

**TOWN PLANNING BOARD**

**Minutes of 322nd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 3.3.2006**

**Present**

Director of Planning  
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

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

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

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

Secretary

**Absent with Apologies**

Professor K.C. Ho

Mr. Francis Y.T. Lui

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Assistant Commissioner for Transport/New Territories,  
Transport Department  
Miss Cindy Law

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Miss Jessica K.T. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 321st RNTPC Meeting held on 17.2.2006

1. The draft minutes of the 321st RNTPC meeting held on 17.2.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

2. The Secretary reported that there were no matters arising.

**Tuen Mun and Yuen Long District**

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Frederick S.T. Ng, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/133 Proposed Temporary Private Parking Area and Public Car Park for a Period of 3 Years in “Green Belt” zone, Lots 868 and 869 in DD 130, Lo Fu Hang, Tuen Mun  

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(RNTPC Paper No. A/TM-LTY Y/133)

Presentation and Question Sessions

3. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary private parking area and public car park for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper in that the proposed development was not in line with the planning intention of the “Green Belt” zone; the proposed development was considered not compatible with the surrounding areas; there was no information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas; and the approval of the application would set an undesirable precedent.

4. Referring to Plans A-4a, A-4b and the Highway Department's (HyD) comments in paragraph 12.4(b) of the Paper, a Member doubted whether vehicles were permitted to enter the site. Referring to paragraph 10.1.3(a) of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, clarified that there were some existing subways under Yuen Long Highway in the vicinity of the site. The HyD was of the view that no vehicle would be permitted to enter the site via these existing subways.

5. In reply to the Chairman's query, Mr. Wilson So said that the Transport Department commented that as the access road leading to the site was just 4.5-5m wide, the applicant was requested to submit more information to substantiate that the proposed use would not have adverse traffic impact on the area.

[Messrs. Alex C.W. Lui and Elvis Au joined the meeting at this point.]

6. The Chairman asked about the background of a similar application No. A/TM-LTYT/129 rejected in November 2005. Referring to Plan A-1 of the Paper, Mr. Wilson So stated that the similar application was located to the immediate west of the application site and was for a proposed temporary vehicle park for goods vehicles, coaches and container vehicles. This application was rejected for being not compatible with the surrounding residential dwellings, and having adverse traffic, drainage and environmental impacts on the surrounding areas.

#### Deliberation Session

7. The Chairman remarked that since there was no significant change in the planning circumstances of the area since the previous decision, there was no strong justification to support the application.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development was considered not compatible with the surrounding areas;
- (c) there was no information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar application within the “GB” zone, the

cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii)           A/TSW/33                   Proposed Tutorial School  
  in “Residential (Group B)” zone,  
  Shop A62-64, G/F,  
  Kingswood Richly Plaza,  
  1 Tin Wu Road,  
  Tin Shui Wai  
  (RNTPC Paper No. A/TSW/33)

Presentation and Question Sessions

9.           Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed tutorial school;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

10.          Members had no question on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 3.3.2010, 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/430 Renewal of Planning Approval for Temporary Open Storage of Containers for a Period of 3 Years in “Comprehensive Development Area” and “Green Belt” zones, Lots 134(Part), 135(Part), 136(Part), 260A(Part), 260B(Part), 261(Part), 262-266, 267(Part), 268(Part), 271(Part), 272(Part), 273(Part) and 274(Part) in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/430)
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Presentation and Question Sessions

12. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of containers for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned

Government departments were received;

- (d) no public comment was received during the publication period. One local objection was received from the District Office/Yuen Long on traffic and environmental aspects; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 12.1 to 12.3 of the Paper in that the current application was for continuation of the planning approval for the same open storage use without filling of ponds or involving additional land in the “Green Belt” (“GB”) zone. Transport Department and Environmental Protection Department had no adverse comments on the application.

13. Referring to Drawing A-2 of the Paper, a Member asked whether the dumping of construction wastes to the east of the application site was unauthorized development. Noting that the surrounding areas were occupied by open storages, this Member enquired about the history of the subject “GB” zone. Mr. Wilson Y.L. So, DPO/TMYL, explained that Drawing A-2 was submitted by the applicant based on information at the time of the previous application No. A/YL-HT/289. Referring to Plan A-2 of the Paper, Mr. So added that, based on land use survey conducted in January 2006, there were currently unused land, a chicken shed, a pigsty and some scattered residential dwellings to the east of the application site. Mr. Wilson So said that the area was zoned “GB” since the Ha Tsuen Interim Development Permission Area Plan gazetted in 1990 and parts of the subject “GB” zone had been considered for open storage use in the proposed Hung Shui Kiu New Development Area recommended under the Planning and Development Study on North West New Territories. The current application was recommended for temporary approval of 3 years mainly in consideration that there had been eight previous approvals since 1997 and all approval conditions had been complied with.

14. Noting that the site fell within Category 1 and Category 4 areas under the Town Planning Board Guidelines No. 13D (TPB PG-No. 13D), another Member enquired whether the two Category areas should be considered separately. Referring to Plan A-1 of the Paper, Mr. Wilson So replied that about 6.5% and 93.5% of the site fell within Category 1 and 4 areas respectively. As the major portion of the site fell within Category 4 area, the



assessment of the application was based on the relevant planning considerations for Category 4 areas where a maximum of 2 years could be considered for renewal cases. The application was however recommended for further renewal of 3 years taking into account that the site was the subject of eight previous planning approvals; the current application was for the continuation of the previous planning approval for the same open storage use; and the applicant had complied with all previous approval conditions.

