

**Minutes of 916th Meeting of the
Town Planning Board held on 25.7.2008**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Mr. Timothy K.W. Ma

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Ms. Ava Chiu

Assistant Director(2), Home Affairs Department

Ms. Margaret Hsia

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Ms. Annie Tam

Director of Planning

Mrs. Ava Ng

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor N.K. Leung

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss Fiona S.Y. Lung

Senior Town Planner/Town Planning Board
Mr. K.W. Ng

Agenda Item 1

[Open Meeting]

Confirmation of the Minutes of the 915th Meeting Held on 11.7.2008

[The meeting was conducted in Cantonese]

1. The draft minutes of the 915th meeting held on 11.7.2008 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese]

2. The Secretary said that there were no matters arising from the last meeting.

Agenda Item 3

[Open Meeting]

Information Paper on Proposed Liquefied
Natural Gas Receiving Terminal at South Solo Island
(TPB Paper No. 8138)

[The meeting was conducted in Cantonese and English]

3. The Chairman noted that an environmental impact assessment (EIA) had been conducted and accepted for the proposed liquefied natural gas (LNG) receiving terminal on South Solo Island (the Island) under the Environmental Impact Assessment Ordinance (EIAO). Dr. C.N. Ng and Dr. Michael Chiu had declared interests in the item as Dr. Ng was the Chairman of the EIA Subcommittee of the Advisory Council of the Environment (ACE)

and Dr. Chiu was a deputy director of the Environmental Protection Department (EPD). Both Dr. Ng and Dr. Chiu were involved in the assessment of the subject EIA. Since the item was only an information note on the energy policy objectives and LNG terminal proposal on the Island, Dr. Ng and Dr. Chiu should be allowed to stay in the meeting during the discussion of the item. Members agreed.

Presentation and Question Sessions

4. Mr. Elvis W.K. Au, Assistant Director of Environmental Protection of EPD, Mr. Kent K.Y. Fung, Assistant Secretary for the Environment of the Environment Bureau, and the following representatives from the CLP Power Hong Kong Ltd. (CLPP) were invited to the meeting at this point :

Mr. Richard Lancaster

Mr. David Ho

Mr. K.L. Ngan

[Mr. Edmund K.H. Leung and Dr. Daniel B.M. To arrived to join the meeting at this point.]

5. With the aid of a Powerpoint presentation, Mr. Elvis W.K. Au, ADEP, presented the Paper and made the following main points :

- (a) the Government energy policy objectives was to ensure reliable, safe and efficient energy supplies to Hong Kong at reasonable prices, minimize the environmental impacts caused by the production and use of energy, and enhance energy efficiency and conservation;
- (b) when compared with coal, the use of natural gas for power generation could significantly reduce the amounts of air pollutant (including CO₂, NO_x, SO₂ and particulates) emissions;
- (c) at present, about 30% of the CLPP's installed capacity was gas-fired. Since 1996, CLPP had been importing natural gas from Yacheng 13-1 gas field for power generation;

- (d) as the Yacheng 13-1 gas field was expected to be depleted by early 2010s, CLPP reckoned that replacement gas should be in place by end 2013 so as to ensure supply reliability and achieve the emission caps under the Air Pollution Control Ordinance (APCO);
- (e) after an extensive site search and EIA, CLPP concluded that to set up the LNG terminal on the Island would be the best option in terms of supply security, programme timing, operational flexibility, and environmental requirements;
- (f) the Government's due diligence process on the proposed LNG terminal was still ongoing. The Government, with assistance of a professional energy consultant, was reviewing the proposal, taking into account all relevant factors including the feasibility of supplying gas from other sources/projects, future electricity demand, tariff impacts, and environmental requirements;
- (g) the Government was also examining the regulatory framework for the proposed LNG terminal. It did not have to be included as an asset under the Scheme of Control for power generation business. A separate regulatory regime might be introduced to provide greater accountability and transparency in operations, cost allocation and tariff setting, and ease of access for other terminal users;
- (h) it would not be economical for Hong Kong to build more than one LNG terminal. In line with the international practice, third party access would be provided by the terminal operator through tolling arrangement;
- (i) an EIA for the proposed LNG project had been undertaken under the EIAO. Relevant information was available at EPD's website. The EIA report was available for public inspection from December 2006 to January 2007. The ACE endorsed the report in February 2007 subject to conditions. The Director of Environment (DEP) subsequently approved the EIA and

granted an Environment Permit (EP) with conditions in April 2007. At the Legislative Council Environmental Affairs Panel (EA Panel) meeting held in July 2007, deputations were invited to give views on the project. Subsequent to the meeting, the Government provided responses to the deputations' views in September 2007. In June 2008, the Secretary for the Environment advised the EA Panel members that the statutory planning and land processes for the project would be commenced shortly;

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

- (j) as regards the location for the proposed LNG terminal, a two-phased study had been carried out in the EIA. Phase I involved the long listing of 29 viable sites, while Phase II involved the analysis and identification of the preferred sites. South Soko Island (the Island) was concluded to be the best location;

- (k) the proposed project would mainly involve the setting up of a LNG receiving terminal on the Island, the laying of submarine gas pipelines connecting the terminal to the gas receiving station at Black Point, and the construction of a pier at the Island for receiving the LNG from the gas field(s). The EIA had come up with three conclusions on the project. Firstly, with mitigation measures in place, the environmental impacts of the project were acceptable and the proposed LNG terminal could co-exist with the future Marine Park. Secondly, stringent avoidance, mitigation and improvement measures should be enforced under the EP. Lastly, stringent environmental monitoring and audit requirements should be imposed for the construction and operation of the proposed terminal; and

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

- (l) to locate the proposed LNG terminal on the Island would require preparing a new outline zoning plan under the Town Planning Ordinance and gazetting under the Foreshore and Sea-bed (Reclamations) Ordinance. The Government had to take the necessary statutory planning and land

processes early so as to lose no time in case CLPP's proposal was eventually proved to be the best option for Hong Kong.

6. The Chairman invited Members to note that the Green Lantau Association had submitted an email to the Board to raise objection to the proposed LNG receiving terminal on the Island. The email was tabled at the meeting for Members' reference.

Site selection

7. A Member asked for more details on the site selection process under the EIA. Mr. Elvis W.K. Au said that two sites (i.e. the Island and Black Point in Tuen Mun) had been short-listed and examined in detail among 29 alternative sites. It was concluded that the Island should be the best location for the proposed LNG terminal within Hong Kong. For Black Point, it was not supported by both the Director of Marine and the Director of Electrical and Mechanical Services. Based on the risk criteria set out in the EIAO Technical Memorandum, the societal risk of using the large LNG carriers to transit the LNG through the busy marine traffic and the high population density Ma Wan Channel was in the "as low as reasonably practicable" (ALARP) region for some areas of the marine transit. Measures to mitigate this marine societal risk from ALARP to "acceptable" was not considered to be implementable due to their impact on other marine traffic. Mr. Au further said that the feasibility of locating the proposed terminal outside Hong Kong, or identifying other source(s) of gas fields in the region had been explored but greater uncertainty was involved including timely provision, supply security, and adequate capacity.

8. Noting that CLPP already had existing electricity generating facilities at Black Point, a Member asked whether Black Point would be a better location if smaller vessels could be used to transit the LNG via Ma Wan Channel. Mr. Richard Lancaster replied that the use of smaller ships might have greater problems as more frequent trips would be required. Besides, the large carriers, which had insulated cargo tanks and were of double-hull design, provided better protection for the integrity of cargo tank containment in the event of collision or grounding. The same Member and another Member further asked whether the LNG carriers could use Tonggu Channel instead of Ma Wan Channel. Mr. Elvis W.K. Au clarified that as the societal risk of using Ma Wan Channel was in the ALARP, the Government considered that the Island should be the best location for the proposed

terminal, and did not support the Black Point site from risk consideration. Mr. Richard Lancaster added that it was found in the EIA that Tonggu Channel might require dredging every year to tackle the silting problem from the Pearl River Delta. Moreover, the Channel was found to be a marine sensitive area involving the Indo-Pacific Humpback Dolphin habitat. Mr. Elvis W.K. Au indicated that a previous EIA report for another project involving Tonggu Channel had been rejected under the EIAO mainly for the reason of potential adverse impacts on the marine ecology. The EIA Subcommittee also agreed that the proposal of directing the LNG carriers through Tonggu Channel was not acceptable.

