

## **TOWN PLANNING BOARD**

### **Minutes of 350th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.5.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Chief Engineer/Traffic Engineering (New Territories West),  
Transport Department  
Mr. Y.M. Lee

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. C.S. Mills

Deputy Director of Planning/District  
Mr. Raymond Chiu

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Y.K. Cheng

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  
Miss Jessica K.T. Lee

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 349th RNTPC Meeting held on 11.5.2007**

[Open Meeting]

1. The draft minutes of the 349th RNTPC meeting held on 11.5.2007 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

(i) **Approval of Outline Zoning Plan (OZP)**

2. The Secretary informed Members that on 8.5.2007, the Chief Executive in Council (CE in C) approved the draft Tsuen Wan West OZP No. S/TWW/16A under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the OZP was notified in the Gazette on 18.5.2007.

(ii) **Reference of OZP**

3. The Secretary reported that on 8.5.2007, the CE in C referred the approved Tai Po OZP to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP was notified in the Gazette on 18.5.2007.

**Sai Kung and Islands District**

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

### **Agenda Item 3**

#### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/SK-TMT/2            Application for Amendment to the  
Draft Tai Mong Tsai and Tsam Chuk Wan  
Outline Zoning Plan No. S/SK-TMT/3  
from “Coastal Protection Area” to “Village Type Development”,  
Lots 279A2, 279A3, 279A4, 279ARP, 287, 288A1, 288A2,  
288ARP in DD 257 and Adjoining Government Land,  
Wong Keng Tei,  
Sai Kung  
(RNTPC Paper No. Y/SK-TMT/2)

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#### **Presentation and Question Sessions**

4.            The Committee noted that on 18.5.2007, the applicant requested the Town Planning Board to defer making a decision on the application in order to address comments raised by Government departments.

#### **Deliberation Session**

5.            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 three 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.

### **Agenda Item 4**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

(i) A/SK-HC/144 Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Agriculture” zone, Lots 626B, 627A7 and 627A8 in DD 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/144)

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(ii) A/SK-HC/145 Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Agriculture” zone, Lot 627A9, 627G and 627H in DD 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/145)

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6. Noting that the two applications were similar in nature and the sites were adjacent to one another within the same “Agriculture” zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

7. Ms. Ann O.Y. Wong, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the two applications;
- (b) the proposed New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour both applications from agricultural development point of view;

- (d) during the statutory publication period, two public comments were received objecting to both applications. The commenters were of the view that there was sufficient land available within the “Village Type Development” zone for Small House development and concerned about the boundary of the application sites; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons given in paragraphs 11.1 and 11.2 of the Papers. As regards the DAFC’s concern, the sites and their surrounding area were not under active cultivation. The proposed Small Houses were compatible with the surrounding rural and village environment, with existing village houses found within 70m of the application sites. Regarding the public comments, the land available (about 4.8 ha of buildable land or equivalent to 192 Small House sites) could not meet the outstanding Small House applications and the 10-year Small House demand (about 7.1 ha of land or equivalent to about 285 Small House sites).

8. Members had no question on the two applications.

#### Deliberation Session

9. The Chairperson remarked that the applications generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

10. After deliberation, the Committee decided to approve applications No. A/SK-HC/144 and 145, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 25.5.2011, 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 of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure

and Cultural Services or of the TPB; and

- (b) the submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

11. The Committee also agreed to advise the applicants that he might need to extend the inside services to the nearest government water mains for connection and should resolve any land matter associated with the provision of water supply. The applicants should also be responsible for the construction, operation and maintenance of the inside services within the private lots.

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

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

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

### **Agenda Item 5**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/169 Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) under Application No. A/FSS/159 for a Period of 3 Years in “Residential (Group A)” and “Open Space” zones, Lots 3036A, 3036RP, 3037, 3044, 3045RP in DD 51 and Adjoining Government Land, San Wan Road, Fanling  
(RNTPC Paper No. A/FSS/169)
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Presentation and Question Sessions

12. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received stating that the site should be used for open space as planned. The District Officer (North) advised that one North District Council (NDC) member supported the application. Two NDC members objected to the application on traffic and environmental grounds and considered that the site should be used as an open space; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper.



With regard to the local concerns, appropriate planning conditions were recommended to address the likely adverse impacts on the nearby residents. As regards the local comments on open space, the Director of Leisure and Cultural Services advised that there was currently no development programme for the subject local open space site in the coming 3 years. Thus, a temporary approval of 3 years for the public vehicle park would not affect the implementation of the local open space use in the future.