15. The Chairman remarked that each application for renewal of approval should be assessed on its individual merit. Given that the site had been used for open storage use for many years with eight previous planning approvals, and there were no adverse departmental comments nor local objection received, sympathetic consideration could be given to granting the current application for renewal of 3 years.

16. Noting that the areas surrounding the application site had been used for open storage of containers, the same Member enquired whether consideration might be given to reviewing the TPB PG-No. 13D and reclassifying the subject area as Category 1 or 2 areas. The Chairman remarked that the suggestion could be kept in view in the next round of review of the said guidelines.

#### Deliberation Session

17. The Chairman summarised that, given the long history of planning approvals, sympathetic consideration could be given to the application for renewal of 3 years.

18. Referring to paragraph 12.2(a) of the Paper, a Member opined that the area to the west of the application site within the subject "GB" zone was covered by dense vegetation. He suggested deleting the last sentence "The temporary open storage of containers on the site is not incompatible with the surrounding areas" from the Paper in order to avoid giving a wrong message to other similar applications. The Committee agreed.

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 3.3.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no workshop activities as proposed by the applicant should be permitted at

the site during the planning approval period;

- (b) no night-time operation between 11 p.m. and 7 a.m. as proposed by the applicant should be permitted at the site during the planning approval period;
- (c) the submission of landscape and tree preservation proposals within 6 month from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.9.2006;
- (d) in relation to (c) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.12.2006;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.9.2006;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.12.2006;
- (g) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning condition (c), (d), (e) or (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) 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.

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

- (a) apply to District Lands Officer/Yuen Long for Short Term Wavier for erection of structures on the site;
- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (d) note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department that the site would encroach upon the preliminary alignment of the proposed sewerage system under package 2A-1T (Yuen Long Effluent Pipeline) of the project “4235DS – Yuen Long and Kam Tin Sewerage and Sewage Disposal”, the consultancy agreement of which would start in mid/late 2006 whilst the construction work would commence in June 2009 for completion in end 2012; and
- (e) note the comments of the Chief Town Planner/Urban Design and Landscape to follow the ‘Technical Notes on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses (3/4002)’.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/YL-KTN/244       Temporary Open Storage of Vehicles for Sale  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 457(Part), 458(Part) and 465A(Part) in DD 109  
and Adjoining Government Land,  
Wing Lung Wai,  
Kam Tin,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTN/244)
- (v)           A/YL-KTN/245       Temporary Open Storage of Vehicles and Vehicle Parts  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 457(Part), 458(Part) and 465A(Part) in DD 109,  
Wing Lung Wai,  
Kam Tin,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTN/245)

21.           Noting that Applications No. A/YL-KTN/244 and 245 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the two applications together.

Presentation and Question Sessions

22.           Mr. Frederick S.T. Ng, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers:

- (a)   background to the applications;
- (b)   application No. A/YL-KTN/244 - temporary open storage of vehicles for sale for a period of 3 years and application No. A/YL-KTN/255 - temporary open storage of vehicles and vehicle parts for a period of 3 years;

- (c) no adverse comments from concerned Government departments were received - the District Lands Officer/Yuen Long advised that there were two Small House applications under active processing in the vicinity of the two application sites;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the two applications for reasons given in paragraphs 12.1 to 12.3 of each of the Papers in that there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas and relocation to alternative sites could not be made.

23. A Member enquired the locations of the two Small House application sites. Referring to Plan A-2 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, said that the two Small Houses were located to the north-east of the application sites while the Wing Lung Wai Village was located in close proximity to the west of the application sites.

24. Another Member asked whether the active processing of Small House developments was the sole criterion in considering the two applications. Mr. Wilson So explained that the sites fell within the “Village Type Development” zone which was primarily intended for development of Small Houses by indigenous villagers. According to the Town Planning Board Guidelines No. 13D (TPB PG-No. 13D), the application sites fell within Category 4 areas where non-conforming uses should be phased out as early as possible. The assessments of the applications were mainly on whether sufficient time was allowed for the applicants to relocate to other suitable locations. After granting a temporary permission (Applications No. A/YL-KTN/185 and 184) for one year for the applicants to relocate their operations, another year was given under the last planning approvals (No. A/YL-KTN/208 and 207) for the same temporary uses at the two sites with additional time for relocation. In the current applications, no information was provided by the applicants to demonstrate that relocation to alternative sites could not be made. Mr. Wilson So pointed out that with the Small House developments starting to take place in this area, circumstances had changed and

the planning intention of this “V” zone was gradually being realized. The gradual phasing out of temporary open storage uses would provide opportunity for further Small House developments which would otherwise be frustrated. The four similar applications No. A/YL-KTN/236, 237, 238 and 239 in close proximity of the application sites were rejected by the Town Planning Board upon review in January 2006 based on similar considerations.

#### Deliberation Session

25. The Chairman remarked that each application for renewal of approval should be assessed on its individual merits. Although the current applications No. A/YL-KTN/244 and 245 and a previous application No. A/YL-HT/430 considered by the Committee at the same meeting all fell within Category 4 areas under the TPB PG-No. 13D, they were different in terms of site circumstances and planning considerations. A Member opined that the Committee should adopt a consistent approach in dealing with similar applications. The Chairman added that for the current two applications, residential dwellings were located adjacent to the application sites and the applicants had already been given a total of two years for relocation to other suitable areas. With four similar applications recently rejected by the Town Planning Board on review, there was no change in planning circumstances to justify departure from the previous decisions. The applications should therefore not be approved.