9. Noting that the coal carriers to Black Point should of similar size as the LNG carriers, a Member asked why the former could use Ma Wan Channel. Mr. Elvis W.K. Au said that the problem for the LNG carriers in crossing the Ma Wan Channel was mainly related to the societal risk as LNG carrier was itself a potentially hazardous installation. Mr. Richard Lancaster added that although the LNG carriers were only slightly larger than the coal carriers, if any collision happened resulting in leakage of the LNG, the consequence would be very far-reaching as LNG would be lighter than air after gasification. The situation would be much worse in Ma Wan Channel in view of the existing residential developments nearby.

10. Another Member asked about the dredging requirements of the proposed project. Mr. Richard Lancaster said that the dredging for the purpose of construction of the submarine pipeline between the Island and Black Point would only be carried out once. As regards the channel for the LNG carriers, since the Island was quite well protected from the silts from the Pearl River Delta, it was estimated that dredging would be required once every ten years.

Approval conditions

11. A Member asked for the details regarding conditions attached to the EP. Mr. Elvis W.K. Au replied that they included the setting up of an Environmental Monitoring Committee, the putting in place of an Environment Management System, the implementation of an Environmental Enhancement Plan, the establishment of a Scientific and Educational Advisory Committee, the submission of a landscape master plan, and the strengthening of the Environmental Monitoring and Audit programme. The applicant was also required to take other mitigation measures, including those relating to the protection of the habitat for the

Indo-Pacific Humpback Dolphin.

Submarine pipeline

12. The same Member also asked how to deal with the existing submarine pipeline between the Yacheng gas field and Hong Kong after the operation of the proposed terminal, and whether the proposed project would include the submarine pipeline between the terminal on the Island and the gas receiving station at Black Point. Mr. Richard Lancaster said that the existing pipeline between the Yacheng gas field and Hong Kong was 778km long. Most of it was in Mainland waters and owned by the gas field operator, except the part in the vicinity of Black Point. For the proposed project, the submarine pipeline between the Island and Black Point was one of the associated facilities.

Marine Park

13. Noting that the LNG proposal was objected to by the green groups, a Member asked for the basis for proposing co-existence of the LNG terminal and the future Marine Park. Mr. Elvis W.K. Au replied that the proposal was mainly based on the findings of the EIA which was accepted by the Director of Agriculture, Fisheries and Conservation. The Marine Park proposal was still being considered and further effort would be made to explore the co-existence proposal. The same concern had been raised and discussed in great length in the EIA Subcommittee. The proposed terminal would be used for storage of LNG only, involving no other industrial operations. Conditions had been imposed in the EP requiring the implementation of an Environmental Enhancement Plan. Upon green groups' request, the proposed location of the pier for the LNG carriers had already been moved to the southern part of the Island so as to avoid the marine sensitive area to the north of the Island.

[Ms. Annie Tam arrived to join the meeting at this point.]

Other Aspects

14. In response to another Member's enquiry, Mr Richard Lancaster clarified that the proposed project would not involve any new power generating facilities. In general, the carriers would transit the LNG from the gas field(s) to the receiving terminal on the Island for

storage in the tanks there. The LNG would then be gasified and transited through submarine pipeline to Black Point for power generation. So far, CLPP had only conducted some preliminary site investigations on the Island. No construction works for the proposed LNG terminal had been commenced. Mr. Elvis W.K. Au added that the tanks shown in the Powerpoint presentation were indicative for the preparation of the photomontages only.

15. A Member raised questions on third party access, impact on electricity price and scale of the proposed project. Mr. Elvis W.K. Au said that allowing third party access would be important for the proposed LNG terminal as in the future, the facilities might also be used by other power companies and/or the LNG might be used for purposes other than electricity generation. This requirement was in line with the international practice including that adopted by the European Union. As regards the impact on electricity price, Mr. Au said that since the costs involved in using LNG for power generation was higher than coal, the Government was now examining the potential impacts of the proposed terminal on the future electricity price. Tentatively, it was suggested that the terminal would be under a separate regulatory regime independent of the existing Scheme of Control for the power generation business. Noting the estimated depletion of the Yacheng gas field in the early 2010s and the need to meet the emission caps under the APCO, Mr. Au said that there was a need to continue using LNG as a replacement source of energy for electricity generation in Hong Kong. Mr. Richard Lancaster added that the proposed LNG terminal should be considered as a long-term investment. Taking Japan as an example, some terminals built in the late 1960s were still operating. Regarding the terminal on the Island, the proposed scale was adequate to meet the current requirements, and there were rooms for progressive expansion to meet future need.

[Mr. B.W. Chan left the meeting at this point.]

16. In response to a Member's questions on the construction cost for the submarine pipeline between the Island and Black Point and whether there was a need to conduct a site visit, the Chairman indicated that the construction cost for the pipeline was beyond the jurisdiction of the Board while site visit, if considered necessary, could be arranged at a later date.

Deliberation Session

17. A Member gave the following views on the proposed project :
- (a) whether Hong Kong needed a LNG terminal, and whether the terminal should be located in Hong Kong were all policy matters, and the Government had not made a decision yet;
 - (b) the issue was where the terminal should be located, if needed. The conclusion in the EIA report was that the Island was considered to be the best location;
 - (c) there were however some issues which should be dealt with, including the visual impacts of the proposed terminal on the Island, the land use interface problem between the terminal and the future Marine Park, as well as the public perception of the proposal; and
 - (d) the crucial matter was to address the need for striking a proper balance between development and conservation.
18. After further deliberation, Members agreed to note the contents of the Paper.
19. The Chairman thanked Mr. Elvis W.K. Au, Mr. Kent K.Y. Fung, and the representatives of CLPP for their attendance. They all left the meeting at this point.

Agenda Item 4

[Open Meeting]

Consideration of the Draft South Soko Island Outline Zoning Plan No. S/I-SSI/E
(TPB Paper No. 8139)

[The meeting was conducted in Cantonese]

Presentation and Question Sessions

20. The Chairman noted that the proposed Outline Zoning Plan (OZP) for South Soko Island (the Island) was related to a proposed liquefied natural gas (LNG) receiving terminal in which an environmental impact assessment (EIA) had already been conducted and accepted under the Environmental Impact Assessment Ordinance (EIAO). Dr. C.N. Ng and Dr. Michael Chiu had declared interests in the item as Dr. Ng was the Chairman of the EIA Subcommittee of the Advisory Council of the Environment (ACE) and Dr. Chiu was a deputy director of the Environmental Protection Department (EPD). Both Dr. Ng and Dr. Chiu were involved in the assessment of the EIA. Since the item was only related to the proposal for a new OZP, Dr. Ng and Dr. Chiu should be allowed to stay in the meeting during the discussion of the item. Members agreed.

