

## **TOWN PLANNING BOARD**

### **Minutes of 338th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.11.2006**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Chief Engineer/Traffic Engineering (New Territories East),  
Transport Department  
Mr. H.L. Cheng

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

Assistant Director (Environmental Assessment),  
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**

Mr. Michael K.C. Lai

Vice-chairman

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

**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  
Ms. Kathy C.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 337th RNTPC Meeting held on 3.11.2006

[Open Meeting]

1. The draft minutes of the 337th RNTPC meeting held on 3.11.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. There were no matters arising from the last meeting.

**Sai Kung and Islands District**

[Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and Mr. Stephen M.Y. Wong, Town Planner/Sai Kung and Islands (TP/SKIs), were invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/SK-HH/39 Proposed New Territories Exempted House (NTEH) (Small House) in “Village Type Development” zone and ‘Road’, Lot 133RP in DD 212, Che Keng Tuk, Hebe Haven, Sai Kung  
(RNTPC Paper No. A/SK-HH/39)
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Presentation and Question Session

3. The Committee noted that the applicant requested on 8.11.2006 for a deferment of the consideration of the application to allow time for the applicant's traffic consultant to address the road reserve matter.

Deliberation Session

4. 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 Session Only)]

- (ii) A/TKO/79 School (Tutorial School)  
in "Residential (Group B)" zone,  
Unit Shop G9, Ground Floor,  
Commercial and Car-Parking Block,  
Hong Sing Garden, 1 Po Lam Road North,  
Tseung Kwan O  
(RNTPC Paper No. A/TKO/79)
- 

Presentation and Question Session

5. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period in support of the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper.

6. Members had no question on the application.

#### Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.11.2010, 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 condition of the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (b) liaise with the Secretary for Education and Manpower regarding the school registration matter under the Education Ordinance.

[Professor David Dudgeon and Mr. Elvis Au arrived to join the meeting at this point.]

**Agenda Item 4**

**Section 16A Application**

[Open Meeting (Presentation and Question Session Only)]

A/TKO/68-2            Application for Class B Amendments –  
                                 Comprehensive Commercial and Residential Development  
                                 in “Comprehensive Development Area” zone,  
                                 Area 86, Tseung Kwan O  
                                 (RNTPC Paper No. A/TKO/68-2)

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9.            The application was submitted by Mass Transit Railway Corporation Ltd. (MTRCL). The Committee noted that Mr. H.L. Cheng of Transport Department declared an interest in this item as the Assistant Commissioner for Transport was an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport) 1 who was a member of the Board of MTRCL.

[Mr. H.L. Cheng left the meeting temporarily at this point.]

**Presentation and Question Session**

10.           Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the previously approved Master Layout Plan under Application No. A/TKO/68;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer advised that 32 local views were received, with 5 showing support, 23 having no comment and 4 raising objection to the application. The objections were mainly on the grounds that no more land

should be reserved for building schools; the use of vacant land should be stated clearly; the Incorporated Owner of Bauhinia Garden should also be consulted; and the proposed development should not proceed prior to the completion of Cross Bay Link and resolving of the odour problem; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 10.2 to 10.4 of the Paper. The proposed deletion of the combined school site and reduction in kindergarten classrooms were in accordance with the advice of the Education and Manpower Bureau (EMB). The deleted school site was proposed to be replaced by a local open space which would increase the open space provision by about 1.3 ha for the proposed scheme. Other amendments were generally technical and minor in nature as a result of detailed design refinement. Regarding the local concerns, the proposed amendments would not result in additional land reserved for school use; Sai Kung District Office (SKDO) had already undertaken local consultation including Sai Kung District Council members and representatives of appropriate area committees; traffic impact assessment submitted by the applicant had demonstrated that the proposed development would not induce adverse traffic impact on local road network and was considered acceptable by the Transport Department; and concerned departments including the SKDO and the Environmental Protection Department had taken steps to investigate and resolve/mitigate the odour problem.

[Ms. Margaret Hsia arrived to join the meeting at this point.]

11. Members had the following questions :

- (a) whether there was any long-term planning regarding the provision of school sites, including kindergartens, to meet the future demand;
- (b) what would be the use of the area released by the reduction in kindergarten classrooms; and

- (c) whether there were any stipulation requiring the provision of open area within kindergartens for use of the pre-school pupils.

12. Mr. Wilfred C.H. Cheng, STP/SKIs, made the following points :

- (a) EMB would assess the school requirements on a regular basis based on the latest projected population in relevant school-age groups;
- (b) as the kindergartens were located within the commercial area of the proposed scheme, the area released by the reduction in kindergarten classrooms might be used for commercial purpose; and
- (c) the Hong Kong Planning Standards and Guidelines only set out the number of kindergarten classrooms required based on population profile. The provision of open area was not a mandatory requirement of kindergartens.

13. The Chairperson suggested the Secretariat of Town Planning Board relaying Members' concerns to EMB on the need for long-term planning to ensure adequate provision of school sites to meet future demand and the desirability to provide open area in kindergartens in its future review of relevant policies and standard requirements.