26. After deliberation, the Committee decided to reject the applications No. A/YL-KTN/244 and 245 and the reasons were:

- (a) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” as there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas; and
- (b) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi)           A/YL-KTS/362           Proposed Temporary Open Public Car and Lorry Park  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 368RP(Part) and 372RP(Part) in DD 109,  
Kam Tin,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTS/362)

Presentation and Question Sessions

27.           Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a)   background to the application;
- (b)   proposed temporary open public car and lorry park for a period of 3 years;
- (c)   departmental comments – no adverse comments from concerned Government departments were received;
- (d)   no public comment was received during the publication period and no local objection was received from the District Office; and
- (e)   the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

28.           A Member asked for the distinction between the current application and the two previous applications No. A/YL-KTN/244 and 245 considered by the Committee at the same meeting, noting that all fell within “Village Type Development” zones. Mr. Wilson Y.L. So, DPO/TMYL, replied that the current application was for a temporary public car and lorry

park while the previous applications were for temporary open storage of vehicles. The applied uses were different in nature and operation.

29. Mr. Wilson So pointed out that the two previous applications (No. A/YL-KTS/258 and 281) of the site were approved in consideration that the proposed development would serve the needs of the nearby residents and would not involve medium or heavy goods vehicles or container trailers/tractors. Given that previous approvals had been granted for the same use on the site and the applicant had demonstrated genuine efforts to comply with approval conditions, the current application was recommended for temporary approval of 3 years. Referring to Plan A-4 of the Paper, Mr. So added that the site was currently occupied by open storage of vehicles (including light, small, medium and heavy vehicles) and container tractors with ancillary workshop, all of which were not covered by the current application. Referring to paragraph 11.3 of the Paper, should the application be approved by the Committee, the applicant would be requested to take immediate action to discontinue such use/development not covered by the planning permission. Moreover, an approval condition to prohibit the parking/storage of medium or heavy goods vehicles or container trailers/tractors was recommended.

30. In reply to the Chairman, Mr. Wilson So said that if the approval condition to prohibit the parking/storage of medium or heavy goods vehicles or container trailers/tractors was subsequently not complied with, the approval given would be revoked.

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

#### Deliberation Session

31. In response to a Member's enquiry, the Secretary explained that the Town Planning Board Guidelines No. 13D (TPB PG-No. 13D) was relevant to applications involving open storage and port back-up uses. As the current application was for a public car and lorry park, the TPB PG-No. 13D was not applicable. However, as mentioned by the PlanD, the site was currently occupied by open storage of vehicles and container tractors which was not covered by the application. Enforcement action against such use could be taken by the Planning Authority even if the subject application was approved by the Committee.



32. The Chairman remarked that should the application be approved by the Committee, an approval condition to prohibit the parking/storage of medium or heavy goods vehicles or container trailers/tractors would be imposed to address the environmental concerns. The applicant should be strongly advised that the permission did not mean condoning any other use/development which currently existed on the site but not covered by the application. Immediate action should be taken by the applicant to discontinue such use/development not covered by the planning permission. The Secretary supplemented that in view of Members' concerns in some previous applications where the proposed uses were different from the uses existed on site, a standard paragraph had already been incorporated into the approval letters of all such applications reminding the applicants of the need to discontinue the non-conforming uses on site.

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 3.3.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be undertaken within the site;
- (d) the drainage facilities on the application site should be maintained as under Application No.A/YL-KTS/281 at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.9.2006;

- (f) in relation to (d) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.12.2006;
- (g) the provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.9.2006;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) 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
- (j) 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.

34. The Committee agreed that the applicant should be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

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

- (a) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the strip of land between the site and Kam Sheung Road should be checked, and the management and maintenance responsibilities of the same strip of land should be clarified and the relevant

lands and maintenance authorities should also be consulted;

- (b) the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (c) the Commissioner of Police (District Commander, Pat Heung Division)'s comment that the security arrangements of the location were considered of paramount importance and should be given due regard by the applicant; and
- (d) environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" should be used to minimize any possible environmental nuisances.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/361 Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in "Undetermined" zone,  
Lots 509, 510, 511, 512RP, 514 and 515RP in DD 106,  
Kam Tin South,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTS/361)

#### Presentation and Question Sessions

36. On 20.2.2006, the applicant requested the Town Planning Board to defer a decision on the application in order to address Government departments' concern on the application.

Deliberation Session

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-LFS/140 Temporary Logistic Centre of Construction Materials, and Machinery and Vehicle Repair Workshop for a Period of 3 Years in “Commercial/Residential” zone, Lots 2183RP, 2184RP, 2185RP, 2186 and 2187RP(Part) in DD 129, Lau Fau Shan, Yuen Long
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- (RNTPC Paper No. A/YL-LFS/140)

Presentation and Question Sessions

38. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary logistic centre of construction materials, and machinery and vehicle repair workshop for a period of 3 years;
- (c) adverse comments were received from concerned Government departments – the Environmental Protection Department did not support

the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

- (d) during the publication period, one public comment was received raising objection to the application mainly on ground that the application was made without his client's consent or knowledge. No local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 and 12.2 of the Paper in that there was insufficient information to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.

39. Members had no question on the application.

#### Deliberation Session

40. The Chairman remarked that since the rejection of the two previous applications in 2001 and 2002, there had been no change in planning circumstances to justify a departure of the Committee's previous decision and the application should not be approved.

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

- (a) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there were adverse departmental comments from concerned Government departments on environmental, drainage and landscape aspects.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)           A/YL-NSW/167       Proposed Low Density Residential Development  
in “Other Specified Uses” annotated  
“Comprehensive Development to include  
Wetland Restoration Area” zone,  
Lot 3719HIRP in DD 104 and Adjoining Government Land,  
Tai Sang Wai,  
Yuen Long  

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(RNTPC Paper No. A/YL-NSW/167)

Presentation and Question Sessions

42.           On 9.2.2006, the applicant requested the Town Planning Board to defer consideration of the application in order to prepare the ecological impact assessment report in relation to the proposed development.

