

TOWN PLANNING BOARD

**Minutes of 309th Meeting of the
Rural and New Town Planning Committee held on 12.8.2005**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department
Mr. Patrick Li

Assistant Director (Environmental Assessment and Noise),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director/New Territories, Lands Department
Mr. Francis Ng

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor David Dudgeon

Mr. Tony C.N. Kan

Assistant Commissioner for Transport/New Territories,
Transport Department
Ms. Cindy Law

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

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

Agenda Item 1

Confirmation of the Draft Minutes of the 308th RNTPC Meeting held on 29.7.2005

[Open Meeting]

1. The draft minutes of the 308th RNTPC meeting held on 29.7.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Town Planning Appeal No. 7 of 2004 (7/04)

Proposed Temporary Golf Driving Range in “Green Belt” and “Recreation” Zones, Lots 228, 229, 231-235, 237-241, 243-250, 252-259, 261-273, 275-279, 283-288, 290-292 in DD 247 and Adjoining Government Land,

Ho Chung, Sai Kung

(Application No. A/SK-HC/110)

2. The Secretary reported that the captioned appeal, which was heard by the Town Planning Appeal Board (TPAB) on 1.6.2005 and 2.6.2005, was dismissed by TPAB on 29.7.2005. A copy of the Summary of Appeal and the TPAB’s decision were tabled at the meeting for Members’ reference.
3. The Secretary said that the appeal was against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/SK-HC/110) for a temporary golf driving range for a period of one year at a site zoned “Green Belt” (“GB”) and “Recreation” on the approved Ho Chung Outline Zoning Plan No.S/SK-HC/5.

(b) **New Town Planning Appeals Received**

- (i) Town Planning Appeal No. 15 of 2005 (15/05)
Proposed Temporary Plastic Recycling Centre
for a Period of 3 Years in “Open Storage” Zone,
Lots 334B(part), 334C(part), 334D(part), 334E(part), 334F(part)
and Adjoining Government Land in DD 95,
Kwu Tung North, Sheung Shui
(Application No. A/NE-KTN/113)
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4. The Secretary reported that the TPAB on 28.7.2005 received an appeal against the decision of the Board on 20.5.2005 to reject on review an application (No. A/NE-KTN/113) for temporary plastic recycling centre for a period of 3 years at a site zoned “Open Storage” on the draft Kwu Tung North OZP No. S/NE-KTN/6. The hearing date of the appeal was yet to be fixed.

- (ii) Town Planning Appeal No. 17 of 2005 (17/05)
Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” Zone
Lots T128(part), 2806RP(Part), 2807RP and
Adjoining Government Land in DD 51,
Tong Hang, Fanling
(Application No. A/NE-LYT/291)
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5. The Secretary reported that the TPAB on 8.8.2005 received an appeal against the decision of the Board on 3.6.2005 to reject on review an application (No. A/NE-LYT/291) for temporary open storage of construction materials for a period of 3 years at a site zoned “Agriculture” on the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10. The hearing date of the appeal was yet to be fixed.

(c) **Appeal Statistics**

6. The Secretary reported that as at 12.8.2005, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	12
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	109
Yet to be Heard	:	23
Decision Outstanding	:	2
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		227

Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Tai Po and North (DPO/TPN), and Mr. P.K. Ip, Senior Town Planner/Tai Po and North (STP/TPN), were invited to the meeting at this point.]

[Mr. Alfred Donald Yap arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/NE-LT/343 Proposed New Territories Exempted House (Small House)
in “Agriculture” and “Village Type Development” Zones,
Lot 109A in DD18, Tai Om Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/343)

Presentation and Question Session

7. Mr. P.K. Ip, STP/TPN, presented the application and covered the following

aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House) development;
- (c) departmental comments, noting that the District Lands Officer/Tai Po and the Director of Agriculture, Fisheries and Conservation did not support the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views, highlighting that the application was not in line with the planning intention of the "Agriculture" zone and it did not fully meet the Interim Criteria for assessing planning application for NTEH/Small House development (the Interim Criteria) in that majority of the application site fell outside both the village 'environs' and the "Village Type Development" zone.

8. In response to a Member's enquiry, Mr. P.K. Ip said that since the endorsement of the Interim Criteria, no planning permission had been granted for any similar application within the subject "Agriculture" zone which did not comply with the Interim Criteria.