13. Members had no question on the application.

#### Deliberation Session

14. The Chairperson remarked that the long-term planning intention was to develop the zoned area for open space use though the actual implementation would be subject to availability of resources. In order to better utilize the land resources, temporary uses could be considered in the interim before the long-term development took place. As regards the Chief Town Planner/Urban Design & Landscape of PlanD's comments on existing trees and replacement planting, an approval condition to require submission and implementation of a tree preservation and landscape proposals would be imposed.

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars were allowed to be parked on the site;
- (b) the operating hours of the vehicle park should be restricted from 7:00 a.m. to 11:00 p.m.;
- (c) 'No Horning' signs should be provided on site;
- (d) the maintenance of existing drains within the application site during the planning approval period;

- (e) the submission of a conditional record of the existing drainage facilities on site as implemented on the site in the previously approved application (No. A/FSS/159) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.8.2007;
- (f) the submission of a 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 TPB by 25.11.2007;
- (g) in relation to (f) above, the implementation of the 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 TPB by 25.2.2008;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the application site;
- (b) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver for regularization of the structure erected on the application site; and
- (c) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping catchment area associated with the River Indus and River Ganges



- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 10.1 to 10.3 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”). The site fell outside an established built-up area with insufficient infrastructural support. The approval of the application would set an undesirable precedent for similar applications.

18. Referring to the replacement pages of Plans A-1 to A-4 tabled at the meeting, Mr. W.W. Chan clarified that the application should be for development of NTEHs (not Small Houses). Amendment to Plan A-1 was also made to show that there should be no similar application for development of NTEHs within “AGR” zone in Lung Yeuk Tau.

19. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that the application was submitted by a limited company and not an indigenous villager. The application site was situated away from the established built-up village area without vehicular access and infrastructural facilities. Although the application site had house land status (built-over area of 0.06acre (242.8m<sup>2</sup>) and a 2 storeys height restriction), the proposed development parameters exceeded those permitted under the lease.

#### Deliberation Session

20. Referring to Plans A-3 and A-4 of the Paper, a Member opined that the site mainly fell with “AGR” zone and was currently covered with grass and trees. The proposed NTEH development was considered not compatible with the surrounding areas which were predominantly rural in character.

21. 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 “Agriculture” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the

planning intention. The site fell outside an established built-up area and the area was in lack of infrastructural support; and

- (b) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in cumulative adverse traffic impacts in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-FTA/81 Proposed Temporary Asphalt Production Plant  
for a Period of 3 Years  
in “Agriculture” zone,  
Lot 551BRP(Part) in DD 89,  
Man Kam To Road,  
Sha Ling  
(RNTPC Paper No. A/NE-FTA/81)
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Presentation and Question Sessions

22. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) further consideration of the proposed temporary asphalt production plant for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received. Having regard to the additional information submitted by the applicant, the Director of Environmental Protection had no objection to the application;
- (d) during the statutory publication period of the additional information, two public comments were received objecting to the application on traffic and environmental grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 5.1 of the Paper.

23. Mr. W.W. Chan supplemented that the applicant at present had no intention to occupy the site for asphalt production plant for a period longer than 3 years. Nevertheless, the intention might be varied over the years subject to changing economics and market conditions and it was difficult to predict whether the renewal of planning approval would be sought 3 years later. PlanD did not support the application as there was insufficient information in the submission to demonstrate that the proposed asphalt production plant was genuinely temporary in nature. Due to the substantial scale of the proposed plant, it was unlikely that the plant would only operate for a temporary period of 3 years. Moreover, the applicant had not pre-empted the possibility of applying for renewal of planning approval, if granted, 3 years later. The approval of the application and the possible successive renewal of the approval would frustrate the long-term planning intention of the "Agriculture" ("AGR") zone. No strong justifications had been provided in the submission for a departure from the planning intention.

24. Members had no question on the application.

[Professor Nora F.Y. Tam and Mr. Y.M. Lee joined the meeting at this point.]

#### Deliberation Session

25. The Chairperson reminded Members that the application site was the subject of a Judicial Review (JR) to the High Court in June 2003 against the decision of the Town Planning Board (the Board) in granting a temporary approval to the applicant of the previous application No. A/NE-FTA/50. The JR was dismissed on 22.3.2006. Subsequently, the JR applicants lodged an appeal to the Court of Appeal (CA) and the appeal was allowed on 28.2.2007. Members of the Board were briefed on the judgment of the CA on 20.4.2007. One of the grounds of the JR was that whether the Board could lawfully grant permission for temporary use without first having considered and having been satisfied that the intended use was temporary in nature.