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

#### Deliberation Session

14. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16A of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 13.8.2008, 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 a revised MLP and development schedule to take into account the approval conditions (b), (c) and (e) to (ae)



below to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of a revised landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and provision of environmental mitigation measures within the application site, including but not limited to noise, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a report on the feasibility of applying low noise road surfacing at Wan Po Road, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (e) the provision and maintenance of noise mitigation measures identified in the report mentioned in (d) above or any other alternative measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission and implementation of an environmental monitoring and audit programme to ensure protection of the future residents in Area 86 from the potential industrial noise impact from the Tseung Kwan O Industrial Estate, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission and implementation of a monitoring programme and contingency plan for dealing with potential landfill gas and leachate migration to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (h) the design and provision of emergency vehicular access, fire service installations and fire fighting water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (i) the implementation and completion of the junction improvement works proposed under the “Revised Final Report - Further Traffic Impact Assessment” dated September 2006 prior to the population intake of Stage 2 of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) the detailed design and provision of vehicular accesses arrangement to the application site and internal roads and roadside loading/unloading facilities within the application site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) the design and provision of decking of internal roads within the application site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (l) the design, construction and timing on the operationalization of the temporary and permanent combined public transport interchanges to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (m) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (n) the design and provision of a cycle track and cycle parking system serving the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (o) the submission of a detailed assessment on the adequacy of pedestrian circulation facilities at the junction of Wan Po Road and Shek Kok Road and the provision of improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (p) the design and provision of a covered pedestrian walkway system within the application site and a footbridge across Road D10 (to be known as Road L861), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (q) the design and provision of structural support and connections for one footbridge across Road D9 and for two possible footbridges across Wan Po Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (r) the submission of a revised visual impact assessment study for the MLP and implementation of the mitigation measures identified therein to the satisfaction of the Director of Planning or of the Town Planning Board;
- (s) the design and provision of terraced podia for Package 1 and Package 2 within Stage 1 of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (t) the design and provision of drainage and sewage disposal facilities including drainage and sewerage reserves to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (u) the designation of water main reserves within the application site to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (v) the design and provision of a minimum of 2.3 hectares of district open space and 7.07 hectares of local open space to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (w) the design, provision, maintenance and management of a 3m green strip between the southern boundary of the application site and Road D9, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

- (x) the design and provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (y) the provision of a site for an indoor recreation centre to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (z) the design and provision of kindergartens to the satisfaction of the Secretary for Education and Manpower or of the Town Planning Board;
- (aa) the design and provision of three primary schools and two secondary schools to the satisfaction of the Secretary for Education and Manpower or of the Town Planning Board;
- (ab) the design and provision of an integrated team of children and youth services centre, neighbourhood elderly centre, nursery, social centres for the elderly and residential care home for the elderly to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (ac) the design and provision of a community hall to the satisfaction of the Director of Home Affairs or of the Town Planning Board;
- (ad) the design and provision of a police facility room to the satisfaction of the Commissioner of Police or of the Town Planning Board; and
- (ae) the submission and implementation of a staged development programme of the proposed development based on a comprehensive traffic impact assessment to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) liaise with the Project Manager/New Territories East, Civil Engineering and Development Department (PM/NTE, CEDD) and the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) to incorporate a clause in the land grant conditions on the provision of noise mitigation measures at the southern boundary of the application site, as proposed by the applicant, to tie in with the construction of Road D9;
- (c) liaise with the Director of Leisure and Cultural Services, the PM/NTE, CEDD and the CES/RD, LandsD to work out the details related to the implementation, maintenance and management of the 10m green strip between the southern boundary of the application site and Road D9, as proposed by the applicant; and
- (d) follow the requirements as stipulated in the Practice Notes for Authorized Person No. 165 and Environment, Transport and Works Bureau Technical Circular for the submission of engineering works as part of the site fell within the Strategic Sewerage Disposal Scheme Tunnel Protection Area.

[The Chairperson thanked Mr. Wilfred C.H. Cheng, STP/SKIs, and Mr. Stephen M.Y. Wong, TP/SKIs, for their attendance to answer Members' enquiries. Messrs. Cheng and Wong left the meeting at this point.]

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

[Mr. W.K. Hui, District Planning Officer/Sham Tin, Tai Po and North (DPO/STN), and Dr. Kenneth S.S. Tang, Senior Town Planner/Sham Tin, Tai Po and North (STP/STN), were invited to the meeting and Mr. H.L. Cheng returned to join the meeting at this point.]

**Agenda Item 5**

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Sham Chung Development Permission Area (DPA) Plan No. DPA/NE-SC/1

(RNTPC Paper No. 24/06)

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16. The following Members declared interests in this item and the reasons were :

Dr. C.N. Ng – being a director of the Conservancy Association which had requested for preparation of the subject DPA Plan; and

Mr. Alfred Donald Yap and Mr. Y.K. Cheng – having current business dealings with Sun Hung Kai Properties Ltd. which had submitted a conceptual development proposal for Sham Chung to the Chief Executive's Office in 2003.