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

- Mr. Alfred Y.K. Lau - District Planning Officer/Sai Kung and Islands
(DPO/SKIs) of the Planning Department (PlanD)
- Mr. Simon P.H. Chan - Senior Town Planner/Sai King and Islands of PlanD
- Mr. Elvis W.K. Au - Assistant Director of Environmental Protection of EPD
- Mr. Kent K.Y. Fung - Assistant Secretary for the Environment of the
Environment Bureau

22. With the aid of a Powerpoint presentation, Mr. Alfred Y.K. Lau, DPO/SKIs, presented the Paper and made the following main points :

- (a) the Island was the largest of a small group of islands located some 4.5km to the south of Lantau Island. Historically, there were only two small settlements (namely Ha Tsuen and Sheung Tsuen) on the Island, but the villagers left in the 1980s after the Government resumed the land to construct a detention camp for the Vietnamese refugees. The detention camp was closed prior to 1997 and all the building structures had been demolished. The Island was now non-inhabited, and was not provided with any scheduled public transport service;

- (b) the CLP Power Hong Kong Ltd. (CLPP) proposed to set up a LNG receiving terminal on the Island. An EIA for the project had been undertaken under the EIAO. The ACE endorsed the EIA report in February 2007 subject to conditions. The Director of Environmental Protection (DEP) subsequently granted an Environmental Permit (EP) with conditions in April 2007;
- (c) the Government was still negotiating with CLPP on the proposed LNG terminal on the Island. The statutory land use planning process for the terminal site had to commence early to provide a framework for statutory control;
- (d) given the nature of the proposed terminal and the remoteness of the Island, no other major development would be proposed on the Island;
- (e) as the majority of the land on the Island was under Government ownership (only 1.2%, i.e. about 1.51 ha, was private land), it was unnecessary to designate the Island as Development Permission Area to enable planning enforcement control;
- (f) on 21.7.2008, the Secretary for Development, under the delegated authority by the Chief Executive, directed the Board to prepare a draft OZP to cover the Island;
- (g) the OZP would cover a total area of 122.25 ha, including about 2.39 ha of new reclamation for the construction of the LNG receiving terminal, upgrading of existing seawalls, construction of new seawall and associated facilities, and re-provisioning of pier;
- (h) the following land use zonings were proposed on the OZP :-
 - (i) “Other Specified Uses” (“OU”) annotated “LNG Receiving Terminal” (about 37.32 ha) to designate land for the development of

- a LNG receiving terminal and its associated facilities;
- (ii) “OU” annotated “Pier” (about 0.03 ha) to facilitate marine access to the zone;
 - (iii) “Government, Institution or Community” (about 0.02 ha) for the re-provisioning of the existing Tai A Chau Tin Hau Temple;
 - (iv) “Green Belt” (“GB”) (about 84.88 ha) to define the limits of development areas by natural features, to protect natural landscape, as well as to provide passive recreational outlets for the visitors;
- (i) the proposed OZP together with the Notes, Explanatory Statement (ES) and a Planning Report (prepared by the PlanD) had been circulated to concerned Government bureaux and departments for comments in November 2006. There was no outstanding adverse comment; and
 - (j) subject to the Board’s agreement, the PlanD would consult the Islands District Council prior to the publication of the OZP under section 5 of the Town Planning Ordinance (TPO).

23. A Member asked whether the government had any previous plan for the South Soko and North Soko Island, noting the latter had a site being used for disposal of wastes with low-radiation. Mr. Alfred Y.K. Lau replied that the site in North Soko Island was being used by the Government. According to the Southwest New Territories Development Study completed in 2001, the whole Soko area (including South Soko Island, North Soko Island, and the surrounding water area) was recommended to be designated as conservation area and marine park. Nevertheless, the whole area had not yet been covered by any statutory plan. The same Member sought clarification on the scale of reclamation required. Mr. Alfred Y.K. Lau said that the proposed LNG terminal project would require a total of 2.39 ha of reclamation area, including 0.48 ha for part of the terminal, plus other facilities such as 1.2 ha for the seawall, and 0.6.7 ha for the piers.

24. Referring to paragraph 6.5 of the Paper, a Member asked whether the Government had any discussions with the concerned persons/parties regarding the proposed relocation of the graves to be affected by the proposed LNG terminal. Mr. Alfred Y.K. Lau replied that some preliminary consultations with the village representatives and the fishing community had been made. Initially, they considered the proposed relocation to Sub-area (a) acceptable. The Chairman enquired whether there were any historical buildings and archaeological sites on the Island. Mr. Alfred Y.K. Lau said that a total of eight main archaeological deposit areas had been identified on the Island but detailed surveys had not yet been conducted. Mr. Elvis W.K. Au said that the EP granted by the DEP had a condition requiring measures for mitigating the impact on cultural heritage. These included an archaeological survey for the relocation site of the Tai A Chau Tin Hau Temple, and the submission and implementation of an Archaeological Action Plan for the proposed LNG terminal site.

25. A Member asked about the discharging capacity of the LNG carriers, and whether the top of the knoll at Fei Kei Teng would be levelled for the construction of the terminal. Mr. Elvis W.K. Au said the LNG carrier was similar to a small container vessel, which had a carrying capacity between 125,000m³ to 21,5000m³. As regards the knoll at Fei Kei Teng, Mr. Alfred Y.K. Lau said the proposed “OU” zone for the LNG terminal had a larger site area than that proposed by CLPP in order to provide some buffer areas with the surrounding area. According to the proposed scheme assessed under the EIAO, it would be unnecessary to level the top of the knoll.

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

26. Another Member enquired about the frequency of the LNG carriers using the pier. Mr. Elvis W.K. Au replied that it would be once a week. Noting that the proposed “OU” zone for the LNG terminal, running across the Island from east to west, would cut off the link between the northern and southern part of the Island, the same Member asked whether any public access through the “OU” zone could be provided to connect the two parts of the Island. Mr. Alfred Y.K. Lau said that there was no provision of such a public access under the proposed OZP. Mr. Elvis W.K. Au agreed to examine the feasibility of providing an access, but cautioned that public safety would be an important consideration for such a provision.

27. The Chairman asked how the adverse visual impacts of the new developments to be carried out on the Island could be minimized. Mr. Alfred Y.K. Lau replied that as most of the land on the Island was Government land and would be zoned “GB”, no major and large-scale development would be proposed apart from the proposed terminal. Hence significant adverse visual impact was unlikely to occur. As regards the proposed LNG terminal, a maximum building height of 55m would be incorporated in the ES of the OZP. Mr. Elvis W.K. Au added that a Visual Impact Assessment of the proposed terminal was included in the approved EIA report. Besides, the EP granted by the DEP had imposed conditions requiring the proponent to submit and implement a Landscape Master Plan, a Transplanting Proposal, and a Compensatory Planting Proposal. A Member opined that major visual impact should be mitigated by innovative design and layout of the storage tanks and buildings to be erected within the LNG terminal. From overseas experiences, this kind of development could be compatible with the surrounding areas, even in a rural setting.

28. A Member asked whether recreational activities would be allowed on the Island. Mr. Alfred Y.K. Lau replied that hiking was always allowed in areas zoned “GB”. Other kinds of recreational activities might be permitted on application to the Board.

Deliberation

29. A Member suggested that the agriculture and fishing community should also be consulted prior to the publication of the proposed OZP. Other Members agreed.

30. The Chairman said that the preparation of OZP for the proposed LNG terminal project was still at a preliminary stage. The commencement of the statutory planning process would not have a bearing on whether and when the Government would approve the CLPP’s proposal. The Chairman requested the Secretariat to arrange a site visit of the Island.

31. A Member asked about the work schedule of the preparation of the proposed OZP. The Secretary explained that the Secretary for Development’s directive (under the delegated authority of the Chief executive) for preparing the OZP for the Island was given on 21.7.2008. If the Board agreed to the proposed OZP in the meeting, consultations would be made with concerned parties. The outcome of the consultation would be reported back to

the Board before publication of the OZP under section 5 of the TPO. The statutory plan-making and representation hearing procedures under the provisions of the TPO would hence commence. The draft plan, together with the representations, would have to be considered and approved by the Chief Executive in Council (CE in C) under section 9 of the TPO. The Secretary further clarified that the CE in C's approval of draft plan under the TPO should be separated from its approval of the LNG terminal on the Island.

32. Regarding the consultation to be conducted, a Member suggested the PlanD and EPD to inform the consultees, right at the outset, the reasons for not selecting Black Point for the proposed LNG terminal. Mr. Alfred Y.K. Lau and Mr. Elvis W.K. Au agreed.

33. Noting that the water area surrounding the Island had a high ecology value, a Member suggested to include in the OZP a provision to require the future LNG operator to enhance or protect the coastline of the Island. This Member also suggested to revise the boundary of the "OU" zone for the proposed LNG terminal to exclude the top of the knoll at Fei Kei Teng. Another Member worried that if the boundary of the "OU" zone was moved southward, some LNG tanks might become very prominent from visual point of view. Mr. Alfred Y.K. Lau agreed to further examine the suggestions in detail.