26. A Member opined that it would not be easy for the Board to ensure that

development seeking temporary approval was a genuine temporary use noting that the ‘real intention’ might for some reasons change over time. Another Member said that it should be the responsibility of the applicant to provide sufficient evidence for the consideration of the Board to demonstrate that the applied uses were indeed temporary in nature. This view was shared by the Other Member who added that the Committee should consider whether it was a genuine temporary use taken into account the applicant’s justifications and other planning considerations, and whether the long term intention of individual zones on the Outline Zoning Plan (OZP) would be frustrated. In the current application, as there would be considerable amount of time and cost in setting up the asphalt production plant, three-year operation on site might not be commercially viable. It was likely that the applicant would apply for renewal of planning approval 3 years later.

27. The Chairperson said that the planning intention of “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Due to the growing demand for land for short-term uses in the New Territories, some areas in “AGR” zone were used for temporary non-agricultural uses. To make a better and more flexible use of the land resources, suitable temporary uses could be considered in some areas in the interim before the long-term development took place. It was important that the applied uses were genuinely temporary in nature and would not frustrate the long-term planning intention of individual zonings on the OZP. In this regard, the issue of whether the temporary use would affect the planning intention of the OZP should be a relevant consideration of the Town Planning Board. The applicant should also be required to provide sufficient evidence to demonstrate that the applied uses were temporary in nature.

28. Members noted that in the current application, considering the substantial scale of the asphalt production plant, it was unlikely that the plant would only be operated for a short period. There was no justification on whether a permanent development was being contemplated elsewhere or any relocation plan. Moreover, the applicant could not rule out the possibility of applying for renewal of planning approval, if granted, 3 years later. As the approval of the application and the successive renewal of the approval might frustrate the planning intention of the “AGR” zone on the OZP, the application could not be supported.

29. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the

proposed asphalt production plant was genuinely temporary in nature. The approval of the application and the possible successive renewal of the approval would frustrate the long-term planning intention of the “Agriculture” zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/NE-LT/371           Temporary Warehouse for Building Materials and Interior Products and Equipment with Ancillary Guard House for a Period of 3 Years in “Recreation” zone, Lot 354BRP(Part) and Lot 355BRP(Part) in DD 16, Chuen Pei Lung, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/371)
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Presentation and Question Sessions

30.           Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for building materials, interior products and equipment with ancillary guard house for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural development point of view;
- (d) during the statutory publication period, two public comments were received



mainly related to incompatible land use and potential contamination to Lam Tsuen River and nearby farmland. Local objection was received by the District Officer/Tai Po, raising concern on pollution to Lam Tsuen River and potential danger caused by large engineering vehicles; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 11.1 and 11.2 of the Paper. Regarding the local concerns on incompatible land use, the current temporary use with the implementation of the landscape proposal was not incompatible with the rural setting. As regards the pollutants discharge issue, the applicant had satisfied the approval condition as required in the last application to provide preventive measures against pollution and contamination to the water gathering grounds. Similar condition was recommended in the current application to safeguard the water gathering grounds against contamination.

31. Members had no question on the application.

#### Deliberation Session

32. Members noted that the site was subject to a previous temporary approval and considered that the temporary use currently applied for could be tolerated on this occasion, while emphasising that the issue would be reconsidered, if any further period of temporary grant of permission were applied for in future.

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of existing trees and landscape planting on the application site during the approval period;
- (b) the drainage facilities on the application site should be kept in good condition to intercept the surface runoff during the approval period;

- (c) the preventive measures against pollution and contamination to water gathering grounds on the application site should be maintained during the approval period;
- (d) no storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances within the application site should be allowed during the approval period;
- (e) the use of any chemicals within the application site would not be allowed unless prior approval from the Director of Water Supplies had been obtained;
- (f) no industrial activity other than storage of building materials, interior products and equipment should be allowed on the application site during the approval period;
- (g) the submission of proposals for fire fighting access, water supplies and fire services installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2007;
- (h) in relation to (g) above, the provision of fire fighting access, water supplies and fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice; and

- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the environmental measures recommended in the “Revised Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” should be adopted to minimize environmental nuisance;
- (b) to note the comments of Director of Water Supplies and Commissioner of Police in Appendix III and paragraph 9.1.6 of the Paper respectively;
- (c) to observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the electricity supply lines; and
- (d) to note Lam Kam Road was currently subject to vehicle length restriction which prohibited the entrance of all vehicles exceeding 11m in length.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/ST/653                      Renewal of Planning Approval  
for Public Vehicle Park (excluding Container Vehicle)  
under Application No. A/STN/1 for a Period of 3 Years  
in “Residential (Group A)” zone,  
Car Park at Ka Keng Court,  
Sha Tin  

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(RNTPC Paper No. A/ST/653)

35. As the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members declared interests in this item:

- Mrs. Ava S.Y. Ng  
as the Director of Planning
- being a member of the Building Committee and the Strategic Planning Committee (SPC) of the HKHA;
- Ms. Margaret Hsia  
as the Assistant Director (2) of Home Affairs Department
- being an alternate member for the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of the HKHA;
- Mr. C.S. Mills  
as the Assistant Director/New Territories of Lands Department
- being an alternate member for the Director of Lands who was a member of the HKHA; and
- Mr. B.W. Chan  
Mr. Y.K. Cheng
- being former members of the HKHA.