17. The Committee noted that the following Members also declared interests in this item. As their interests were considered indirect, they could stay in the meeting.

Prof. David Dudgeon and Prof. Nora Tam – being members of Mai Po Management and Development Committee under the World Wildlife Fund Hong Kong (WWF). WWF had submitted representation and comment to the subject DPA plan;

Dr. James C.W. Lau – being an ex-member of WWF; and

Mr. Elvis Au – being the Assistant Director of Environmental Protection Department, he

knew the Chairmen of all the green groups which had submitted representations and comments to the subject DPA plan.

The Secretary said that Dr. James C.W. Lau had tendered his apologies for being unable to attend the meeting.

[Dr. C.N. Ng, Mr. Alfred Donald Yap and Mr. Y.K. Cheng left the meeting temporarily at this point.]

#### Presentation and Question Session

18. Dr. Kenneth S.S. Tang, STP/STN, presented the proposed amendment to the DPA Plan as detailed in the Paper. It was proposed to amend the Notes of the Plan to incorporate the latest refinements to the Master Schedule of Notes to Statutory Plans, which was agreed by the Town Planning Board on 14.7.2006, in respect of the Notes for the “Agriculture” zones to exempt filling of land specifically required under the written instructions of Government departments from the planning control.

19. Members had no question on the proposed amendment.

#### Deliberation Session

20. After deliberation, the Committee decided to :

- (a) agree to the proposed amendment to the draft Sham Chung Development Permission Area (DPA) Plan as mentioned in paragraph 3 of the Paper and that the Amendment Plan No. DPA/NE-SC/1A at Appendix I (to be renumbered as DPA/NE-SC/2 upon gazetting) and its Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance; and
- (b) adopt the updated Explanatory Statement (ES) at Appendix III of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the draft DPA Plan and the updated ES would be published together with the Plan under

the name of the TPB.

[Dr. C.N. Ng, Mr. Alfred Donald Yap and Mr. Y.K. Cheng returned to join the meeting at this point.]

**Agenda Item 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Session Only)]

- (i)           A/NE-KLH/353       Temporary Open Storage of Building Materials  
for a Period of One Year in “Agriculture” zone,  
Lots 237P(Part), 409 and 410 in DD 7,  
Tai Hang, Tai Po  
  
(RNTPC Paper No. A/NE-KLH/353)
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**Presentation and Question Session**

21.           Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the temporary open storage of building materials for a period of one year;
- (c)   departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application in view of the active agricultural activities in the vicinity and the potential of the application site for agricultural rehabilitation. The application was not supported by the Chief Engineer/Mainland North, Drainage Services Department since the site fell within a flood plain which was subject to overland flow and inundation during heavy rainstorms, and there was no public stormwater drainage facility in the vicinity. Open storage use on the site would increase the surface run-off. The Chief Engineer/Development (2), Water



Supplies Department objected to the application because the development would increase pollution risks to the water quality within water gathering ground (WGG). The Director of Environmental Protection did not support the application as the operation and vehicle movements on the site would cause potential noise nuisance to the sensitive uses in the vicinity of the site. The Assistant Commissioner for Transport/New Territories, Transport Department did not support the application as there was no proper access road connected to the site;

- (d) no public comment was received during the statutory publication period. The District Officer advised that 6 local views were received, with 5 having no comments and one raising strong objection to the application, mainly on the grounds of environmental pollution particularly from the movement of heavy vehicles, water pollution to the WGG and nearby river, and damage to the natural landscape of the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. In particular, there was insufficient information in the submission to demonstrate that the development would not have adverse traffic impact, risk of flooding, water pollution and environmental nuisances on the surrounding areas. Concerned Government departments did not support the application and there was local objection to the applied use.

22. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in compliance with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that there was no previous planning approval for similar open

storage use granted to the application site. There was no technical assessment in the submission to demonstrate that the temporary open storage use would not generate adverse impacts on the surrounding areas and there were adverse comments from concerned Government departments;

- (b) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been provided for a departure from this planning intention, even on a temporary basis;
- (c) there was insufficient information in the submission to demonstrate that the development would not increase the flooding risk of the nearby areas, cause adverse impact on the water quality in the water gathering ground (WGG); cause adverse traffic, environmental and visual impacts to the surrounding areas. Moreover, the site encroached upon the Water Supplies Department’s upper indirect WGGs and partially encroached upon the no blasting zone of Tau Pass Culvert. The development might cause potential damages to the Tau Pass Culvert; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/NE-KLH/354 Temporary Open Storage of Building Materials for a Period of One Year in “Green Belt” zone, Lots 1054(Part), 1055(Part), 1056(Part), 1057(Part), 1061(Part) and 1063(Part) and Adjoining Government Land in DD 9, Nam Wa Po, Tai Po  
(RNTPC Paper No. A/NE-KLH/354)
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Presentation and Question Session

24. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of building materials for a period of one year;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application in view of the active agricultural activities in the vicinity and the potential of the application site for agricultural rehabilitation. The District Lands Officer/Tai Po, Lands Department objected to the application as Short Term Waiver application in respect of the site was not submitted. Also, the application site and adjacent Government land were affected by drainage improvement works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang areas, and subject to clearance in around March 2007. The Chief Engineer/Mainland North and the Chief Engineer/Project Management of Drainage Services Department did not support the application as the site fell within a flood plain which was subject to overland flow and inundation during heavy rainstorms. Also, part of the site had been resumed for the above mentioned drainage improvement works. The Director of Environmental Protection did not support the application because surface run-off from the site during rainy season might pollute the nearby natural stream courses,

which would not be effectively addressed by the applicant's suggested measures. The Assistant Commissioner for Transport/New Territories, Transport Department did not support the application as the existing access from Tai Wo Service Road West to the site was sub-standard. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the open storage use was not compatible with the surrounding rural landscape;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. In particular, there was insufficient information in the submission to demonstrate that the development would not cause adverse traffic impacts, risk of flooding and water pollution to the area. Approving the application would jeopardize the implementation of drainage improvement project for the area. Concerned Government departments did not support the application.

25. Members had no question on the application.

#### Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that there was no exceptional circumstances to justify approval of the application and the applicant did not include in the application relevant technical assessments/proposals to demonstrate that the temporary open storage use would not generate adverse impacts on the surrounding areas and there were adverse comments from concerned Government

departments;

- (b) the application site fell within an area zoned “Green Belt” (“GB”). The planning intention of the “GB” zone was primarily for defining the limits of urban and sub-urban 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. No strong justification had been provided for a departure from this planning intention, even on a temporary basis;
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse impact on the water quality in the water gathering grounds, increase the flooding risk of the nearby areas and cause adverse traffic impacts to the area;
- (d) the application site encroached upon the site boundaries of the drainage improvement works for Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas. Approving the application would jeopardize the implementation of the drainage project; and
- (e) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and the landscape quality of the area.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/NE-KTS/241 Proposed House (New Territories Exempted House (NTEH) — Small House)  
in “Green Belt” zone, Government Land,  
Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/241)
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- (iv) A/NE-KTS/242 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Green Belt” zone, Government Land,  
Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/242)
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- (v) A/NE-KTS/243 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Green Belt” zone, Government Land,  
Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/243)
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#### Presentation and Question Session

27. Noting that Applications No. A/NE-KTS/241, 242 and 243 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the three applications together.

28. Dr. Kenneth S.S. Tang, STP/STN, presented the three applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, Planning Department did not support the three applications on the grounds of nature conservation and adverse landscape impact as the proposed Small House developments would involve substantial vegetation clearance. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the three applications and considered that approving the applications would set undesirable precedents for similar applications in future and result in substantial cumulative adverse traffic

impact;

- (d) three public comments were received during the statutory publication period for Application No. A/NE-KTS/241, whereas two public comments were received during the statutory publication period for Applications No. A/NE-KTS/242 and 243. The comments objected to the three applications on the grounds of adverse natural landscape and sewerage impacts on the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons as detailed in paragraphs 12.1 and 12.2 of the Papers. In particular, the proposed developments did not meet the interim criteria for assessing application for Small House development as there was sufficient land within the “Village Type Development” zone of Tong Kung Leng Village to meet future Small House demand. Concerned Government departments did not support/had reservation on the applications. There were also public comments raising objection to the proposed developments.

29. Members had no question on the applications.

#### Deliberation Session

30. After deliberation, the Committee decided to reject the applications and the reasons were :

- (a) the proposed Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that sufficient land was available within the “Village Type Development” zone of Tong Kung Leng Village to meet the future Small House demand;
- (b) 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

sub-urban development areas. No strong justifications had been provided in the submission for a departure from the planning intention; and

- (c) the approval of the application would set an undesirable precedent for similar applications 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 rural environment of the area.

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/NE-KTS/244 Proposed Religious Institution (Buddhism Study Centre) in “Agriculture” zone,  
Lots 413 to 415, 417, 418 and 420 to 423 in DD 94,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/244)
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#### Presentation and Question Session

31. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (Buddhism study centre);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application and pointed out that since the proposed use would attract a large number of public, a planned vehicular access to the site should be provided. The Director of Environmental Protection (DEP) did not support the application mainly on the concerns of possible adverse water quality and ecological impacts on the Deep Bay by the sewage generated from the proposed development. The Chief Town Planner/Urban Design and



Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed religious centre was considered massive in the local context and was not compatible with the surrounding environment. No tree preservation scheme and landscape proposal or mitigation measure were submitted to address or alleviate the possible adverse landscape impact;

- (d) eight public comments were received during the statutory publication period raising objection to the application on the grounds of adverse impacts to the local residents in traffic, environmental, infrastructural, psychological, safety, hygiene and visual terms as well as the possible use of the site for burial grounds, columbarium, crematorium and funeral facilities. There were also concerns on noise, air and water pollutions and adverse ecological impact to the rural living environment and Sheung Yue River. The District Officer advised that the Village Representatives of Hang Tau raised strong objection to the application as the proposed development would have ‘fung shui’ impact; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper. The CTP/UD&L, PlanD had concerns on the proposed development which was considered massive in the local context and not compatible with the surrounding rural environment. Significant changes or disturbances to the existing landscape character were anticipated, and no tree preservation scheme and landscape proposal or mitigation measure were submitted to address or alleviate the possible adverse landscape impact. The proposed use was not in line with the planning intention of the “Agriculture” zone. There was insufficient information to demonstrate that the proposed development would not have adverse traffic impact on the surrounding road networks, as well as adverse water quality and ecological impacts on the Deep Bay. In this regard, AC for T/NT, TD and DEP did not support the application. There were also public comments raising objection to the proposed development.