34. Another Member requested for more information on the locations of the relevant sea channels and their existing marine traffic conditions when the draft OZP was resubmitted to the Board for consideration. Mr. Alfred Y.K. Lau agreed.

35. After further deliberation, the Board decided to :

- (a) agree that the draft South Soko Island Outline Zoning Plan No. S/I-SSI/E (the draft OZP) and its Notes were suitable for consultation, including the Island District Council and the fishing and local communities;
- (b) agree that the Explanatory Statement (ES) was suitable to serve as an expression of the planning intention and objectives of the Board for various land use zonings of the draft OZP, and the ES should be issued in name of the Board; and

- (c) agree that the ES was suitable for consultation together with the draft OZP, including the Island District Council and the fishing and local communities.

36. The Board also agreed to conduct a site visit to the South Soko Island at a suitable time. The Secretariat would make arrangements for the site visit.

37. The Chairman thanked Mr. Alfred Y.K. Lau, Mr. Simon P.H. Chan, Mr. Elvis W.K. Au, and Mr. Kent K.Y. Fung for their attendance. They all left the meeting at this point.

[Mr. K.Y. Leung arrived to join the meeting at this point. Ms. Margaret Hsia, Ms. Annie Tam and Mrs Ava Ng left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Review of Application No. A/ST/658

Proposed Comprehensive Development with Government, Institution or Community Facilities and Public Transport Interchange in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station and Its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin

(TPB Paper No. 8142)

[The hearing was conducted in Cantonese and English.]

38. The Secretary said that Mr. Tony C.N. Kan and Ms. Ava Chiu had declared interests in the item. Mr. Kan was both the honorary legal advisor of Jubilee Garden and a property owner of Royal Ascot, and the Owners’ Committee of Royal Ascot, the Incorporated Owners of Jubilee Garden and the Jubilee Garden Owners’ Concern Group had made comments on the subject review application. Besides, part of the application site fell within the existing East Rail Fo Tan Station and the adjoining rail tracks and freight yard currently owned by the Mass Transit Railway Corporation Ltd. (MTRCL). Ms. Chiu was an assistant to the Secretary for Transport and Housing who was one of the Non-executive

Directors of the MTRCL.

[Mr. Tony C.N. Kan and Ms. Ava Chiu left the meeting temporarily at this point.]

Presentation and Question Sessions

39. Mr. W.K. Hui, District Planning Officer/Shia Tin, Tai Po and North District (DPO/STN) of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point :

Mr. Ian Brownlee
Mr. Alexis Wong
Mr. Jesse Lu
Mr. Andrew Ng
Mr. David A. Runciman
Ms. Helen Lung
Ms. Kaman Lai
Mr. Tsang Chun-man
Mr. Hung Wing-kwan
Mr. Christopher Foot
Mr. Alain Lau
Ms. Rebecca Chan
Mr. Calvin Chiu
Ms. Wong Kit-nga
Mr. Berny Ng

40. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman then invited Mr. W.K. Hui, DPO/STN, to brief Members on the background to the application.

41. With the aid of some plans, Mr. W.K. Hui, DPO/STN, presented the review application as detailed in the Paper and made the following main points :

- (a) the applicant sought planning permission for a proposed comprehensive commercial/residential development with Government, institution and community (GIC) facilities and public transport interchange (PTI) in a “Comprehensive Development Area (1)” (“CDA(1)”) zone on the Sha Tin Outline Zoning Plan (OZP) at East Rail Fo Tan Station, Au Pui Wan Street and Lok King Street, Sha Tin;
- (b) the application site comprised three portions, including two private lots owned by the applicant (S1 portion), the Government land covering the existing bus terminus at Au Pui Wan Street and the adjoining road (S2 portion), and the existing East Rail Fo Tan Station and the adjoining rail tracks and freight yard (S3 portion);
- (c) the reasons for rejecting the application by the Rural and New Town Planning Committee (RNTPC) were set out in paragraph 1.3 of the Paper;
- (d) justifications submitted by the applicant in support of the review application were summed up in paragraph 3 of the Paper, including :-
 - (i) the proposed Master layout Plan (MLP) had taken into account phased-implementation of the proposed development. The submitted engineering statement had concluded that the implementation of the development in stages was technically feasible. No specific aspect of the application had been identified as not being comprehensive in the development;
 - (ii) the submitted Pedestrian Study had already addressed the pedestrian flow and design for the East Rail Fo Tan Station concourse;
 - (iii) the proposed layout was similar to that presented in a previous rezoning request approved in 1999. As improvements, the possible ‘wall effect’ had been removed and the number of residential towers had been reduced from 9 to 8;

- (iv) the proposed residential towers were completely outside the limits of the railway and freight yard. Regular liaison with the MTRCL could be conducted to address any concerns relating to railway operation and facilities;
 - (v) the submitted Visual Impact Assessment suggested that the proposed development would have slight/moderate adverse visual impact locally, which would be mitigated by the proposed architectural and landscape schemes;
 - (vi) the proposed development would conform with all relevant environmental guidelines and criteria when the proposed mitigation measures had been included;
 - (vii) the findings of the updated Traffic Impact Assessment (TIA) showed that the proposed development was acceptable in traffic terms, with the proposed traffic improvement measures;
 - (viii) a revised Landscape Master Plan (LMP) had been submitted, which would improve the existing degraded landscape and visual context in the area; and
 - (ix) the Air Ventilation Assessment (AVA) included in the section 16 application indicated that the proposed MLP was superior to the layout of the previous rezoning request and that of the previous application No. A/ST/630;
- (e) departmental comments – the Chief Surveyor/Railway Development of the Lands Department pointed out that there was uncertainty in implementing the proposed MLP as the applicant only owned S1 portion of the application site, and the phased development proposal had not yet been accepted by another concerned landowner, namely MTRCL. The Chief Architect/Advisory and Statutory Compliance of the Architectural Services Department considered that the proposed minor changes in the building

height of the proposed residential towers would not be able to alleviate the substantial visual impact of the proposed development on the surrounding areas. Besides, the spacing between the proposed towers still appeared to be very narrow and the building bulk of each tower was large and looked very massive when viewing from street level. The Director of Environmental Protection (DEP) did not support the proposal unless the compliance of relevant noise standards between phases could be clearly demonstrated. The Assistant Commissioner for Transport/New Territories of the Transport Department (AC for T/NT of TD) considered that the proposed pedestrian facilities and traffic improvement measures were not satisfactory. Also, the submitted TIA had not adequately/satisfactorily addressed the traffic impact of the proposed development. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) had reservation on the proposal from both urban design and landscape points of view. Other concerned Government departments had no objection to or no adverse comment on the review application;

[Ms. Margaret M.C. Hsia returned to join the meeting to this point.]

- (f) a total of 34 public comments were received during the statutory publication periods. The comments were mainly made by some current and former Sha Tin District Council members, the Jubilee Garden Owners' Concern Group, the Incorporated Owners of Jubilee Garden, the Owners' Committee of Royal Ascot, the owner of two adjacent godowns (i.e. Sha Tin Cold Storage No. 1 and Pak Sik Godown No. 1 at STTL 4), Green Sense, and some individuals. All the commenters, except one with no comment, raised objection to the proposed development. The major reasons for objection included potential adverse traffic, environmental and visual impacts, uncertainties in implementing Phase 2 of the proposed development, potential adverse impacts on the loading/unloading operations of the two adjacent godowns at STTL 4, potential road safety problems, and further aggravation of the existing deficit in the provision of recreational, educational, transportation and communal facilities in the area;

and

- (g) the PlanD's views – the PlanD did not support the review application for the reasons as detailed in paragraph 7 of the Paper in that the proposed phased “pro-rata” development scheme could not achieve the objective of the “CDA(1)” zone for comprehensive development of the whole site for residential and commercial development uses with the provision of open spaces and other supporting facilities. The phased development proposal had not yet been accepted by MTRCL (i.e. another concerned landowner). Besides, the proposed development was not considered satisfactory in terms of layout design as it could not achieve comprehensive integration in terms of the compatibility of uses and pedestrian circulation. The location of the proposed educational facilities was unsatisfactory while the proposed pedestrian connection facilities were also not satisfactory. There was insufficient information to prove that the proposed development would have no ‘wall effect’ and no adverse air ventilation impacts on the surrounding areas. The previous Kowloon Canton Railway Corporation’s concerns on the potential adverse impacts of on the operation of Fo Tan Station and the adjoining rail tracks and freight yard had not yet been completely/satisfactorily addressed. The AC for T/NT of TD, DEP and CTP/UD&L of PlanD had adverse comments on the traffic, environmental, urban design and landscape aspects of the proposed development.