36. The Committee noted that Mr. Y.K. Cheng had tendered apologies for being not able to attend the meeting.

[The Chairperson, Ms. Margaret Hsia, Messrs. C.S. Mills and B.W. Chan left the meeting temporarily while the Vice-chairman took over the chairmanship at this point.]

#### Presentation and Question Sessions

37. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) during the statutory publication period, one public comment was received objecting to the application on inadequate parking spaces, management and security grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the local concern, the applicant confirmed that the residents would be accorded priority in letting the parking spaces and only surplus parking spaces would be let to non-residents. The entrances to the parking spaces and the residential blocks were separated, and security guards were also on 24-hour duty at each entrance of the residential block.

38. In response to the Vice-chairman's enquiry on public comment, Mr. W.K. Hui, DPO/STN, said that in acknowledging receipt of the public comment, the Secretariat would advise the commenter that relevant decision and minutes of meeting would be available at the Town Planning Board's website and the Planning Enquiry Counters of PlanD.

#### Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.6.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents to be agreed with the Commissioner for Transport.

40. The Committee also agreed to advise the applicant that in letting the surplus parking spaces, priority should be given to the residents of Ka Keng Court.

[The Chairperson, Ms. Margaret Hsia, Messrs. C.S. Mills and B.W. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/ST/654 Proposed Three Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Green Belt” zone, Lot 722A, 722B, 722C, 723A, 723B(Part), 730A(Part) and 731A in DD 171, Kau To Village, Sha Tin  
(RNTPC Paper No. A/ST/654)
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41. Mr. Tony C.N. Kan, living in the vicinity of the application site, declared an interest in this item.

[Messrs. Tony C.N. Kan and Y.M. Lee left the meeting temporarily at this point.]

Presentation and Question Sessions

42. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of Transport Department did not support the application on traffic ground;
- (d) during the statutory publication period, nine public comments were received objecting to the application on the adverse impacts of the proposed development on the subject “Green Belt” (“GB”) zone and the surrounding environment; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 to 12.4 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone, the proposed Small House development was located outside both the village ‘environs’ of Kau To Village and the “Village Type Development” zone, and there were insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic, environmental and landscape impacts on the area.

43. Mr. W.W. Chan supplemented that a replacement page of Plan A-1 was tabled at the meeting for Members' reference.

44. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that the northern site was part of two previously approved applications for Small House developments (No. A/ST/405 and A/ST/610). Application No. A/ST/610 for the development of three Small Houses was approved upon review in 2005 and the planning permission was still valid until 20.5.2009.

45. In reply to a Member's enquiry, Mr. W.K. Hui said that the southern site was part of a previous application for the development of five Small Houses (No. A/ST/411) approved in 1996. The planning permission was renewed four times and lapsed in 2003.

#### Deliberation Session

46. The Chairperson remarked that the proposed Small House development did not comply with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories. The application was not supported.

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 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 “GB” zone. No strong justifications had been provided in the submission to merit a departure from the planning intention;

- (b) the proposed Small House development did not comply with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories in that the proposed development was located outside both the village ‘environs’ of Kau To Village and the “Village Type Development” zone; and
- (c) there were insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic, environmental and landscape impacts on the area.

[Messrs. Tony C.N. Kan and Y.M. Lee returned to join the meeting at this point.]

## **Agenda Item 6**

### **Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/249-2      Extension of Time for Commencement of Development  
under Application No. A/NE-LT/249 and A/NE-LT/249-1  
in “Agriculture” zone,  
Lots 567LRP(Part), 568A1(Part), 568A2, 568A3RP, 568A4B,  
568A4C, 568A4RP, 568B1, 568B2B, 568B2RP, 568B3B,  
568B3RP and 568B4RP in DD 8,  
Sha Pa Village,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/249-2)

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Presentation and Question Sessions

48. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) extension of time (EOT) for commencement of development under application No. A/NE/LT-249 and A/NE/LT-249-1;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) and the Director of Environment Protection (DEP) maintained their previous views of not favouring/supporting the application from agricultural point of view and for the impact on water quality of the Lam Tsuen water gathering ground (WGG) respectively;
- (d) no local objection was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 7.2 of the Paper. The District Lands Officer/Tai Po of Lands Department (LandsD) confirmed that the subject Small House applications were being processed by his office and the delay was caused by technical problems related to vehicular access and drainage works. It appeared that the major cause of the delay was beyond the applicants' control.