32. Members had no question on the application.

### Deliberation Session

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

- (a) the proposed religious institution was considered out of scale with the local context and was not compatible with the surrounding areas which were rural in character, taking into account the existing land uses;
- (b) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been provided in the submission for a departure from the planning intention;
- (c) there was not sufficient information submitted to demonstrate that the proposed religious institution would not have adverse traffic, sewerage and landscape impacts to the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session Only)]

- (vii)           A/NE-LT/366           Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” and “Village Type Development” zones, Lot 818RP in DD 10, Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/366)
- 

Presentation and Question Session

34.           Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application because of the agricultural activities in the vicinity and the potential of the application site for agricultural rehabilitation;
- (d) one public comment was received during the statutory publication period raising objection to the application. The commenter alleged that since most of the Small Houses were sold for profit, the Town Planning Board should carefully consider serious impacts from “over-approving” Small House developments which had changed the low-density, rural landscape into high-density living environment, leading to crime problem, conflicts within village and damages to the environment and landscape; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. Although DAFC did not favour the application, only a small part of the site was within the “Agriculture” zone. All other relevant departments had no

objection to the application. Regarding the public comment, the District Lands Officer/Tai Po advised that the Conditions of Grant for building a Small House contained restrictions on the sale of or other disposal of the land concerned. The owner might be required to pay an additional premium to Government before the restrictions were removed.

35. Members had no question on the application.

#### Deliberation Session

36. 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 17.11.2010, 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 a fire fighting access, water supplies and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) 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.

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

- (a) note that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) provide adequate space for the proposed Small House to be connected to the public sewerage network;
- (c) note that the inside services might need to be extended to the nearest government water mains for connection for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (d) note that water mains in the vicinity of the site could not provide standard fire-fighting flow; and
- (e) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the Town Planning Board where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (viii) A/NE-TKL/290 Temporary Storage of Containers, Iron Materials and Machine Accessories for a Period of 3 Years in "Industrial (Group D)" and "Green Belt" zones, Government Land, DD 77, Ping Che  
(RNTPC Paper No. A/NE-TKL/290)
-

Presentation and Question Session

38. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary storage of containers, iron materials and machine accessories for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner, Urban Design and Landscaping, Planning Department objected to the application and considered that the applied uses within the “Green Belt” zone was totally incompatible with the adjacent natural environment. Recent site visit revealed that some areas of the natural slope with mature trees had been cleared, exposing the bare surface which was vulnerable to erosion;
- (d) two public comments were received during the statutory publication period. One of them had no comment on the application while the other raised objection to the application on ‘fung shui’ grounds as the site encroached on the burial ground for indigenous villagers. The District Officer advised that the Resident Representative and the Indigenous Inhabitant Representative of Ping Che raised objection to the application mainly on the grounds of ‘fung shui’ impact, risk of landslide and encroachment on the burial ground of the village; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. In particular, there was no information to demonstrate that the uses under application would not generate adverse environmental and landscape impacts on the surrounding areas, and affect the slope stability of the area.

There were objections from concerned Government departments and the local villagers.

39. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that there was no exceptional circumstances to justify approval to the uses under application, no information had been submitted to demonstrate that the uses under application would not generate adverse environmental and landscape impacts on the surrounding areas;
- (b) the application site encroached upon a burial ground on a natural slope with mature trees and the uses under application were considered not compatible with the surrounding natural environment. There was no information in the submission to demonstrate that the uses under application would not adversely affect slope stability and landscape character; and
- (c) there was no information in the submission to demonstrate that the uses under application would not have adverse environmental impacts on the surrounding sensitive receivers.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/NE-TKL/293 Temporary Workshop and Open Storage of Building Materials, Construction Machine Accessories and Containers for Office and Storage of Building Tools for a Period of 3 Years in “Open Storage” and “Agriculture” zones, Lots 783 and 784 in DD 77, Ping Che (RNTPC Paper No. A/NE-TKL/293)
- 

Presentation and Question Session

41. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary workshop and open storage of building materials, construction machine accessories and containers for office and storage of building tools for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period stating no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a



temporary basis for a period of 3 years until 17.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the peripheral fencing and paving of the site should be maintained at all times during the planning approval period;
- (b) the existing trees on site should be maintained at all times during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) adopt 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 to minimize any possible environmental impacts;
- (b) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
  - (i) necessary considerations and measures should be taken to avoid/minimize the potential interface and impacts on WSD's mainlaying works under Contract No. 5/WSD/06; and
  - (ii) the application site was located within the flooding pumping catchment area associated with River Indus and River Ganges pumping stations;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :

- (i) the approval should not be construed as condoning to any unauthorized building works carried out on site which were subject to enforcement action under Section 24 of the Buildings Ordinance (BO);
  - (ii) formal submission by an authorized person for the building works was required under the BO;
  - (iii) if the application site was not abutting on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
  - (iv) use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation Part VII; and
- (d) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Dr. Tang left the meeting at this point.]