Deliberation Session

43.           After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (x)           A/YL-PH/514           Temporary Open Storage of New Vehicles  
(Light Goods Vehicles and Private Cars)  
Prior to Sale for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 582RP(Part) in DD 111  
and Adjoining Government Land,  
Pat Heung,  
Yuen Long  

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(RNTPC Paper No. A/YL-PH/514)

Presentation and Question Sessions

44.           Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a)   background to the application;
- (b)   temporary open storage of new vehicles (light goods vehicles and private cars) prior to sale for a period of 3 years;
- (c)   departmental comments – no adverse comments from concerned Government departments were received;
- (d)   no public comment was received during the publication period and no local objection was received from the District Office; and
- (e)   the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 12.1 to 12.3 of the Paper in that the development was not in line with the planning intention of the “Village Type Development” (“V”) zone; and sufficient time had been given to the applicant to relocate the use to other location.

45.           Referring to Plan A-2 of the Paper, the Chairman noted that the site was located in an area which was generally residential in character with village settlements in close





- (b) temporary dog kennels for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment objecting the application was received during the publication period, but was subsequently withdrawn. No local objection was received from the District Office; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Conservation Area” (“CA”) zone and there was no information to demonstrate that the proposed development would not have adverse drainage impacts on the surrounding areas.

49. Referring to paragraph 1.1 of the Paper, the Committee noted that, according to the applicant, the site had been used for rearing animals for 20 years and sewage disposal licence had been obtained from Environmental Protection Department since 1993. In response to the Chairman's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that, according to the land use survey conducted by the PlanD in 1991, the subject site was previously used as a chicken farm and structures had already been in existence at that time. The sewage disposal licence was possibly obtained for rearing animals as mentioned by the applicant.

50. A Member asked whether there were any existing ecological features in the area that needed to be protected or retained for conservation purposes. Another Member noted that the Agriculture, Fisheries and Conservation Department (AFCD) had no adverse comment on the application from ecological point of view. Referring to paragraph 8 of the Paper, Mr. Wilson So replied that the subject “CA” zone was intended for giving added protection to the adjoining Tai Lam Country Park. The AFCD considered that only some fruit trees or common species were found on the site.

51. Referring to 9.1.6(b) of the Paper, a Member asked whether the applicant's

application for the Animal Trading Licence under the Public Health Ordinance (Animals and Birds) Cap 139 was successful. Mr. Wilson So said that such information was currently not available.

52. In response to another Member's question on the classification of dog kennel use, Mr. Wilson So stated that according to the definition of terms under the revised Master Schedule of Notes, kennel and cattery were regarded as 'animal boarding establishment' use. Application for planning permission would be required within "Government, Institution or Community" and "Agriculture" ("AGR") zones.

### Deliberation Session

53. Noting that the site had been used for rearing animals for 20 years, a Member asked whether a "AGR" zoning was more appropriate for the application site. The Chairman remarked that the planning permission system did allow flexibility for considering some other uses not incompatible with an area. Each application should be assessed on its individual merits taking into consideration the local context and planning considerations.

54. Noting that the site was located in a remote location surrounded by dense woodland and well screened by trees at the entrance, a Member opined that the temporary use would unlikely have adverse environmental impact on the surrounding areas and sympathetic consideration could be given to approving the application. This view was shared by another Member who added that it would be difficult for the applicant to find other suitable place for relocation of the dog kennels. The Chairman remarked that as sewage disposal licence and animal trading licence had to be obtained from relevant Government departments, the temporary dog kennels would be subject to control and monitoring by the relevant authorities. The application could be considered for approval.

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 3.3.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.9.2006;

- (b) in relation to (a) above, the implementation of the accepted tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.12.2006;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.9.2006;
- (d) in relation to (c) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.12.2006;
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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
- (f) 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 Town Planning Board.

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

- (a) the District Lands Officer/Yuen Long's comment that the applicant should apply for Short Term Waiver so as to regularize the unauthorized structures erected on site;
- (b) the Chief Engineer/Development (2), Water Supplies Department's comments that the applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards if extension of this inside services was needed to connect with the nearest government

water mains;

- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found; and
- (d) environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" should be adopted to minimize any possible environmental nuisances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/299 Proposed Residential cum Government, Institution or Community Development with Minor Relaxation of Maximum Building Height Restriction from 17 to 22 storeys in "Comprehensive Development Area", "Residential (Group B)1" and "Green Belt" zones  
Lot 2064 in DD 121,  
Hung Shui Kiu,  
Yuen Long  

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(RNTPC Paper No. A/YL-TYST/299)

#### Presentation and Question Sessions

57. The application was submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH) with Team 73 HK Ltd. (T73) being one of the consultants. Dr. Lily Chiang and Mr. Francis Y.T. Lui, having current business dealings with CKH, declared interests in this item. Mr. C.K. Wong, having current business dealings with T73, also declared interest in this item. The Committee noted that Dr. Chiang and Mr. Lui had tendered their apologies for not able to attend the meeting.

[Mr. C.K. Wong left the meeting temporarily at this point.]

58. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed residential cum Government, institution or community development with minor relaxation of maximum building height restriction from 17 to 22 storeys;
- (c) departmental comments – adverse comments from concerned Government departments were received. The Transport Department considered that the vehicle parking and loading/unloading provisions did not comply with the Hong Kong Planning Standards and Guidelines; the Environmental Protection Department (EPD) did not support the application as the current scheme was inferior to the previous approved scheme in environmental terms; the Drainage Services Department considered the Drainage Impact Assessment not satisfactory; and the Fire Services Department considered the emergency vehicular access unsatisfactory;
- (d) seven public comments were received during the publication period. The commenters raised objections to the application mainly on grounds of visual, traffic, environmental and drainage impacts and concerns on the provision of community facilities. No objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 11.1 to 11.3 of the Paper in that the revised layout was inferior in environmental terms and there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage, fire safety, traffic and landscape impacts on the surrounding areas.