Deliberation Session

9. Taking into account that the application was not in line with the planning intention of the "AGR" zone and it did not fully meet the Interim Criteria, Members considered that favourable consideration could not be given.

10. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention; and

- (b) the application did not fully meet the interim criteria for assessment planning application for NTEH/Small House development since over 50% of the footprint of the proposed Small House was located outside the “Village Type Development” zone and majority of the application site fell outside the village ‘environs’ of a recognized village. Favourable consideration could not be given.

[The Chairperson thanked Mr. W.K. Hui, DPO/TPN, and Mr. P.K. Ip, STP/TPN, for their attendance to answer Members’ enquiries. Messrs. Hui and Ip left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson W.S. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. P.C. Mok, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Deliberation Session

13. The Chairperson remarked that the proposed tutorial school was small in scale and there were no adverse comments from relevant Government departments nor any local objections.

14. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that fire service installations for the proposed tutorial school should be provided to the satisfaction of the Director of Fire Services or of the Town Planning Board. The permission should be valid until 12.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

- (ii) A/YL-HT/419 Temporary Vehicle Repair Workshop
for a Period of 3 Years in “Open Space” Zone,
Lot 352RP(Part) in DD 124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/419)

Presentation and Question Session

15. Mr. P.C. Mok, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application, noting that the application was for the renewal of a previous planning permission granted on 13.9.2002, and that the applicant had complied with all the approval conditions of the previous application;
- (b) the proposed temporary vehicle repair workshop use;

- (c) departmental comments, highlighting the concern of the Environmental Protection Department (EPD) on the noise impact due to off-site traffic and on-site repairing activities of the proposed use, and that other relevant Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views, pointing out that it had no objection to the application and additional approval conditions prohibiting operation at night-time and on Sundays and public holidays were recommended to minimize any possible noise impact.

16. In response to a Member's enquiry about the similar applications shown on Plan A-1 of the Paper, Mr. P.C. Mok clarified that only one previous application (No. A/YL-HT/212) shown on the plan was rejected while the other applications were approved.

Deliberation Session

17. The Chairperson said that according to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13C), the application site fell within Category 3 areas. Sympathetic consideration might be given if Members were satisfied that the applicant had complied with the approval conditions of the previous application and there was no change in circumstances since the last approval. EPD's concern could be addressed through imposition of appropriate conditions.

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 12.8.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. to 7:00 a.m. should be permitted at the site;
- (b) no operation on Sundays and public holidays should be permitted at the

site;

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

19. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Office/Yuen Long for Short Term Waiver to regularize the structures on the site;
- (b) approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the premises for storage/use of Dangerous Goods;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments in paragraph 4.1.3 of the Paper to clarify the land status, management and maintenance responsibilities of the vehicular access leading to the site;
- (d) follow the measures in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the possible on-site environmental impacts on the nearby sensitive receivers; and

- (iv) A/YL-KTS/174-1 Extension of Time for Commencement of the Approved Residential Development under Application No. A/YL-KTS/174 for a Period of 3 Years until 13.8.2008 in “Residential (Group D)” Zone, Lots 1276, 1277RP, 1335A, 1335RP, 1336RP, 1337RP, 1338, 1339, 1342 and 1343(Part) and Adjoining Government Land in DD 106, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/174-1)
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Presentation and Question Session

22. Mr. P.C. Mok, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application, noting that the application was for the extension of time for commencement of a development approved by the Committee on 13.8.1999. The validity period of the planning permission was extended by the Town Planning Board on 2.8.2002 for 3 years up to 13.8.2005;
- (b) there was an existing Grade III historical building on the application site, as shown on some photographs, noting that the building was in dilapidated condition and was currently used as a factory;
- (c) the approved residential development, which comprised 34 two-storey units at a plot ratio of 0.2;
- (d) departmental comments, including the concern of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

on the drainage impact of the development on the adjacent areas, the suggestions of the Executive Secretary of Antiquities and Monuments Office, Leisure and Cultural Services Department (ES of AMO, LCSD) to impose a condition on conducting an Archaeological Investigation and to advise the applicant to preserve the Grade III historical building in-situ as far as possible. Also, the District Officer/Yuen Long had advised that the Village Representative of Ng Ka Tsuen maintained his previous objection to the development on grounds of traffic and environmental hygiene;

- (e) the Planning Department's views, pointing out that it had no objection to the application as there had been no significant change in the planning circumstances since the granting of the planning permission and the applicant was taking steps to implement the approved development including submission of an application for land exchange to the Lands Department. To address the comments of CE/MN, DSD and ES of AMO, LCSD, it was suggested to add the requirement of Drainage Impact Assessment in the previous approval condition on the provision of drainage facilities, and to impose a new condition requiring a detailed Archaeological Investigation.