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

42. The Chairman reminded Members that the applicant had submitted a physical model on the proposed development, and the model was placed in the meeting room for Members’ reference. Also, the applicant had submitted supplementary information which was tabled at the meeting for Members’ information.

43. The Chairman then invited the applicant’s representatives to elaborate on the application.

44. With the aid of a Powerpoint presentation and referring Members to the applicant's supplementary information tabled at the meeting, Mr. Ian Brownlee made the following main points :

- (a) according to a letter from the Chief Officer of the Kowloon Canton Railway Corporation (KCRC) to the applicant (dated 24.7.2008), the KCRC in principle did not object to the proposed development and the use of a phased approach to facilitate the resolution of the technical issues. This should be taken as a significant new development since the last application. The KCRC had recognized that the approval of the MLP in the subject application was an important starting point for addressing the implementation issues;

[Ms. Annie Tam returned to join the meeting at this point.]

- (b) there should be no connection between the application site and Fo Tan Road according to the replacement Drawing No. SK-13-04(C) included in the supplementary information tabled at the meeting;
- (c) the site was zoned "CDA(1)" after a rezoning request jointly made by the KCRC and Dairy Farm (i.e. the former owner of S1 portion of the application site). The site had a very clear planning intention with a requirement for schools and a stated maximum amount of development intensity and number of flats;
- (d) the applicant's first application for the site (No. A/ST/630) was made in 2005. It was rejected by the Board. An appeal was subsequently lodged to the Town Planning Appeal Board. The hearing was scheduled for the end of this year;
- (e) since the previous rejection, the applicant had tried to address the outstanding matters. Several layout options had also been presented to KCRC who subsequently confirmed that they would like to rebuild the Fo Tan Station as shown in the MLP of the approved rezoning request. They

also requested for a pedestrian study to look into the movement of people to and from the Station. The proposed station design and the pedestrian study had been included in the subject application. No adverse comment on the pedestrian study was received. The applicant had also prepared a technical paper on the construction of the development and the interface issues with the railway components. The conclusion was that all the issues were resolvable in a phased implementation;

- (f) at that stage, KCRC suddenly told the applicant that they would not continue to take part in the review application. As such, the applicant had to proceed on their own. The situation was not much different even after the Rail Merger in December 2007;

[Mr. Felix W. Fong left the meeting at this point.]

- (g) until recently, the situation was more encouraging. The aforesaid KCRC's letter to the applicant dated 24.7.2008 showed that the applicant's continued discussions with KCRC had resulted in an understanding on the way forward;
- (h) the Town Planning Board (TPB) Guidelines No. 17 provided for the implementation of developments in phases in "CDA" zones. Taking the "CDA" development at the Kowloon Station as an example, it involved five phases and each had been undertaken by a different developer. Each phase had its own set of lease conditions. The whole development was interlinked at the podium. It was therefore not uncommon for implementing "CDA" development in phases, and all the criteria mentioned in the Guidelines could be met with in a phased development; and
- (i) the TPB Guidelines No. 17 requested the applicant to adopt a proactive approach so as to avoid planning blight, noting that one of the objectives of "CDA" zone was to facilitate restructuring and to provide incentives for restructuring obsolete areas. The Guidelines also required priority to be given to review those "CDA" sites with no approved MLPs at the end of the third year after the designation. It was clearly stated that for those

sites which were not under single ownership, if the developer could demonstrate that due effort had been made to acquire the remaining portion of the site for development but no agreement could be reached with the landowner(s), allowance for phased development could be considered.

45. With the aid of a Powerpoint presentation, Mr. Alexis Wong made the following main points :

- (a) S1, S2 and S3 portions occupied about 40.4%, 7.9% and 51.7% of the application site respectively. The first two portions were green-field sites while the remaining portion was currently occupied by Fo Tan Station and the adjoining rail tracks and freight yard;
- (b) Lok King Street was an elevated road about 12m above ground. Beneath the road were some rail tracks;
- (c) the KCRC and Dairy Farm jointly made two requests to the Board for rezoning the site to "CDA" in 1998 and 1999. The first request, with a proposed plot ratio of 6.12 and one school site, was rejected by the RNTPC while the second request, with a proposed plot ratio of 4.196 and two school sites, was agreed by the RNTPC. In 2005, the applicant of the subject application made a section 16 application to the Board for a proposed MLP of the site (No. A/ST/630). Half of the proposed development in that application was located in S1 portion of the site while the remaining half was located in S2 portion. Some residential blocks were proposed to be built over the freight yard. That application was subsequently rejected by the Board upon section 17 review;
- (d) the application site was located in an area with KCRC Headquarters, Royal Ascot, Jubilee Garden and The Palazzo in the surroundings. The total number of flats of all these developments was over 6,000 with an estimated population exceeding 21,000. Up till now, there was no provision of school in the area, and only some on-street loading/unloading facilities were available at Lok King Street;

- (e) the proposed development would have the following planning gains :-
 - (i) enhancing land use compatibility;
 - (ii) upgrading Fo Tan Station, and improving the existing transport interchange facilities by providing a new public transport interchange (PTI) at Au Pui Wan Street level and a new mini-transport interchange (MTI) at King Lok Street level;
 - (iii) improving the pedestrian circulation along Lok King Street, and between Lok King Street and Au Pui Wan Street;
 - (iv) providing two school sites (one for primary school and another for secondary school);
 - (v) providing 7,500m² commercial floor space with ancillary car parking facilities;
 - (vi) improving the existing the streetscape of Lok King Street; and
 - (vii) providing funding required for improving the railway facilities;
- (f) it was expected that the application site would in the long-term be developed into a major transport node, with provision of all necessary facilities to meet the demands of the neighbouring population. This would create a catalytic effect on phasing out the surrounding obsolete industrial developments;
- (g) in terms of design, the application site had the following constraints :-
 - (i) the existing freight yard, railway lines and Fo Tan Station had to remain in operation during the construction of the proposed development;

- (ii) there were noise impacts from the vehicles passing Fo Tan Road and the trains passing the rail tracks;
 - (iii) there were also adverse impacts from the existing industrial buildings and godowns along Au Pui Wan Street; and
 - (iv) the southern part in S1 portion of the application site was a decked nullah and an utility reserve area;
- (h) in view of the above constraints, the proposed development had to be implemented in two phases :-
- (i) Phase 1 would be located in S1 portion with four residential blocks on podium and one primary school at street level. The school site would take up about 20% of the land in S1 portion. A PTI, a kindergarten and some commercial uses would be inside the podium. The podium would have pedestrian connections to the future upgraded Fo Tan Station via the podium of Phase 2 of the proposed development; and
 - (ii) Phase 2 would be located in S2 and S3 portions with four residential blocks and one secondary school on podium level. As the construction of columns and piles for the residential blocks could not affect the existing operation of Fo Tan Station and the adjoining rail tracks and freight yard, most the blocks (except Tower 6) had to be located within S2 portion. The secondary school would be located within S3 portion. A MTI and some commercial uses would be inside the podium. The podium would have direct pedestrian connections to the future upgraded Fo Tan Station and the podium of Phase 1 of the proposed development. It would also have footbridge connections to the KCRC Headquarters and The Palazzo;

- (i) as shown in some photomontages and the physical model prepared by the applicant, the proposed development would only have slight/moderate adverse visual impacts locally;

[Professor Bernard V.W.F Lim arrived to join the meeting, while Mr. Raymond Y.M. Chan left the meeting temporarily, at this point. Ms. Margaret M.C. Hsia left the meeting at this point.]