### **Tuen Mun and Yuen Long District**

[Mr. Wilson W.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting and Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

**Agenda Item 7**

**Section 16 Applications**

[Open Meeting (Presentation and Question Session Only)]

- (i) A/TM-LTYY/147 Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in “Green Belt” zone, Lots 3856RP(Part), 3857RP(Part) and 3890RP(Part) in DD 124, Shun Tat Street, Tuen Mun  
(RNTPC Paper No. A/TM-LTYY/147)
- 

**Presentation and Question Session**

45. Mr. W.M. Lam, STP/TMYL, informed that paragraph 10.1.1(b) of the Paper should read as “... the applicant is required to submit application to his office for a Short Term Waiver to regularize the above irregularities” instead of Short Term Tenancy. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period in support of the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. In particular, the proposed development was not in line with the planning intention of the “Green Belt” zone and did not comply with the Town

Planning Board Guidelines No. 10 for 'Application for Development within Green Belt Zone'. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.

46. Members had no question on the application.

#### Deliberation Session

47. 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, and 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 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; and
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas.

[Mr. Edmund K.H. Leung returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/YL-HT/467 Renewal of Planning Approval for Temporary Open Storage of Used Air Conditioners and Metal Wares under Application No. A/YL-HT/320 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2949(Part), 2950RP(Part) and 2956(Part) in DD 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/467)
- 

Presentation and Question Session

48. Mr. W.M. Lam, STP/TMYL, informed that replacement page 10 of the Paper had been sent to Members to rectify the typo in paragraph 12.4 (e). Then he presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of used air conditioners and metal wares under Application No. A/YL-HT/320 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on traffic, road safety, sanitation, drainage and air pollution grounds. The commenter considered that the applied use should be accommodated in designated places such as industrial estate. If it was approved, a shorter approval period and more conditions should be imposed to ensure a safer operation; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. In particular, the application was for continuation of the planning approval

for the same open storage use previously granted for the site and all the relevant approval conditions on landscaping, drainage and paving and fencing works had been complied with. Regarding the public comment, concerned Government departments had no adverse comments on the application on traffic, drainage and environmental aspects. To minimize possible environmental impacts on nearby sensitive receivers, approval conditions, including no night-time operation and no operation on Sundays and public holidays, had been recommended in paragraph 12.4 of the Paper.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no workshop activities including dismantling, repairing and cleansing, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (d) the existing drainage facilities on the application site, as implemented under Application No. A/YL-HT/320, should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities

within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.2.2007;

- (f) the submission of tree preservation and landscape 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 17.5.2007;
- (g) in relation to (f) above, the implementation of tree preservation and landscape 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 17.8.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site;

- (c) 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;
- (d) 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;
- (e) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the inside services might need to be extended for connection to the nearest suitable government water mains for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of the track access between Lau Fau Shan Road and the site; and
- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.



[Open Meeting (Presentation and Question Session Only)]

- (iii) A/YL-HT/468 Proposed Temporary Open Storage of Construction Materials and Metal Wares for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2447(Part), 2958(Part), 2961A(Part) and 2961RP(Part) in DD 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/468)
- 

Presentation and Question Session

52. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and metal wares for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. Regarding DEP’s concerns, it was noted that the site was about 300m from major village settlements of Sha Kong Wai Tsai and Ngau Hom in the west and there was no environmental complaints pertaining to the site in the past 3 years. In order to minimize possible off-site environmental impacts, approval conditions, including no night-time operation and no operation on

Sundays and public holidays, had been recommended in paragraph 12.3 of the Paper.

53. Members had no question on the application.

#### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no workshop activities including dismantling, repairing, cleansing and recycling, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (d) the implementation of accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 17.5.2007;
- (e) the implementation of accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.5.2007;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (g) if any of the above planning conditions (d) or (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site;
- (c) 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;
- (d) 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;
- (e) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the inside services might need to be extended for connection to the nearest suitable government water mains for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards;

- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of the track access between Lau Fau Shan Road and the site; and
- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/YL-KTN/262 Temporary Container Vehicle Park and Open Storage of Vehicle Parts with Ancillary Warehouse for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” zone, Lots 433C, 1736C and 1738 in DD 107, Yuen Long  
(RNTPC Paper No. A/YL-KTN/262)
- 

#### Presentation and Question Session

56. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container vehicle park and open storage of vehicle parts with

ancillary warehouse for a period of 3 years;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department did not support the application due to inadequate space for manoeuvring of container vehicles within the site. The Director of Environmental Protection also did not support the application as there were sensitive uses including residential dwellings in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds of potential traffic, environmental, drainage and ecological impacts on the rural environment. This local objection was conveyed to the Committee for consideration by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. In particular, there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding areas. Also, there were adverse departmental comments and local objection against the application.