49. Members had no question on the application.

Deliberation Session

50. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that the original planning permission was granted in 2001 and assessed under the previous version of the interim criteria for assessing planning application for NTEH/Small House development in the New Territories. The requirement for connection to the existing or planned sewerage

system for sites falling within WGG was introduced into the interim criteria in 2002. Though DAFC and DEP did not support the application, other concerned Government departments, including Water Supplies Department, Drainage Services Department and LandsD, had no objection to the proposed EOT. Referring to the Town Planning Board (the Board) Guidelines No. 35 and 36, Mr. Hui clarified that the proposed extension of the validity of the planning permission was a Class B amendment and the duration of the extension should not be more than that of the validity period granted under the original approval. Referring to paragraph 7.4(a) of the Paper, Mr. Hui added that the applicants could not seek further extension of time for commencement of the development. They would be advised that a fresh application under section 16 of the Town Planning Ordinance would be required if the development could not be proceeded within the approval time frame.

51. 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 1.6.2010, and after the said date, the permission should cease to have effect unless before the said date the development permitted was commenced. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the submission and implementation of fire services installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of landscape proposals, including a tree preservation plan, to the satisfaction of the Director of Planning or of the

TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicants wished to seek further extension of the validity of this permission, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35 and 36 should be referred for details;
- (b) the application site fell within the boundary of the Sha Pa Archaeological Site and that salvage excavation would need to be conducted to retrieve the affected archaeological materials prior to any construction works on the application site and to consult the Antiquities and Monuments Office, Leisure and Cultural Services Department on the necessary arrangement;
- (c) the proposed houses were located near the Upper Lam Tsuen River, which was an Ecologically Important Stream under Environmental, Transport and Works Bureau Technical Circular (Works) No. 5/2005 and appropriate measures should be taken to avoid affecting the stream during the construction of the houses;
- (d) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers; and
- (e) the site was in an area where no public sewerage connection was available.

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

**Tuen Mun and Yuen Long District**

[Mr. Wilson Y.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 at this point.]

**Agenda Item 7**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL/2                      Application for Amendment to the  
Draft Yuen Long Outline Zoning Plan No. S/YL/16  
from “Comprehensive Development Area”, “Open Space”,  
“Village Type Development” and “Road”  
to “Government, Institution or Community”,  
Government Land Covering West Rail Yuen Long Station  
and the Associated Public Transport Interchange in Area 15,  
Yuen Long  
(RNTPC Paper No. Y/YL/2)

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**Presentation and Question Sessions**

53.            The Committee noted that after the issuance of the paper, the applicant on 21.5.2007 requested the Town Planning Board to defer making a decision on the application in order to prepare additional information and to address comments raised by the Kowloon-Canton Railway Corporation.

**Deliberation Session**

54.            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 three 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.

### **Agenda Item 8**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/TM/357           Proposed House (Redevelopment of Existing House)  
in “Green Belt”, “Government, Institution or Community”  
and “Road” zones,  
436 Castle Peak Road,  
Tuen Mun  
(Lot 977RP and Extension in DD 131)  
(RNTPC Paper No. A/TM/357)
- 

#### **Presentation and Question Sessions**

55.           The Committee noted that on 8.5.2007, the applicant requested the Town Planning Board to defer making a decision on the application in order to address comments raised by the Director of Environmental Protection.

#### **Deliberation Session**

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii)           A/YL/144           Proposed Shop and Services  
(Temporary Motor Vehicle Showroom)  
for a Period of 3 Years  
in “Other Specified Uses” annotated  
“Public Car Park with Ground Floor Retail Shops” zone,  
8/F to 13/F, Golden Plaza,  
28 Shui Che Kwun Street,  
Yuen Long  
(RNTPC Paper No. A/YL/144)
- 

57.           Dr. James C.W. Lau, having current business dealings with Top Bright Consultants Ltd., the consultant of the application, declared an interest in this item. The Committee noted that Dr. Lau had tendered his apologies for being not able to attend the meeting.

Presentation and Question Sessions

58.           The Committee noted that on 8.5.2007, the applicant requested the Town Planning Board to further defer making a decision on the application in order to address concern raised by the Transport Department.

Deliberation Session

59.           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 a further period of one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/485 Temporary Open Storage of Metal Ware  
for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots 37(Part), 41(Part), 42(Part), 43(Part), 44(Part),  
45(Part), 46(Part), 47(Part), 49(Part), 50(Part)  
and 51(Part) in DD 128 and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/485)
- 

Presentation and Question Sessions

60. 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 metal ware 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 the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 12.2 of the Paper. There was no pollution complaint against the site over the last 3 years. To address the DEP’s concern, appropriate approval conditions were recommended to minimize the possible environmental impacts on the adjacent areas.