- (j) comparing the current scheme with the scheme of the previously approved rezoning request, the amount of the proposed total gross floor area (GFA) was more or less the same. However, under the current scheme, the number of flats had reduced by 739, with an increase in average flat size of 24.5m². In terms of planning gains, the current scheme was better as it had included a kindergarten and two more footbridge connections across Lok King Street. The current scheme also had the following further improvements/merits :-

- (i) the current scheme had the primary school site located at grade while that under the previous scheme was on deck;
- (ii) the current scheme had two vehicular run-in/out points (Lok King Street and Au Pui Wan Street) while the previous scheme had only one (Lok King Street only);
- (iii) the previous scheme had no footbridge connection across Lok King Street;
- (iv) the noise impact compliance rate for the proposed residential units under the previous scheme was 92% while that for the current scheme was 100%; and
- (v) Phase 1 of the current scheme was self-contained while that for the previous scheme was not.

[Mr. Raymond Y.M. Chan returned to join the meeting, while Ms. Sylvia S.F. Yau left the meeting, at this point.]

46. Referring Members to paragraph 7 of the Paper, Mr. Ian Brownlee made the following responses to PlanD's assessments of the application :

- (a) according to TPB Guidelines No. 18A, the MLPs for "CDA" sites should only address the generality of the development and provide the basic outline for control. The actual implementation of each MLP should be based on the approval conditions the Board imposed, and the subsequent lease conditions and general building plan submission;
- (b) the applicant had already included all the relevant requirements in the submitted MLP. The KCRC now accepted that a phased development approach was appropriate;
- (c) the uncertainty on implementation of Phase 2 of the proposed development had largely been resolved by KCRC's agreement to the phased development approach;
- (d) the current scheme was an optimal one given all the requirements specified in the OZP and its Explanatory Statement (including the permitted GFA). It was stated in the Hong Kong Planning Standards and Guidelines that private scheme did not have to prepare an AVA. The applicant had conducted a preliminary assessment in the section 16 application and had included the Executive Summary of a more detailed AVA study in the supplementary information tabled at the meeting;
- (e) the applicant was somewhat surprised to note the DEP's comments on the review application as the proposed development would comply with the traffic noise impact assessments;
- (f) none of the traffic concerns were fundamental as they were all related to the matters to be considered at the implementation stage;

- (g) the objection of the Chief Engineer/Technical Services, Railway Development Office of Highways Department to the proposed development was based on his previous and outdated consultation with KCRC; and
- (h) the proposed educational facilities in the current scheme should be better than the scheme in the previously approved rezoning request. Concerned bureau/department had no in-principle objection to the proposal.

47. To conclude, Mr. Ian Brownlee and Alexis Wong made the following points :

- (a) the application site would form part of a high density development node which benefited from direct railway access. The proposed development under application was therefore consistent with the Government's policy of concentrating developments along railway lines;
- (b) the Board should only be concerned about the overall development concept;
- (c) Royal Ascot had already been developed in the area for about 20 years, but the streetscape of King Lok Street still had no significant improvement. There was still no provision of school in the area;
- (d) the proposed commercial uses were mainly planned to serve the local residents in the area. The proposed development would include a number of planning gains. Should the application be rejected, it would be a loss to the local residents; and
- (e) an approved MLP would play an important role in providing a framework to facilitate the applicant's discussions with KCRC. It would also provide a basis for a coordinated implementation for the whole site.

48. Noting that the proposed primary school in S1 portion of the site would be at Au Pui Wan Street level, a Member asked whether it would directly face the existing industrial

buildings and godowns to its east and north, and the podium of the proposed development to its west and south. Mr. W.K. Hui, DPO/STN, indicated that the Secretary for Education had also raised a similar concern, and the DEP considered that both the proposed primary and secondary schools would be exposed to road traffic noise exceeding the required standard. Mr. Alexis Wong responded that the provision of two schools in the current scheme was partly requested by the then Education Department. Due to site constraints, the proposed primary school site was actually at the most suitable location. Regarding the visual impacts of the podium, it was proposed in the submitted LMP that planting would be designed to mitigate the visual impact of the podium.

49. Another Member commented that the proposed layout was not satisfactory as the density of the proposed residential blocks was too high, and some blocks had to adopt single-aspect design so as to mitigate the traffic noise impacts. This Member asked if the applicant would on the grounds of social responsibility consider lowering the development density. Mr. Jesse Lu responded that as a private developer, they always needed to take into account market demand and economic incentive when determining the density, layout and design of a property development project. For the subject application, the current scheme was already the best proposal the applicant could accept. Mr. Ian Brownlee supplemented that the plot ratio of the scheme proposed by the applicant in 1998 was 6.12, and had been reduced to 4.2. Noting that the proposed GFA under the current scheme had not exceeded the maximum figure specified on the OZP, the applicant was just proposing what was allowed under the OZP. While keeping the total GFA, the number of flats had been reduced by 739 for the current scheme.

50. A Member noted that notwithstanding the planning gains offered to the local residents, there were a large number of local objections against the application. This Member asked whether the applicant had any response to the public comments on the application. Mr. Ian Brownlee said that the public comments on the application could generally be divided into two groups. The first group was from KCRC and the owner of the two godowns at STTL 4. Their comments were rather technical which could be addressed by the applicant. The second group was largely from the nearby residents, including owners of The Palazzo, part of which was still under construction. Their comments were mainly related to their own interests such as the open views currently enjoyed from their flats. To the applicant, such comments were unreasonable as these local residents should know in the

first place that there would be a comprehensive development/redevelopment on the application site when the Board rezoned the site to “CDA(1)” in 2000. Notwithstanding this, the proposed development would only have slight/moderate adverse visual impact locally as demonstrated in the earlier presentation. Besides, the commenters should not ignore the planning gains which could be brought about by the proposed development, including an upgrading of the existing substandard Fo Tan Station and its related transport interchange facilities. Mr. Andrew Ng added that many commenters actually had a misunderstanding of the proposed development under application. This hearing gave them an opportunity to know more, including the planning gains which they could be benefited from.

51. Another Member enquired about the latest position of KCRC on the application. Mr. W.K. Hui indicated that KCRC had not indicated any support to the application in their letter to the applicant dated 24.7.2008. Referring to the second paragraph of the letter, the Chairman noted that KCRC’s latest position was still not very positive towards the proposed development. Mr. Ian Brownlee responded that their interpretation of the letter was that KCRC had no in-principle objection to the application. Mr. David A. Runciman said that the applicant had extensive discussions with the senior management of KCRC in the past six weeks. Their major concern was whether the proposed development would adversely affect the operations of the existing rail tracks and freight yard.

52. Mr. Jesse Lu made the following points of concluding remarks :

- (a) the applicant had done a lot of work in the past five years with an intention to develop the application site;
- (b) due the various site constraints, the current scheme was the best proposal the applicant could accept;
- (c) a phased implementation of the proposed development was inevitable; and
- (d) the applicant would consider giving up the proposal if there was still no certainty of development in the future. As a result, there would be financial loss to the application and KCRC, and loss of planning gains to the local residents.

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

Deliberation Session

54. Members generally had reservation on the application as the density, layout and design of the proposed development were not satisfactory. More importantly, the applicant had not yet obtained any commitment from KCRC who was the other concerned landowner of the application site.

55. A Member said that the current scheme was worse than that of the approved rezoning request. In particular, the only access to the proposed primary school was via Au Pui Wan Street which was in fact a street in the Fo Tan Industrial Area. Recalling that a section 12A application had been submitted earlier this year for proposing rezoning of the existing two godowns at STTL 4 to other uses, this Member said that the PlanD might consider including that site in the subject "CDA(1)" zone so as to further enhance the development potential and help resolve the existing site constraints. This view was shared by another Member. The Chairman said that the suggestion could be passed to the PlanD for further study.