57. Members had no question on the application.

#### Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the development was incompatible with the surrounding residential dwellings and there were adverse departmental comments on the

application; and

- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/YL-KTS/389 Proposed New Territories Exempted House (NTEH) (Small House) in “Village Type Development” and “Agriculture” zones, Lot 1522A1RP in DD 106, Yuen Kong, Yuen Long  
(RNTPC Paper No. A/YL-KTS/389)
- 

Presentation and Question Session

59. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed NTEH (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.11.2010, 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 condition of the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the access road leading to the site from Kam Sheung Road should be checked with the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD). As such, the proposed access might not be guaranteed. The management and maintenance responsibilities of the access road should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (b) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (c) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comment that the inside services might need to be extended for connection to the nearest suitable government water mains for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (d) note the Director of Fire Services' comment that emergency vehicular access (EVA) and fire hydrant would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' newly issued by the Lands Department. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon receipt of formal application referred by DLO/YL, LandsD; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the above site formation and communal drainage works.

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/YL-NSW/173 Temporary Open Storage of Construction Materials and Construction Machinery, Vehicle Repair Workshop and Converted Container for Storage Purpose for a Period of 3 Years in "Undetermined" zone, Lots 625RP, 626 and 627RP in DD 115, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/173)
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#### Presentation and Question Session

63. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and construction



machinery, vehicle repair workshop and converted container for storage purpose for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Chief Highway Engineer/New Territories West, Highways Department required the applicant to submit a vehicular access proposal for his comment. The Assistant Commissioner for Transport/New Territories, Transport Department raised concern on the land status and management/maintenance responsibility of the proposed track leading to the application site from Yuen Long Tung Shing Lei Road. The Chief Engineer/Mainland North, Drainage Services Department advised that a drainage proposal should be submitted to demonstrate that all existing flow paths and runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. In particular, the open storage use was not compatible with the surrounding land uses which were predominantly ponds and vacant land mixed with scattered residential dwellings. There were adverse departmental comments on environmental, traffic and drainage aspects.

64. Members had no question on the application.

#### Deliberation Session

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

- (a) the development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning permission had been granted for the site, no technical assessment and proposal had been submitted and there were adverse departmental comments on environmental, traffic and drainage aspects;
- (b) there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “Undetermined” zone, the cumulative impact of which would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/YL-PS/247 Proposed Temporary Holiday Camp Development with Ancillary Facilities for a Period of 3 Years in “Recreation”, “Village Type Development” and “Conservation Area” zones,  
Lots 244, 245, 247, 248, 249, 250, 251, 252, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 269, 270, 271, 274, 275, 276, 278, 279, 280, 281, 282, 284, 285, 286, 287 and 667 in DD 126 and Adjoining Government Land, Fung Ka Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/247)
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Presentation and Question Session

66. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary holiday camp development with ancillary facilities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that the proposed development, with a part falling within the “Conservation Area” (“CA”) zone and including a mini-golf course as one of the ancillary recreational facilities, would constitute a designated project under the Environmental Impact Assessment Ordinance, which required environmental permits for their construction and operation. As the environmental acceptability of the proposed development had yet to be confirmed, DEP could not support the application at this stage. The Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application because the proposed Master Layout Plan appeared not to have taken full account of the presence of substantial amount of trees and other vegetation within the application site. No tree survey or mitigation measures were included in the submission to address the adverse impact on existing landscape resources and landscape quality. The Chief Engineer/Mainland North, Drainage Services Department advised that no public stormwater drainage connection and public sewer were available for the site. The Assistant Commissioner for Transport/New Territories, Transport Department raised concerns on the cumulative adverse traffic impact on the nearby road network, should the application be approved;
- (d) eleven public comments were received during the statutory publication period raising objection to the application mainly on the grounds of fung shui and impact on their ancestral graves; substantial loss of mature trees and cultivated land; and adverse impacts on the environment, natural landscape, ecology and traffic; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 11.2 and 11.3 of the Paper. The plot ratio of the proposed development at 0.227 was considered excessive as developments within the “Recreation” zone were restricted to

a maximum plot ratio of 0.2 and there was no reason why the development should exceed the maximum plot ratio stipulated in the Outline Zoning Plan. The proposed uses were not in line with the planning intentions of the “CA” and “Village Type Development” zones. Concerned Government departments objected to or had adverse comments on the application. There were also strong local objections against the application.

67. Members had no question on the application.

#### Deliberation Session

68. 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 “Conservation Area” (“CA”) and “Village Type Development” (“V”) zones. There was no strong justification to merit a departure from the planning intention, even on a temporary basis;
- (b) no information was submitted to demonstrate that the proposed development would not generate adverse drainage, sewerage, environmental, traffic and landscape impacts on the surrounding areas; and
- (c) no similar applications were previously approved in the “CA” and “V” zones. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment in the area.