59. Mr. Wilson Y.L. So, DPO/TMYL, supplemented that, as compared with the

previous approved scheme (No. A/YL-TYST/32), the basic development parameters including site area, domestic gross floor area (GFA) and domestic plot ratio of the current scheme remained unchanged. In the previous approved scheme, 10 residential blocks with single-aspect design were arranged in three rows. With the deletion of 4 residential blocks and the carpark building, the remaining 6 residential blocks were rearranged in a curvilinear form with 60 low-rise town houses placed on the periphery of the site. From urban design point of view, the current scheme would enhance the visual permeability of the proposed development and improve the living environment of the future residents. However, as compared with the previous scheme, the traffic noise compliance rate of the current scheme would drop from 83% to 68%. The applicant pointed out that the 68% compliance rate should be considered acceptable taking into account that the site was smaller than 2ha for which there was no requirement for road traffic noise compliance in accordance with the EPD's Practice Note for Professional Persons (ProPECC PN 1/97). The PlanD was of the view that a balance should be struck between the improved design and the lower traffic noise compliance rate. The applicant should explore other alternatives for further improvements to the design and layout of the proposed development without compromising the environmental quality of the proposed development.

60. Referring to paragraph 11.2(a) of the Paper, Mr. Elvis Au pointed out that as compared with the previous approved scheme, the traffic noise compliance rate of the current scheme would be dropped from 83% to 68% instead of from 72% to 68% as stated in this paragraph.

61. The Vice-chairman raised the following questions:

- (a) whether the current scheme involved any change in the building height of 81mPD; and
- (b) whether the plot ratio of the subject "Comprehensive Development Area" ("CDA") zone had been fully utilized.

62. Mr. Wilson So replied that:

- (a) the "CDA" zone was restricted to a maximum building height of 17 storeys. The maximum number of storeys of the previous approved scheme

comprised 19 domestic storeys on top of a void at ground level. Based on the approved scheme, a maximum building height of 81mPD was derived and reflected in the relevant lease conditions. The current scheme comprised 19 domestic storeys, 2 storeys of clubhouse/kindergarten (occupying part of the void space) and 1 storey of underground car park. Comparing with the previous approved scheme, the maximum number of domestic storeys and the building height of 81mPD (measured up to the roof-top) remained unchanged;

- (b) the boundary of the application site had not completely followed the “CDA” zoning boundary. There were some areas outside the application site but falling within the “CDA” zone. The “CDA” zone was restricted to a maximum GFA of 69,000m<sup>2</sup> while the total GFA of the proposed development was 50,290m<sup>2</sup> comprising a domestic GFA of 49,875m<sup>2</sup> and a non-domestic GFA of 415m<sup>2</sup> for kindergarten purpose; and
- (c) one of the commenters who owned land on the eastern and western portions (which were outside the application site) of the “CDA” zone was preparing a development scheme to utilise the unused GFA of the “CDA” zone. However, the permanent vehicular access to the application site was proposed on the western portion of the “CDA” zone. With the permanent access passing through his land, the commenter was of the view that his development right would be affected. Should the application be approved by the Committee, the commenter requested the imposition of an approval condition requiring the provision of a right-of-way for the commenter’s future development via the application site.

63. Referring to Drawing A-3 of the Paper, a Member asked whether single-aspect building design was also adopted in the developments on the opposite side of Castle Peak Road (Hung Shui Kiu Section). Mr. Wilson So said that Drawing A-3 was submitted by the applicant showing the future developments in the area. The site on the opposite side of Castle Peak Road was zoned “CDA” and approved for comprehensive development in 1997. The application had already lapsed.

Deliberation Session

64. Mr. Elvis Au pointed out that comparing with the previous approved scheme, the traffic noise compliance rate of the current scheme was reduced from 83% to 68% and the maximum noise level was increased from 75dB(A) to 77dB(A). Besides, EPD had identified various deficiencies in the traffic noise impact assessment and considered that the traffic noise compliance rate predicted by the consultants could be overestimated by several percents while the maximum noise level might have been underestimated by about 2dB(A). As such, the current scheme was much environmentally inferior to the previous approved scheme considering that 3dB(A) was quite a significant increase in noise level.

65. The Chairman remarked that the “CDA” zoning was to ensure that future development would be undertaken in a comprehensive and coordinated manner through control over the layout and design of the development. Whilst the current scheme was considered more desirable from urban design point of view, there were some major outstanding issues yet to be resolved. The question was whether the proposed scheme had sufficiently resolved the various constraints on land, traffic, environmental and infrastructural aspects.

66. The Chairman asked about the applicant’s response to the commenter’s proposed access arrangement. Mr. Wilson So said that the applicant considered the commenter’s proposed right-of-way unacceptable in terms of privacy and security. The applicant added that the proposed permanent vehicular access was the same as the previous approved scheme and also as stipulated in the executed lease conditions.