56. After further deliberation, the Board decided to reject the application on review for the following reasons :

- (a) the planning intention of the "Comprehensive Development Area(1)" was for comprehensive development/redevelopment of the whole area. There was inadequate information in the submission to demonstrate that the proposed phased development would not undermine the planning intention to develop the whole site in a comprehensive manner;

- (b) the design and layout of the proposed development was unsatisfactory. There was inadequate information in the submission to demonstrate that the proposed development would achieve best integration in terms of overall layout, access arrangement/pedestrian circulation and provision of Government, institution or community (GIC) and transport facilities. The disposition of the residential towers was congested with excessive building bulk. There was inadequate information in the submission to demonstrate that the proposed development would not impose 'wall effect' in the area;
- (c) there was inadequate information in the submission to demonstrate that the proposed development would not adversely affect the operation of the East Rail Fo Tan Station and the adjoining rail tracks and freight yard;
- (d) there was insufficient information in the submission to demonstrate that the proposed development would not generate any adverse visual environmental, traffic, landscape and air ventilation impacts on the surrounding developments; and
- (e) the design and location of the proposed GIC and public transport interchange facilities were not satisfactory. There was insufficient information in the submission to demonstrate that the proposed GIC and public transport interchange facilities could be timely implemented as planned.

[Mr. Tony C.N. Kan and Ms. Ava Chiu returned to join the meeting, while Mr. James C.W. Lau and Ms. Starry W.K. Lee left the meeting temporarily, at this point. Professor Bernard V.WF. Lim, Dr. C.N. Ng, and Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PS/278

Temporary Public Vehicle Park for Private Cars, Lorries and Coaches

for a Period of 3 Years in “Village Type Development” zone,

Lots 429, 431(Part), 436(Part), 437, 438, 446(Part), 447(Part) and 449RP(Part)

in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long

(TPB Paper No. 8144)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

57. Mr. Wilson W.S. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and the following applicant and his representatives were invited to the meeting at this point :

| | | |
|---------------------|---|-----------------------------|
| Mr. Tang Chi-hok | - | applicant |
| Mr. Lau Tak |] | applicant's representatives |
| Ms. Cheung Ming-lai |] | |

58. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman then invited Mr. Wilson W.S. Chan, DPO/TMYL, to brief Members on the background to the application.

59. With the aid of some plans, Mr. Wilson W.S. Chan presented the review application as detailed in the Paper and made the following main points :

- (a) the applicant sought planning permission for a temporary public vehicle park for private cars, lorries and coaches for a period of 3 years at a site zoned “Village Type Development” on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11;

- (b) the applicant site had an area of about 12,829m². Enforcement Notices (ENs) on unauthorized parking of vehicles were issued to the concerned landowners in January 2008. After the expiry of the ENs in April 2008, the site had been cleared and left vacant;
- (c) the reasons for rejecting the application by the Rural and New Town Planning Committee (RNTPC) were set out in paragraph 1.2 of the Paper;
- (d) justifications submitted by the applicant in support of the review application were summed up in paragraph 3 of the Paper, including :-
 - (i) the Board had approved four times the same application for public vehicle park since 1999. Since then, the site had been used as a public vehicle park to serve villagers and tourists. There was no change to the surrounding environment of the application site;
 - (ii) the access road had been in existence since August 1999. Only villagers of Hang Tau Tsuen and Hang Mei Tsuen could use the application site for parking. According to the Hong Kong Planning Standards and Guidelines (HKPSG), about 430 parking spaces should be provided for these two villages. The applicant only applied for 245 spaces;
 - (iii) Hang Tau Tsuen and Hang Mei Tsuen were rather remote and far away from the West Rail Tin Shui Wai Station and Light Rail Station. Many villagers had to travel by cars and parking demand was thus very high;
 - (iv) railings were installed along the access road to Hang Tau Tsuen and Hang Mei Tsuen to enhance pedestrian safety. Since the operation of the subject vehicle park in 1999, there had never been any traffic accident. The applicant would erect a road sign to restrict the speed of vehicles, and mark a pedestrian crossing at an appropriate location of the driveway;

- (v) in order to reduce nuisance, car parking spaces near the village entrance would be reserved for private cars only;
 - (vi) as the application site was close to the sight-seeing spots of the Ping Shan Heritage Trail (the Heritage Trail), it was a suitable location for parking the coaches of local tours; and
 - (vii) the application was supported by the rural committee, village representatives and a District Council member;
- (e) in support of the review application, the applicant also submitted a set of responses to address the departmental and public comments on the application and some support letters from the villagers and coach drivers;
- (f) departmental comments – the Assistant Commissioner for Transport/New Territories of the Transport Department (AC for T/NT of TD) considered that the existing access road to the application site (with a width of 3.5m and a length of 80m) was not suitable for two-way traffic unless there was a passing bay at a maximum distance of 60m from either ends. Even with this, it was still considered not desirable for long vehicles, including goods vehicles and coaches, to use this road in view of difficulties in obtaining good sightlines for reversing vehicles along the road. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road. Hence environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the review application;
- (g) a total of three public comments were received during the statutory publication periods. They were made by two villagers of Sheung Cheung Wai and a group of villagers of Hang Mei Tsuen. The commenters objected to the application mainly for the reasons that the proposed public vehicle park had caused adverse impact on pedestrian safety and created

environmental nuisances; and

[Dr. James C.W. Lau and Ms. Starry W.K. Lee returned to join the meeting at this point.]

- (h) the PlanD's views – the PlanD did not support the review application for the reasons as detailed in paragraph 7 of the Paper. In order to address the environmental concerns, the last two temporary approvals for the application site were subject to an approval condition prohibiting the parking of goods vehicles of 5.5 tonnes or more, coaches, container vehicles and trailers. Both approvals were revoked due to non-compliance with this planning condition. The District Lands Officer/Yuen Long of the Lands Department had received Small House applications on two sites adjoining the application site (i.e. Lots 435S.A and 435S.B in D.D. 122). One of the applications was being actively processed while another was being placed in the waiting list. AC for T/NT of TD and DEP had raised traffic and environmental concerns on the proposed vehicle park. Three applications for similar use were previously rejected by the RNTPC in 2006 for similar reasons, and there had been no change in the planning circumstances. It was clearly stated in the HKPSG that car parking standards should be applied flexibly taking into account the availability of public transport services and public car parks in the vicinity. In this connection, the West Rail Tin Shui Wan Station and Light Rail Station was only about 375m and 500m away respectively from Hang Tau Tsuen and Hang Mei Tsuen. There were coach parks at the western side of Ping Ha Road near Kiu Fat Street.

60. The Chairman informed Members that the applicant had submitted a pamphlet, which was tabled at the meeting, on the Heritage Trail jointly issued by the Leisure and Cultural Services Department and the Antiquities and Monuments Office for Members' reference.