61. Members had no question on the application.

### Deliberation Session

62. In response to the Chairperson's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the site was previously agreed by the Committee to be rezoned to "Residential (Group E)" in 2002. However, the rezoning had been held back due to the proposed Easterly Link Road (ELR) of the Deep Bay Link. A number of alignment options of the ELR were being studied by the Highways Department. As some of the options might traverse the subject "Comprehensive Development Area" ("CDA") zone, it would be premature to rezone the "CDA" site at this moment.

63. The Chairperson remarked there was not yet any programme/known intention to implement the subject "CDA" zone. Members considered that the temporary use currently applied for could be tolerated on this occasion, while emphasising that the issue would be reconsidered, if any further period of temporary grant of permission were applied for in future.

64. Referring to paragraphs 12.3(a) and 12.3(b) of the Paper, a Member asked whether the open storage could be operated on Saturdays. Mr. Wilson So responded that according to the application, there would be no night-time operation on the site from 7:00 p.m. to 7:00 a.m. and the operation would be closed on Sunday and public holidays. It was suggested to delete 'on Monday to Friday' in paragraph 12.3(a) of the Paper. Members agreed.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;



- (c) no cutting, dismantling, melting, cleansing and workshop activities should be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.11.2007;
- (e) 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 TPB by 25.11.2007;
- (f) in relation to (e) 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 TPB by 25.2.2008;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2007;
- (h) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.11.2007;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office and apply to his office for Short Term Tenancy immediately to regularize the occupation of Government land on site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Fung Kong Tsuen Road should be checked with the Lands Authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the proposed improvement works for Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement Works (Ha Tsuen Section) was scheduled to commence in end 2007 and the ingress/egress via Ping Ha Road to/from the proposed site might be affected during the construction period for the widening of Ping

Ha Road. The applicant should not be entitled for any compensation thereof;

- (f) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing trees and proposed new trees within the site should be clearly marked on a plan by using two different symbols for avoiding confusion when submitting tree preservation and landscape proposals; and
- (g) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL and obtain relevant owners' consent as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction, to construct and maintain all proposed drainage facilities at his own costs and to properly maintain the drainage facilities and rectify those facilities if they were found inadequate/ineffective during operation.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/486 Temporary Open Storage of Metal Ware  
for a Period of 3 Years  
in "Comprehensive Development Area" zone,  
Lots 43(Part), 192A1(Part), 192ARP(Part), 192B1(Part) and  
192BRP(Part) in DD 128 and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/486)
- 

#### Presentation and Question Sessions

[Dr. Lily Chiang joined the meeting during the presentation session.]

67. 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 metal ware 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 the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 12.2 of the Paper. It was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” zone on the Outline Zoning Plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP. There was no pollution complaint against the site over the last 3 years. To address the DEP's concern, appropriate approval conditions were recommended to minimize the possible environmental impacts on the adjacent areas.

68. Members had no question on the application.

#### Deliberation Session

69. Referring to paragraphs 12.3(a) and 12.3(b) of the Paper, a Member asked whether the open storage could be operated on Saturdays. Mr. Wilson Y.L. So, DPO/TMYL, responded that according to the application, there would be no night-time operation on the site from 7:00 p.m. to 7:00 a.m. and the operation would be closed on Sunday and public holidays. It was suggested to delete ‘on Monday to Friday’ in paragraph 12.3(a) of the Paper. Members agreed.

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

temporary basis for a period of 3 years up to 25.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, melting, cleansing and workshop activities should be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.11.2007;
- (e) 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 TPB by 25.11.2007;
- (f) in relation to (e) 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 TPB by 25.2.2008;
- (g) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.11.2007;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the 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 (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office and apply to his office for Short Term Tenancy to regularize the occupation of Government land on site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Fung Kong Tsuen Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the proposed improvement works for Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement Works (Ha Tsuen Section) was scheduled to commence in

end 2007 and the ingress/egress via Ping Ha Road to/from the proposed site might be affected during the construction period for the widening of Ping Ha Road. The applicant should not be entitled for any compensation thereof;

- (f) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing trees and proposed new trees within the site should be clearly marked on a plan by using two different symbols for avoiding confusion when submitting tree preservation and landscape proposals; and
- (g) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL and obtain relevant owners' consent as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction, to construct and maintain all proposed drainage facilities at his own costs and to properly maintain the drainage facilities and rectify those facilities if they were found inadequate/ineffective during operation.

