from the application site was mainly zoned “OS” which was intended primarily for open storage and industrial uses. Compared to some of the Column 1 uses, such as the open storage of construction materials, scrap metal and iron cages and vehicle repair workshop, the proposed concrete batching plant was not so polluting;
- (e) there was a domestic structure to the immediate south of the site, the occupants of which had given support to the application on the basis that the applicant had undertaken to implement environmental mitigation measures for the proposed concrete batching plant;
- (f) compared with some existing concrete batching plants adjoining major residential developments, such as the one near Wah Kwai Estate, Aberdeen and the one near the Beverly Hills, Ting Kok Road, the application site was more suitable for concrete batching plant use; and
- (g) the proposed concrete batching plant was temporary in nature and the applicant was willing to comply with all approval conditions to be imposed by the Board to ensure no environmental nuisances. The applicant’s proposal was a sustainable development balancing the environmental, social and economic interests.

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

28. Members had the following questions/comments:

- (a) noting that the applicant claimed that the nearest residential development was over 100m away, the advice of the DEP in paragraph 4.1.1(b) of the Paper that the nearest residential development to the application site was about 30m away needed to be clarified;
- (b) whether there was any development proposal in respect of the area zoned “R(C)” to the east of the site;
- (c) whether there were suitable sites available for concrete batching plant use in the subject area;

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

- (d) how many heavy vehicular trips the proposed concrete batching plant would generate;
- (e) whether the on-site loading/unloading and delivery of raw materials would have any adverse environmental nuisances to the nearby sensitive receivers;
- (f) whether the comments of the Assistant Commissioner for Transport/New Territories (AC for T/NT) in respect of the section 16 application as stated under paragraph 9.1.3 of Annex I of the Paper were still valid;

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

- (g) whether the traffic noise associated with the operation of the proposed concrete batching plant had been taken into account in the applicant’s assessment and noise mitigation proposals;
- (h) what was the professional expertise of the consultants responsible for the traffic impact assessment and noise impact assessment submitted by the applicant;

- (i) whether the technical assessment reports submitted by the public commenters at Annex IV of the Paper were undertaken by qualified professionals;
- (j) whether the applicant had any plan for the concrete batching plant after the expiry of the 5-year temporary approval period; and
- (k) whether the previous applications indicated in Plan R-1 of the Paper were for the same use as the current application.

29. In response to Members' questions/comments, Mr. W.K. Hui made the following points:

- (a) residential developments were found to the immediate south and east of the site. These developments were located within the "OS" zone. The nearest residential zone was the "R(C)" zone over 100m to the east of the site and there was no known development programme for the zone;
- (b) concrete batching plant was a Column 2 use under "OS" zone. Apart from proximity to construction sites and other operational requirements, the compatibility with the surrounding land uses and availability of infrastructures were also important considerations in identification of suitable sites for concrete batching plant. It was very difficult to find suitable sites for such use. Currently, there was only one concrete batching plant in Tai Po and North Districts, which was located near the Beverly Hill, Ting Kok Road;
- (c) as indicated in the traffic impact assessment submitted by the applicant, the proposed concrete batching plant would generate about 24 trips of heavy vehicles per hour, including concrete mixers and trucks for delivery of raw materials, during the peak hours;
- (d) although access to the application site would be partly improved with the completion of a concrete bridge and access road to the southeast of the site as shown on Plan R-2 of the Paper, the access and ingress/egress point to the

site were unsatisfactory due to the narrowness of the access and limited manoeuvring space. The AC for T/NT's comment that the applicant should submit proposals on the design of access with necessary improvements, car parking, loading/unloading and manoeuvring spaces within the site, as raised in the stage of section 16 application, was still valid;

- (e) the traffic noise associated with the operation of the proposed concrete batching plant had been included in calculating the overall noise level in the applicant's assessment. The assessment showed that with the proposed noise mitigation measures, the overall noise level would be acceptable. However, the DEP had reservation and doubts on some of the assumptions adopted in the assessment, and considered that the findings were inconclusive. Detailed comments of the DEP were at Annex IX of the Paper;
- (f) some of the technical assessment reports submitted by the public commenters were issued under the name of consultancy firms; and
- (g) the previous applications shown on Plan R-1 of the Paper were mainly for temporary open storage, warehouse and cargo handling uses.

30. Ms. Theresa Yeung, Dr. H.F. Chan and Mr. K.M. Chin made the following points in response to Members' questions/comments:

- (a) the nearest residential development from the application site was more than 100m away from the major source of noise in the proposed concrete batching plant, although it was only about 30m from the boundary of the site;
- (b) under the "OS" zoning, various types of open storage uses were always permitted in the application site, which would not be subject to the control by the Board. In comparison, a concrete batching plant operated under proper control by the Board would be more preferable. Furthermore, the product from a concrete batching plant would be delivered by trucks with a fully-enclosed concrete-mixer. Compared with open storage uses which normally involved open-air transportation, a concrete batching plant would generate less environmental nuisances;

- (c) due to the operational need for a concrete batching plant to be located near construction sites, it was not easy to identify a suitable alternative site for the use;
- (d) water spray facilities would be installed at the location where loading/unloading of raw materials would be carried out. The equipment for delivery of the raw materials within the site would be enclosed to minimize dispersion of dust to the surrounding areas;
- (e) according to their traffic impact assessment, the existing access road to the site was sufficiently wide for concrete delivery trucks. No adverse comments were raised by the Transport Department regarding the capacity of the access road in coping with the vehicular flow generated by the proposed concrete batching plant;
- (f) the traffic impact assessment submitted by the applicant was undertaken by the CKM Asia Limited under the supervision of Mr. K.M. Chin who had participated in some other concrete batching plant projects. The environmental assessments were undertaken by the Cinotech Consultants Limited under the supervision of Dr. H.F. Chan who was a well experienced environmental professional with more than 20 years of expertise in the relevant field; and
- (g) subject to the prevailing market situation, the applicant would consider whether to renew the planning permission or relocate the concrete batching plant elsewhere upon the expiry of the 5-year temporary permission.