61. The Chairman then invited the applicant and his representatives to elaborate on the application.

62. With the aid of some plans and photos, Mr. Lau Tak made the following main points :

- (a) the applicant was one of the indigenous villagers of the Tang clan in Ping Shan. He was also one of the managers of Tang clan's Tso/Tong;
- (b) the Tang clan in Ping Shan previously owned a lot of land in the area. Due to the resumptions of land for the construction of highways and West Rail and the lack of comprehensive rural planning in the past, the accesses to the existing villages in the area were mainly via substandard roads/tracks connecting to Ping Ha Road;
- (c) the application site was owned by the Tang clan who had a mutual understanding amongst clansmen that the site could not be used for any Small House development;
- (d) the access road to the application was about 3.5m wide. It included a pedestrian walkway with railings separating the driveway. Since the operation of the vehicle park on the application site in 1999, there had never been any traffic accident. Even fire engines had no difficulty in using the road in case of fire accidents within the villages;
- (e) noting that Hang Tau Tsuen and Hang Mei Tsuen were rather remote and many villagers were currently living in the surrounding area, there was a genuine need to have a large communal vehicle park to serve the villagers. Besides, parking demand in the area would increase greatly when there were special occasions of worship, celebration, ceremonies and gathering at the Tang Ancestral Hall. Goods vehicle parking was also required as some of the villagers were lorry drivers. They needed parking spaces close to their homes;
- (f) since the application site was located next to the Heritage Trail, coach parking was needed to facilitate the visit of the tourists to the trail. Based on the opening hours of some sight-seeing spots along the trail, the coaches

normally would not enter the site before 10:00 a.m. and leave after 4:00 p.m.. Without this vehicle park, two more vehicular trips would be generated for each coach as it had to drop off the passengers at the application site, then leave, and return later for picking up the passengers;

- (g) the existing coach park near Kiu Fat Street was quite far away from the Heritage Trail. Since the tourists had to cross Ping Ha Road after getting off the coaches there, pedestrian safety problems might arise. This might account for the low utilization rate of that coach park, as witnessed on a site visit on Sunday;
- (h) many coaches were found dropping off the passengers on a two-way single-lane road near the Heritage Trail on a Sunday. This not only caused road safety problems, but also resulted in traffic congestions;
- (i) after the applicant's investigation, no villager of Sheung Cheung Wai and Hang Mei Tsuen had raised objection to the application. The applicant guessed that the three public comments received by the Board were made by nearby commercial parking operators. Besides, if the application was objected to by the villagers, many more comments should have been received by the Board;
- (j) the parking requirements for village housing specified in the HKPSG should be respected and followed;
- (k) the application site was the subject of four previous approvals. In view of an objection raised by a Legislative Council member to the third application, the last two approvals were subject to a condition prohibiting the parking of goods vehicles of 5.5 tonnes or more, coaches, container vehicles and trailers. For the subject application, no objection from this Legislative Council member was received;
- (l) according to the minutes of meeting of the Board for considering the second application on 14.2.2003, Members generally agreed that since

many tourists arrived at the application site in coaches, parking of private cars, lorries and coaches, as proposed by the applicant, should be allowed in the site; and

- (m) it was hoped that the temporary approval for the subject application would be granted for 3 years instead of 1 year. Otherwise, the applicant would have to submit renewal application in 6 months' time.

63. A Member asked whether the coaches could still enter the site if the Board rejected the subject application, or whether the Board could approve it but prohibit coaches to be parked on the site. Mr. Wilson W.S. Chan, DPO/TMYL, replied that coaches could still be allowed to enter the site under both situations. He reiterated the comments made by the AC for T/NT of TD that the existing access road was not suitable for two-way traffic, and was not desirable to be used by long vehicles, including good vehicles and coaches, even with the provision of passing bays. The Chairman asked why the previous applications could be approved in view of such concerns on the traffic aspect. Mr. Chan explained that AC for T/NT of TD had not made such comments in the earlier applications. Mr. Lau Tak emphasised that two more trips would be generated for every coach carrying tourists to visit the Heritage Trail, should coaches be prohibited to be parked on the site. The same Member further asked whether road signs could be erected to prohibit coaches and lorries to enter the access road if they were not allowed to be parked on the site. Mr. Wilson Chan said that this might be subject to the views of the Transport Department.

64. The same Member also asked whether any fees were charged for the parking of vehicles on the application site. Mr. Tang Chi-hok replied that they never charged a fee for any vehicle owned by an indigenous villager or coach carrying tourists to visit the Heritage Trail. So far, only vehicles owned by the non-indigenous villagers had to pay parking fees.

65. The Chairman asked how two-way traffic on the single-lane road could be arranged. Mr. Lau Tak said that the road had a very clear sightline at both ends, and a car driver would not enter the road until it was clear. A Member asked whether there were railings all along the access road, Mr. Lau Tak said that the railings covered the whole access road. Mr. Tang Chi-hok supplemented that they were erected by the Government upon a request of the villagers.

66. The Chairman asked whether DEP's environmental concerns on the application were based on their new requirements. Referring to paragraph 7.2 of the Paper, Mr. Wilson W.S. Chan said that the concerns were mainly based on the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage on Handling Environmental Aspects of Temporary Uses and Open Storage Site" (the CoP) issued by the Environmental Protection Department (i.e. planning permission should not be granted to temporary use causing heavy vehicle traffic if either the parking site was located within 100m from the nearest residential building, or part/whole of the subject heavy vehicle traffic was expected to travel along any access road within 50m from the nearest residential building). Mr. Chan further said that DEP first raised environmental concerns on the subject vehicle park when giving comments on the third application in 2006. To address the issue, an approval condition was included in that permission to prohibit the parking of goods vehicles of 5.5 tonnes or more, coaches, container vehicles and trailers. Mr. Lau Tak disagreed with Mr. Chan on this point. He said that the CoP was first published in 2001 and such EPD's comments could be found in most other applications of the same or similar nature.

67. Referring to some photos of the access road attached one of the public comments in Annex H3 of the Paper, a Member asked whether the PlanD had any updated information of the road condition. Mr. Wilson W.S. Chan presented some photos taken on 17.7.2008, with width of various parts of the access road marked, and explained that the condition of the access road was satisfactory. No broken railing was found.

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

Deliberation Session

69. In the light of the concerns of the AC for T/NT of TD on the problem associated with the access road, two Members had reservations on the application, particularly noting

that some sections only had a width of 2.9m.

70. Other Members were sympathetic to the application for the following reasons :
- (a) the Heritage Trail was a popular tourist spot in the New Territories. The provision of a proper and convenient coach park was necessary;
 - (b) the use of coaches to visit the Trail should be supported. Otherwise, local visitors would choose to use their own cars to get there, which might result in traffic congestion;
 - (c) the existing condition of the access road to the application site could be tolerated. Railings were available to separate the pedestrian walkway and the driveway; and
 - (d) the application site had been used for vehicle park since 1999. So far, no traffic accident had occurred at the access road. The situation would be worse if coaches were not allowed to be parked at the site because two more trips would be generated for each coach.

71. Members generally agreed that there was a need to widen the access road in the long-term, and relevant Government departments should be required to look into the issue. As an interim measure, a Member suggested consideration should be given to erecting a signpost at the entrance of the road to show drivers the minimum width of the road.

72. As regards the duration of the approval period, Members generally agreed that a shorter period of 1 year should be given so that the situation could be closely monitored.

73. After further deliberation, the Town Planning Board (TPB) decided to approve the application on review on a temporary basis for a period of 1 year until 25.7.2009, on the terms of the application as submitted to the TPB. The permission was subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (b) no heavy vehicles including container vehicles and container trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site during the planning approval period;
- (d) the landscape planting on the site should be maintained at all time, including replacement of dead or missing trees, during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained during the planning approval period;
- (f) the improvement of the road signs at the site, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission of the condition record of the existing drainage facilities on site as previously implemented on site under planning application No. A/YL-PS/266 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2008;
- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher on site within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

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

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

- (a) a shorter approval period of 12 months was imposed so as to monitor the situation of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments made by the District Lands Officer/Yuen Long of the Lands Department on the need to apply to his office for a Short Term Waiver to regularize the irregularities on site otherwise his office would consider taking appropriate enforcement action against the registered owners;
- (e) to note the comments made by the Chief Building Surveyor/New Territories West of the Buildings Department on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other

enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;

- (f) to note the comments of the Antiquities and Monuments Office of the Leisure and Cultural Services Department that no ground excavation work was to be involved; and
- (g) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances.

[Mr. Timothy K.W. Ma left the meeting at this point.]

Agenda Item 7

[Closed Meeting]

Draft South West Kowloon Outline Zoning Plan No. S/K20/21
Preliminary Consideration of Objections
(TPB Paper No. 8137)

[The meeting was conducted in Cantonese.]

[Remarks - the Chairman said the item was a closed item and would not be open for public viewing as it was related to an outline zoning plan exhibited before the implementation of the Town Planning (Amendment) Ordinance 2004. The item involved paragraphs 75 to 83 of the minutes.]

Agenda Item 8

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

84. There being no other business, the meeting was closed at 2:00 p.m..