23. Major questions and comments raised by the Members were as follows:

- (a) a Member considered that the existing Grade III historical building on the site should be preserved as far as possible. Another Member said that the decision on preservation of the historical building should rest with the AMO. A Member asked whether the preservation of the historical building was one of the technical issues that had caused more time for processing the land exchange application by the Lands Department; and
- (b) a Member asked whether the proposed emergency vehicular access (EVA) to the approved development had been accepted by relevant Government departments.

24. In reply, Mr. Wilson W.S. Chan, DPO/TMYL, made the following points:

- (a) for the original application approved by the Committee in 1999, the AMO had suggested that the historical building should be preserved as far as possible, and the Committee had advised the applicant to consult the AMO on which parts of the building should be preserved. For the current application, the AMO maintained its previous view. Should Members consider appropriate, the applicant could be advised accordingly; and
- (b) the Director of Fire Services (D of FS) would consider the proposals of EVA and other fire service installations at building plan submission stage. A relevant approval condition was recommended in paragraph 8.4(d) of the Paper.

25. Mr. Francis Ng also replied that the processing of the land exchange application submitted in March 2005 was withheld pending submission of further information from the applicant to address some technical issues, including the width of the access road and its encroachment upon private land, as well as the encroachment of the application site upon the village 'environs' of the adjacent village.

[Deliberation Session]

26. Taking into account the condition of the historical building and the advice of the AMO, Members agreed that the applicant should be advised to preserve the building as far as possible. Members also noted that there had been no significant change in the planning circumstances since the approval of the original application in 1999, and there was no objection raised by concerned Government departments to the current application.

27. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 13.8.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of a revised Landscape Master Plan, incorporating the findings of a comprehensive tree survey, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the implementation of sewage treatment facilities, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment and implementation of flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the provision of emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) setting back of the south-eastern portion of the application site to avoid encroachment onto the works limit of the PWP Item No. 81CD - Main Drainage Channels for Yuen Long and Kam Tin Stage 2 - Remainder to the satisfaction of the Director of Civil Engineering and Development Department or of the Town Planning Board; and
- (f) the submission of a detailed Archaeological Investigation to assess the archaeological impact of the proposed construction works at the application site before any construction works commenced and implementation of appropriate mitigation measures if the site was proved to be of archaeological significance to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the Town Planning Board.

28. The Committee also agreed to advise the applicant of the following :

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The Town Planning Board Guidelines No. 35 and 36 should be referred to for details;
- (b) the Chief Engineer/Development (2), Water Supplies Department's comment that the existing water mains would be affected by the proposed development and the applicant should either divert the water mains or provide a waterworks reserve within 1.5m from the centre line of the water mains. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes;
- (c) the comments of the Executive Secretary of Antiquities and Monuments Office, Leisure and Cultural Services Department (ES of AMO, LCSD) that the Archaeological Investigation as required in the approval Condition (f) should be conducted by a qualified archaeologist who should obtain a Licence from the Antiquity Authority under the Antiquities and Monuments Ordinance (Cap.53);
- (d) the advice of the ES of AMO, LCSD that the Grade III historical building on the site should be preserved in-situ as far as possible; and
- (e) the Director-General of Civil Aviation's comments that the Kam Tin area was outside the current NEF 25 contour. However, as air traffic increased, there was a possibility that take-offs would take place from both runways of the Hong Kong International Airport independently. Under this scenario, there would be a departure flight path close to the Kam Tin area. Under such a scenario, the site would be affected by aircraft noise, and the noise might be particularly audible when the background noise was low.

Remarks

29. The Chairperson said that the remaining item in the Agenda would not be open for public viewing since it was on an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.