67. Noting that the application had a long planning history, the Chairman asked whether there were any other means to regularise the application site boundary such that the proposed development would not be carried out in a haphazard fashion. Mr. Wilson So stated that the proposed development was first approved for residential development (Application No. DPA/YL-TYST/70) in 1995 when the site was zoned “Residential (Group B)1”, “Government, Institution or Community” and “Unspecified Area” on the draft Tong Yan San Tsuen Development Permission Area Plan No. DPA/YL-TYST/1. The application site was irregular in shape and subsequently rezoned to “CDA”. In consideration of a new plan for Tong Yan San Tsuen in 1996, the Town Planning Board at that time noted that the boundary of the application site was not completely following the “CDA” zoning boundary,



with some areas were outside the application site and under different ownerships. In order to achieve a better configuration of the “CDA” zone and to get rid of the nearby undesirable and unsightly open storage uses, these areas were included within the “CDA” zoning. However, the developer of the application site would only proceed on the basis of the previous approved scheme while the remaining area of the “CDA” zone would need to be developed by others due to land assembly problems. Although it might not be the most ideal situation, one of the commenters proposed that the temporary access located at Castle Peak Road could be turned into a permanent access so that his land parcel would be kept intact and his development right would not be affected.

68. In reply to the Chairman’s enquiry, Mr. Wilson So added that the permanent and temporary vehicular access arrangements were the same as that of the previous approved scheme. The Secretary supplemented that the permanent vehicular access was shown as ‘long term vehicular access’ and the proposed building height was also shown on the Master Layout Plan of the previous approved scheme.

69. The Chairman concluded that there were a number of major outstanding issues yet to be resolved by the applicant, in particular the traffic noise compliance rate and the permanent vehicular access arrangement. Some parties holding land within the “CDA” were also raising concerns on their future development opportunity being deprived by the proposed development. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage, fire safety, traffic and landscape impacts on the surrounding areas. The applicant should submit more information to substantiate the application and explore other alternatives for further improvements to the design and layout of the proposed development. The Committee agreed.

70. The Chairman remarked that the current scheme involving deletion of residential blocks/carpark building, addition of town houses and increase in maximum number of storeys should be regarded as major amendments to the approved Master Layout Plan rather than minor relaxation of building height restriction.

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

- (a) the revised layout was inferior in environmental terms. A proper balance should be struck between improving the building layout and maintaining the environmental quality of the proposed development; and
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not be susceptible to adverse environmental impact and would not have adverse drainage, fire safety, traffic and landscape impacts on the surrounding areas.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Frederick S.T. Ng, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Ng left the meeting at this point.]

[Mr. Francis Ng left the meeting at this point.]

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

[A short break of 5 minutes was taken.]

### **Sha Tin, Tai Po and North District**

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Miss Alice Y.C. Liu, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

### **Agenda Item 4**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/165 Minor Relaxation of Building Height (Partial Conversion of One Storey of Car Park Floor for the Use of an Ancillary Club House to Serve the Proposed Residential Development) in “Residential (Group B)2” zone, Fanling/Sheung Shui Town Lot 229, Lots 2429RP and 2438RP in DD 91 and Adjoining Government Land, Fanling/Sheung Shui Area 36 (to be known as FSSTL 231 in DD 91)  
(RNTPC Paper No. A/FSS/165)
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Presentation and Question Sessions

72. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) minor relaxation of building height (partial conversion of one storey of car park floor for the use of an ancillary club house to serve the proposed residential development);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

73. In response to the Chairman’s enquiry, Mr. W.K. Hui, DPO/STN, said that the subject “Residential (Group B)2” zone was restricted to a maximum plot ratio of 5.0 and maximum building height of 39 storeys above 2-storey car-parking podium. The applicant

sought planning permission for minor relaxation of building height restriction to 39 storeys over 1 storey of ancillary clubhouse, loading/unloading facilities and bicycle parking spaces and 1 storey car park floor, i.e. to convert part of the car park floor to ancillary clubhouse. A similar application (No. A/FSS/146) to the west of the application site was approved in 2003 for minor relaxation of building height from 39 storeys over 2-storey car-parking podium to 40 storeys over 1 storey for clubhouse, loading/unloading and utility purposes.

74. In reply to the Chairman's query, Mr. W.H. Hui said that the Transport Department (TD) had no in-principle objection to the application. An approval condition was recommended to require the submission of a revised parking layout in order to address TD's concern on the parking spaces for the disabled.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the design and provision of parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the provision of fire services installations and fire-fighting water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) to apply to Buildings Department for a modification of Building (Planning) Regulation 23(3)(a) to permit the exclusion of club house from gross floor area calculation; and

- (b) to liaise with District Lands Officer/North, Lands Department on the maintenance of existing retaining walls/slopes along Ching Hiu Road, which fell within the application site.

[Mr. Francis Ng returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/354 Government Refuse Collection Point and Associated Underground Cesspool in “Village Type Development” zone, Government Land, Hang Ha Po, Tai Po  

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(RNTPC Paper No. A/NE-LT/354)

#### Presentation and Question Sessions

77. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) government refuse collection point (RCP) and associated underground cesspool;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

78. In response to the Chairman's query, Mr. W.H. Hui explained that the village representative had previously raised concern on a withdrawn application for reconstruction of a RCP at the same location (Application No. A/NE-LT/330). For the current application, the village representative had no objection to the RCP which would not be enlarged in terms of the size of the structures.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the provision of fencing to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the design, construction, operation and maintenance of the foul water drainage system including the cesspool and the future connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the applicant should take precautions, such as temporary fencing to ensure the existing trees were not encroached upon or damaged during construction works; and

- (b) the applicant should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the application site, the applicant should consult CLP Power Hong Kong Limited in respect of the safety clearances required for activities near the overhead line to divert the existing low voltage overhead line or have it replaced by underground cables.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KLH/347 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 325 in DD 9,  
Kau Lung Hang Village,  
Kau Lung Hang,  
Tai Po  

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(RNTPC Paper No. A/NE-KLH/347)

Presentation and Question Sessions

81. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);
- (c) adverse comments from concerned Government departments were received – the Agriculture, Fisheries and Conservation Department did not favour the application from agricultural point of view;
- (d) during the publication period, one public comment was received raising concern on the fire fighting access. No local objection was received from

the District Office; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the application generally complied with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories and all other Government departments including the Fire Services Department had no objection to the application.