[Open Meeting (Presentation and Question Session Only)]

- (viii)        A/YL-PS/254        Renewal of Planning Approval for  
Temporary Public Vehicle Park  
for Private Cars and Light Goods Vehicles  
under Application No. A/YL-PS/187  
for a Period of 3 Years until 17.11.2009  
in “Undetermined” and “Village Type Development” zones,  
Lots 39RP(Part), 40RP, 42(Part), 43B(Part), 43C(Part),  
43D(Part), 43E(Part), 43F(Part) and 43G(Part) in DD 122  
and Adjoining Government Land,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/254)
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Presentation and Question Session

69.        Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles under Application No. A/YL-PS/187 for a period of 3 years until 17.11.2009;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application as, being the owners of Lots 43B, 43C, 43D, 43E, 43F and 43G in DD 122, they had not been approached to give consent to use the subject land parcels for the applied use; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper.

While the applicant had complied with all the approval conditions imposed under the previous approved Application No. A/YL-PS/187, a shorter period of 2 years for continuation of the development on the site was recommended in order to closely monitor the situation and not to jeopardize the planning intention of the “Village Type Development” zone for Small House development. Regarding the public comment, although the owners’ consent for the application had not been obtained, the applicant had already given notification to the current land owners by registered mail which had complied with the requirements as set out in the Town Planning Board Guidelines No. 31 on Satisfying the “Owner’s Consent/Notification” Requirements. Moreover, an advisory clause was recommended in paragraph 11.4(a) of the Paper requesting the applicant to resolve land issues related to the development with concerned owners of the site.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 17.11.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no repair and workshop activities should be carried out on the site at any time during the planning approval period;
- (c) no vehicles other than private cars and light good vehicles should be parked on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the site as previously implemented under Application No. A/YL-PS/187 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.2.2007;
- (g) the provision of 9 litres water type/3 kg dry powder fire extinguisher in the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.2.2007;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that a shorter approval period was granted to closely monitor the situation on the site;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required; and
- (e) follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/YL-ST/323 Temporary Public Vehicle Park  
(including Container Vehicles) and Open Storage of  
Construction Materials for a Period of 3 Years  
in "Undetermined" zone,  
Lot 244BRP(Part) in DD 99  
and Adjoining Government Land,  
San Tin, Yuen Long  

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(RNTPC Paper No. A/YL-ST/323)

Presentation and Question Session

73. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;



- (b) the temporary public vehicle park (including container vehicles) and open storage of construction materials for a period of 3 years;
- (c) departmental comments – The District Lands Officer/Yuen Long (DLO/YL), Lands Department did not support the application as there were unauthorized structures erected on site and illegal occupation of Government land. The applied use should not encroach on any portion of land under the Burial Ground No. YL/3. The Commissioner of Police (C of P) did not support the application and pointed out that Lok Ma Chau Road was the sole as well as the emergency vehicular access to the Spur Line Terminus and Spur Line Public Transport Interchange. Any obstruction caused by large vehicles would not be tolerated. The District Officer advised that encroachment on the Burial Ground No. YL/3 should be avoided;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. Technical concerns including landscape and drainage aspects of the development could be addressed by imposing relevant approval conditions as recommended in paragraph 12.3 of the Paper. Although C of P had concerns on traffic grounds, the current application was basically for similar use on the same site under the previous approved Application No. A/YL-ST/240. In this regard, the Assistant Commissioner for Transport/New Territories had no comment on traffic aspect and advised that given only 3 parking spaces were provided, the traffic generated would be low. Regarding DLO/YL's concerns, it should be noted that, based on the site boundary as submitted, the application site did not encroach onto the burial ground. However, appropriate advisory clause had been recommended in paragraph 12.4 of the Paper to address DLO/YL's concerns.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) the submission of landscape 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 17.5.2007;
- (c) in relation to (b) above, the implementation of landscape 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 17.8.2007;
- (d) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/240 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 17.5.2007;
- (e) the submission of a proper run-in/out proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 17.5.2007;
- (f) in relation to (e) above, the provision of a proper run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 17.8.2007;
- (g) the provision of 3 kg dry powder/9 litres water type fire extinguisher in the

site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.5.2007;

- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver and Short Term Tenancy (STT) to regularize the unauthorized structures on site and illegal occupation of Government land. The applicant should cease the use of the portion of land under the Burial Ground No. YL/3 as his office should not consider a STT within a Permitted Burial Ground;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactments might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage; and
  
- (e) note the District Officer (Yuen Long)'s advice to avoid encroachment onto the Burial Ground No. YL/3 arising from the application and not to damage any graves located in the Burial Ground nor to obstruct the access road thereto.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. W.M. Lam, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Lam left the meeting at this point.]

### **Agenda Item 8**

#### **Any Other Business**

77. There being no other business, the meeting was closed at 4:00 p.m..