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

32. The meeting adjourned for 15 minutes and resumed at 11:50 p.m.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

Deliberation Session

33. Members had diverse views on the application. Some Members expressed reservations and considered that:

- (a) the applicant had not fully addressed the concerns of DEP on the possible environmental nuisances of the proposed concrete batching plant;
- (b) based on the applicant's advice that consideration might be given to renew the permission for the concrete batching plant after the lapse of the 5-year temporary permission period as applied, there was doubt on the applicant's intention to operate the plant on a temporary basis;
- (c) even though the applicant had improved its proposal to address the environmental concerns, there were still strong objections from the local residents and concerned bodies against the application; and
- (d) due regard should be given to the views of the Ombudsman as reflected in paragraph 4.1.1(c) of the Paper stating that the public interest in securing a reasonably clean, pleasant and comfortable living environment should not be compromised or overridden lightly by economic concern.

34. Some Members were sympathetic with the application and considered that:

- (a) the applicant had made considerable effort to address the environmental concerns as far as possible. With implementation of the mitigation measures stipulated under the planning conditions and advisory clauses in paragraphs 6.3 and 6.4 of the Paper, the proposed concrete batching plant would unlikely cause major environmental problems;
- (b) maintaining adequate supply of concrete was vital to the construction

industry. In view of the difficulty in identifying suitable sites for concrete batching facilities, favourable consideration should be given to the application;

- (c) the applicant's environmental assessment was supported with quantitative data while the DEP's views were mainly qualitative judgments and could be subjective; and
- (d) the application site was located in the "OS" zone which was not intended for residential use;

35. After discussion, a number of Members considered that there was insufficient information for the Board to make a decision and suggested to defer the consideration of the application pending further advice from relevant Government departments to address the following issues:

- (a) whether the assessment undertaken by the applicant had adequately addressed the environmental concerns associated with the proposed concrete batching plant;
- (b) whether the DEP's views on the effectiveness of the applicant's proposals to relieve the environmental impacts, as detailed in Annex IX of the Paper, were justified;
- (c) whether the proposed concrete batching plant, which was subject to planning control, was environmentally more acceptable than the open storage uses which were always permitted in the "OS" zone. The environmental impact generated by vehicular traffic of concrete batching plant should also be compared with that generated by the open storage uses;
- (d) whether the proposed concrete batching plant could be fully enclosed as claimed by the applicant;
- (e) the applicant should be asked to do more to address the local concerns. The District Officer/North's views on the application should also be invited; and

- (f) whether the traffic impact assessment undertaken by the applicant had addressed the traffic concerns raised by the public commenters in respect of the proposed concrete batching plant.

36. On the need to defer, some Members considered that deferment was not necessary and might be unfair to the applicant. Some Members held contrary views and considered that it would be more prudent for the Board to listen to the views of the Environmental Protection Department (EPD) before making a decision on the review. It would also be procedurally proper to invite both the applicant and the representatives of EPD to attend the hearing.

37. After further deliberation, the Board decided to defer a decision on the application pending further information on the issues mentioned in paragraph 35 above. Members also agreed that the applicant and the representatives of the EPD and, if necessary, other Government departments should be invited to the hearing. The Chairman said that the hearing should be held as soon as possible and to save time, there was no need for the applicant to repeat the presentation at the next hearing.

[Mr. Leslie H.C. Chen, Dr. Daniel B.M. To, Mr. Stanley Y.F. Wong and Mr. Tony C.N. Kan left the meeting, and Professor David Dudgeon, Dr. C.N. Ng and Mr. B.W. Chan left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting]

Request for Deferral of Review of Application No. A/NE-TKL/287

Proposed Temporary Asphalt Batching Plant for a Period of 3 Years in “Open Storage” zone,

Lot 437, 439RP(part) and 477RP in DD77, Ng Chow Road, Ping Che

(TPB Paper No. 7870)

[The meeting was conducted in Cantonese.]

38. The Secretary said that the request was for further deferment of consideration of the review application for two months to allow time to resolve outstanding issues and local concerns. The applicant had twice requested deferment of consideration of the review application previously,

in order to resolve local issues. The current request met the criteria set out in the Town Planning Board Guidelines No. 33 in that reasonable ground had been provided by the applicant in support of the request, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

39. After deliberation, the Board agreed to the request for deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. Two months were given for the applicant to submit the further information. The Board also agreed to advise the applicant that that since this was already the third deferment and he should have had enough time for the preparation and submission of further information, no further deferment would be granted.

[Professor David Dudgeon, Dr. C.N. Ng and Mr. B.W. Chan returned to the meeting, and Mr. Y.K. Cheng, Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan, Ms. Starry W.K. Lee, Ms. Anna S.Y. Kwong, Dr. Greg C.Y. Wong, Dr. Lily Chiang, Professor Bernard V.W.F. Lim and Dr. James C.W. Lau left the meeting at this point.]

Agenda Item 9

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

52. There being no other business, the meeting was closed at 12:55 p.m.