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-HT/487           Proposed Temporary Open Storage of Containers  
for a Period of 3 Years  
in “Recreation” zone,  
Lots 383(Part), 386(Part), 387(Part), 388(Part), 389, 390,  
391, 392(Part), 393, 394(Part), 395(Part), 396(Part), 399,  
400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411,  
412, 413(Part), 416(Part), 424(Part), 425, 426, 427, 428,  
429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440,  
441, 442, 443A, 443B, 445, 446, 447, 448, 450, 451(Part),  
452(Part), 453, 454, 455, 456, 457, 458A(Part), 458B(Part),  
458C(Part), 459A, 460, 461, 462, 463, 464, 465(Part), 466,  
467(Part), 547(Part), 548 (Part), 549, 550(Part), 551(Part),  
552(Part), 559(Part), 560(Part), 561, 562, 563, 564, 565,  
566, 567, 568, 569, 570, 571, 572, 573, 574(Part), 575(Part),  
576(Part), 577(Part), 578(Part) and 579(Part) in DD 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/487)
- 

Presentation and Question Sessions

73.           The Committee noted that on 23.4.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to provide supplementary information to support the application.

Deliberation Session

74.           After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two



months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi)           A/YL-KTN/263       Proposed Temporary Open Storage of Building Materials and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lots 375CRP(Part), 376(Part), 377ARP, 377BRP, 377CRP, 378RP, 379RP, 380(Part), 381RP, 382, 383, 384(Part) and 412 in DD 110, Tsat Sing Kong, Yuen Long  
(RNTPC Paper No. A/YL-KTN/263)
- 

Presentation and Question Sessions

75.           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 building materials and vehicle parts 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 Director of Agriculture, Fisheries and Conservation was not in favour of the application from agricultural point of view. The Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from the landscape planning point of view. The Chief Engineer/Mainland North of Drainage Services Department advised that the revised Drainage Impact Assessment was considered not satisfactory;

- (d) during the statutory publication period, two public comments were received objecting to the application due to the adverse impacts on the adjacent graves and fung shui. One of the comments was subsequently withdrawn; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.2 and 12.3 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone and not compatible with the surrounding land uses, there was no previous approval granted at the site, there was insufficient information to demonstrate that the proposed development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas, and the approval of the application would set an undesirable precedent for other similar applications.

76. Members had no question on the application.

#### Deliberation Session

77. In response to the Chairperson's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the site was currently vacant and the northwestern portion of the site was involved in an enforcement case concerning storage use for vehicles/vehicle parts.

78. The Chairperson remarked that the application did not comply with the Town Planning Board Guidelines for Open Storage and Port Back-up Uses in that no previous approval was granted at the site, there were adverse environmental impacts and adverse comments from concerned Government departments.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good

agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land, residential dwellings and river channel. There was insufficient information to demonstrate that the proposed development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas;
- (c) the application did not comply with the Town Planning Board Guidelines for Open Storage and Port Back-up Uses in that there was no previous approval granted at the site; residential dwellings were located in close proximity to the site and would be susceptible to adverse environmental nuisances generated by the development; and there were adverse comments from concerned departments;
- (d) there was no information given in the submission to demonstrate that other suitable sites within the “Industrial (Group D)” and “Open Storage” zone could not be identified for the use under application; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)           A/YL-KTN/268       Proposed Residential Development with Commercial and Government, Institution and Community Facilities in “Comprehensive Development Area”, “Undetermined” and “Road” zones, Various Lots in DD 107 and Adjoining Government Land, Sha Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/268)
- 

80.           The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item. The Committee noted that Mr. Cheng had tendered his apologies for being not able to attend the meeting.

#### Presentation and Question Sessions

81.           The Committee noted that on 9.5.2007, the applicant requested the Town Planning Board to further defer making a decision on the application in order to resolve the outstanding technical issues with relevant Government departments. As the Paper was on the applicant’s request to defer consideration of the application and the Board’s usual practice was to accede to the request, Members agreed that Mr. Yap could stay in the meeting.

#### Deliberation Session

82.           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 a further period of two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-LFS/158 Proposed Utility Installation for Private Project (Package Substation) in “Green Belt” zone, Lot 1014(Part) in DD 129, Mong Tseng Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-LFS/158)
- 

Presentation and Question Sessions

83. 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 utility installation for private project (package substation);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”), there was no justification in the submission to demonstrate there was no suitable alternative site available for the proposed development within the adjacent “Village Type Development” zone, and approval of the application would set an undesirable precedent for other similar applications.