82. Members had no question on the application.

#### Deliberation Session

83. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

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



- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) there was a low voltage overhead line in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the electricity supply lines; and
- (d) the Director of Fire Services would request a plan for fire fighting access and water supplies to the area, should the aggregate number of NTEHs in the vicinity escalate to 10 or more.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LT/353 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 324 in DD 16 and Adjoining Government Land,  
Hang Ha Po Village,  
Lam Tsuen,  
Tai Po  

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(RNTPC Paper No. A/NE-LT/353)

Presentation and Question Sessions

85. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

86. The Chairman asked about the background of the previous application rejected in 2004. Referring to Plan A-2 of the Paper, Mr. W.H. Hui explained that the previous application was rejected on the ground that less than 50% of the proposed house fell within the village 'environs' ('VE'). For the current application, the application site had included a piece of Government land such that about 50.3% of the footprint of the proposed Small House fell within the 'VE' and the "Village Type Development" zone.

#### Deliberation Session

87. The Committee noted that the Lands Department had no objection to the inclusion of Government land in the application site.

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the

satisfaction of the Director of Water Supplies or of the Town Planning Board;

- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the diversion of an existing access affected by the proposed house to the satisfaction of the Director of Lands or of the Town Planning Board.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant's Small House application would only be processed by District Lands Officer/Tai Po, after a final decision regarding the other Small House application site mentioned in paragraph 1(d) of Appendix V of the Paper had been reached;
- (d) the site was near a Local Public Works road at the south-east maintained by the District Office/Tai Po. The applicant should ensure that the proposed house would be located at least 3m away from the Local Public Works road;
- (e) there were low and high voltage underground cables and also high voltage (11kV) overhead line poles within the site. The applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" when carrying out works in the vicinity of electricity supply line. They should liaise with CLP Power Hong Kong Limited to divert the existing low and high voltage underground cables and high voltage overhead line poles away from the vicinity of the proposed

development; and

- (f) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-SSH/52 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in "Comprehensive Development Area" and  
"Village Type Development" zones,  
Lot 1123B in DD 218,  
Che Ha Village,  
Shap Sz Heung,  
Sai Kung North  

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(RNTPC Paper No. A/NE-SSH/52)

Presentation and Question Sessions

90. The Committee noted that Mr. David W.M. Chan who owned properties in the vicinity of the application site, declared interest in this item. Part of the application site which was zoned "Comprehensive Development Area", was the subject of an application submitted by Sun Hung Kai Properties Ltd. (SHK). The Committee noted that Mr. Alfred Donald Yap, having current business dealings with SHK, also declared interest in this item.

[Messrs. David W.M. Chan and Alfred Donald Yap left the meeting temporarily at this point.]

91. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

92. Members had no question on the application.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the applicant might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water

supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and

- (b) water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Mr. David W.M. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/TP/366 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in "Village Type Development" and "Green Belt" zones,  
Lot 328 in DD 21,  
Pun Shan Chau Village,  
Tai Po  

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(RNTPC Paper No. A/TP/366)

Presentation and Question Sessions

95. Mr. Alfred Donald Yap declared interest in this item as he had previously worked with one of the consultants of the application. The Committee noted that Mr. Yap had already left the meeting.

96. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

97. Members had no question on the application.

#### Deliberation Session

98. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the submission of a slope assessment and the implementation of stabilization works identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (c) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (d) the submission of car parking layout to the satisfaction of the Assistant Commissioner for Transport/New Territories, Transport Department or of the Town Planning Board.

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

- (a) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, and to sort out the land matters related to the construction, operation and maintenance of the inside services within the private lots;
- (b) the applicant should make use of his private sump and pump system to effect adequate water supply to the proposed development;
- (c) the applicant should note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (e) the applicant was required to submit site formation works to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (f) the applicant should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant should liaise with CLP Power Hong Kong Limited to divert the existing high voltage underground cable away from the vicinity of the proposed development; and
- (g) the applicant should implement adequate measures to avoid affecting the nearby stream during the construction phase.

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



[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/NE-TKL/283 Temporary Open Storage of Construction Equipment for a Period of 3 Years in “Industrial (Group D)” and “Agriculture” zones, Lot 1376RP(Part) in DD 82 and Adjoining Government Land, Ta Kwu Ling  

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(RNTPC Paper No. A/NE-TKL/283)

Presentation and Question Sessions

100. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary open storage of construction equipment for a period of 3 years;
- (c) adverse comments from concerned Government departments were received – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 12.1 to 12.3 of the Paper in that the EPD’s concern could be addressed by advising the applicant to adopt relevant mitigation measures specified in EPD’s ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’.

101. Members had no question on the application.

Deliberation Session

102. The Chairman remarked that the application site fell largely within “Industrial (Group D)” zone (about 79.1%) where open storage of construction equipment was always permitted. Since previous approvals had been given and the applicant had complied with the approval conditions of the previous approved applications, sympathetic consideration could be given to the application.

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 3.3.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) all existing vegetation on the site should be preserved at all times during the planning approval period;
- (b) the submission of proposals for vehicular access, parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.9.2006;
- (c) in relation to (b) above, the implementation of proposals for vehicular access, parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.12.2006;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.9.2006;
- (e) in relation to (d) above, the provision of the drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.12.2006;
- (f) if planning condition (a) was not complied with at any time during the

approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (g) if any of the above planning conditions (b), (c), (d) and (e) 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
- (h) 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 Town Planning Board.

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

- (a) the owners of the subject lot should liaise with the District Lands Office/North, Lands Department for the change in the built-over area of the submitted Short Term Waiver and Short Term Tenancy application for the regularization of the structures erected on the lots and the occupation of Government land respectively; and
- (b) relevant mitigation measures specified in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' published by the Environmental Protection Department should be adopted to minimize any possible environmental impacts.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Miss Alice Y.C. Liu, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Miss Liu left the meeting at this point.]

### **Sai Kung and Islands District**

[Mr. Lawrence Y.C. Chau, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and Ms. Ann O.Y. Wong, STP/SKIs, were invited to the meeting at this point.]

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions Only)]

Request for Partial Deletion of Approval Condition (c)

with respect to the Proposed Trolley Tram Service,

the Ngong Ping Theme Village Scheme,

Application No. A/I-NP/8

(RNTPC Paper No. 9/06)

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**Presentation and Question Sessions**

105. The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). Miss Cindy Law, being an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport)<sup>1</sup> who was a member of the Board of MTRC, declared interest in this item. The Committee noted that Miss Law had tendered her apology for not able to attend the meeting.

106. Mr. Lawrence Y.C. Chau, STP/SKIs, presented the case and covered the following aspects as detailed in the Paper:

- (a) background to the case;
- (b) request for the deletion of part of approval condition (c) of Application No. A/I-NP/8 with respect to the proposed trolley tram service, while the remaining part of approval condition (c) regarding the submission and implementation of pedestrian circulation proposal would remain intact;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 5.1 of the Paper.

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

107. In response to the Chairman's enquiry, Mr. Lawrence Chau said that the Transport Department considered that there was no apparent need for the trolley tram service and had no comment on the pedestrian circulation proposal submitted by the applicant.

### Deliberation Session

108. After deliberation, the Committee decided to agree to the request for deletion of part of approval condition (c) with respect to the proposed trolley tram service. The permission should be valid until 28.1.2009, 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.

[The Chairman thanked Mr. Lawrence Y.C. Chau, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Chau left the meeting at this point.]

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

### Agenda Item 6

#### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBN/6 Proposed Temporary Marine Protection  
and Diving Training Centre for a Period of 3 Years  
in "Conservation Area" and "Coastal Protection Area" zones,  
Government Land,  
Little Palm Beach,  
Sai Kung  
(RNTPC Paper No. A/SK-CWBN/6)
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#### Presentation and Question Sessions

109. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) proposed temporary marine protection and diving training centre for a period of 3 years;
- (c) adverse comments from concerned Government departments were received – the Transport Department had reservation on the application; the Environmental Protection Department raised concern on the potential ecological impact of the proposed development; and both of the Home Affairs Bureau and the Lands Department considered direct grant of the application site to the applicant not acceptable under the current land policy;
- (d) no public comment was received during the publication period and no local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 11.1 and 11.2 of the Paper in that there was no information to demonstrate that the proposed development would not cause adverse traffic, drainage, sewerage, environment and ecological impacts on the surrounding areas.

110. Members had no question on the application.

#### Deliberation Session

111. Noting the Lands Department's advice that the applicant did not meet the criteria for the direct grant of Government land and the development proposal had not obtained support from the relevant policy bureau, the Chairman remarked that it was difficult for the Committee to give sympathetic consideration to the application. There were also many technical issues to be resolved.

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

- (a) there was no information in the submission to demonstrate that the building

works for the proposed development would not cause adverse impact on drainage, sewerage, environment and ecology in the surrounding areas; and

- (b) there was no information in the submission to demonstrate that the proposed development would not generate adverse traffic impacts on the surrounding areas. Moreover, the applicant had not proposed any mitigation measures to address the potential traffic problems.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/145 Proposed Residential Institution (Hostel)  
in "Recreation" zone,  
Lot 333BRP in DD 221,  
Sha Kok Mei,  
Sai Kung  

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(RNTPC Paper No. A/SK-PK/145)

Presentation and Question Sessions

113. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed residential institution (hostel);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) during the publication period, one public comment was received against the proposed development on the ground that it might affect the future widening works of Tai Mong Tsai Road. No local objection was received from the District Office; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application for reasons given in paragraph 10.1 of the Paper in that the proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone, there was insufficient information to demonstrate that there would not be adverse impact on the existing trees, and the approval of the application would set an undesirable precedent.

114. Referring to paragraph 1.1 of the Paper, the Chairman asked about the meaning of ‘boutique’ type hostel. Ms. Ann Wong responded the proposed hostel was described by the applicant as ‘boutique’ type hostel in view of its nature and small scale.

#### Deliberation Session

115. The Chairman remarked that the planning intention of the subject “REC” zone was primarily for recreational developments for the use of the general public. Uses ancillary to recreational developments, including flat and hotel, might be permitted subject to planning permission. In the current application, the question was whether the proportion between recreational and residential uses was considered appropriate. A Member opined that some residential uses in support to the recreational developments could be acceptable. However, the current application involving a hostel with ancillary recreational and sports facilities was considered more residential than recreational. No strong justification was provided in the submission for a departure from the planning intention of the subject “REC” zone. The application could not be supported.

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

- (a) the proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone, which was primarily for recreational developments for the use of the general public. No strong justifications had been provided in the submission to merit a departure from the planning intention;
- (b) there was insufficient information in the submission to demonstrate that there would be no adverse impact on the existing trees; and



- (c) the approval of the application would set an undesirable precedent for other similar applications within the “REC” zone.

Remarks

117. The Chairman said that the remaining items in the Agenda would not be open for public viewing since they were in respect of applications submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.