84. Members had no question on the application.

### Deliberation Session

85. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that according to the applicant, the proposed package electricity substation was requested by CLP Power Hong Kong Ltd. (CLPP) to enhance the security of power supply and provide adequate electricity to 24 NTEHs currently being built at Lots No. 1016 and 1017 in D.D. 129. The applicant considered that the site, with emergency access and a natural hillside at the back, was the preferred location. Mr. So supplemented that in general, in order to maintain electricity supply to serve new development, the CLPP would consider the provision of a new package substation if the electricity supply network in the area was fully utilised. However, the implementation of the new package substation would depend on the CLPP's cable routing and resources. In order to have early implementation of the package substation to serve individual development, the land owners might build their own substation and the CLPP would install the transformer and the associated equipments within the new package substation.

86. In response to another Member's enquiry, Mr. Wilson So said that there was no similar planning application for utility installation for private project or electricity substation in the vicinity of the site. For Members' information, two applications No. A/YL-LFS/8 and A/YL-LFS/155 for public utility installation within the same "GB" zone were rejected in 1997 and 2007 respectively. The current proposed substation, which was intended to provide electricity to the 24 NTEHs to the immediate east of the site, should be accommodated in the adjacent "Village Type Development" ("V") zone where the NTEHs were located. Referring to Plan A-2 of the Paper, Mr. So added that land was still available within the site of the 24 NTEHs and the applicant had not demonstrated the absence of suitable alternative site for the proposed development within the "V" zone.

87. The Chairperson remarked that the proposed substation should better be sited within the "V" zone and the applicant should explore alternative site within the adjacent "V" zone for the proposed development.

88. 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 where there was a general presumption against development;
- (b) there was no justification in the submission to demonstrate the absence of suitable alternative site for the proposed development within the adjacent “Village Type Development” zone;
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-MP/159 Renewal of Planning Approval for  
Temporary Wooden Shelter for Buffalo  
under Application No. A/YL-MP/141  
for a Period of 2 Years  
in “Site of Special Scientific Interest” zone,  
Government Land at Mai Po Nature Reserve,  
near Gei Wai 24B,  
Mai Po,  
Yuen Long  

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(RNTPC Paper No. A/YL-MP/159)

89. Professor Nora F.Y. Tam, Professor David Dudgeon and Dr. James C.W. Lau, being members of the World Wide Fund for Nature Hong Kong, declared interests in this item. The Committee noted that Professor Dudgeon and Dr. Lau had tendered their apologies for being not able to attend the meeting.

[Professor Nora F.Y. Tam left the meeting temporarily at this point.]

Presentation and Question Sessions

90. 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) renewal of planning approval for temporary wooden shelter for buffalo for a period of 2 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 10.6.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that upon expiry of the planning permission, the reinstatement of the application site to its original state to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long (DLO/YL)'s comment that the proposed development should comply with the licence granted by DLO/YL on nature reserve use;





- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received with no adverse comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 12.1 and 12.2 of the Paper.

95. Members had no question on the application.

#### Deliberation Session

96. Referring to paragraph 10.1.3 of the Paper, a Member noted that the Director of Environmental Protection (DEP) would have no objection to the application provided that the temporary pet trading and wholesale use did not include dogs/puppies and any pets which had potential to cause air and noise nuisances to the sensitive receivers nearby. This Member asked whether an approval condition should be imposed to address DEP's comments. Mr. Wilson Y.L. So, DPO/TMYL, responded that according to the applicant, the site was used as an aquarium for ornamental fish trading and a reptile storeroom (snake, lizard and turtle) for pet trading. No dogs or other pets would be kept for trading on the site. To address DEP's comments, an approval condition was recommended to restrict any dogs or other pets which might cause air and noise nuisances to be kept on site.

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no dogs or other pets which might cause air and noise nuisances should be allowed on the site during the planning approval period;
- (b) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or

of the TPB by 25.11.2007;

- (c) in relation to (b) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2008;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.11.2007;
- (e) in relation to (d) above, the provision of drainage facilities identified in the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.2.2008;
- (f) 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; and
- (g) if any of the above planning conditions (b), (c), (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.

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

- (a) the District Lands Officer/Yuen Long's comments that the applicant should be reminded to apply for Short Term Waiver to regularise the irregularities on the site;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified; and

- (c) 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TYST/351 Temporary Open Storage of Construction Equipment (including Containers) with Minor Repairing Works for Containers for a Period of 3 Years in "Undetermined" and "Village Type Development" zones, Lots 318 and 319 in DD 119, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/351)
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Presentation and Question Sessions

99. 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 equipment (including containers) with minor repairing works for containers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 12.2 of the Paper. As regards the DEP's concern, there was no environmental complaint in the past 3 years. Corresponding approval conditions restricting the operation hours and the type of vehicles were recommended to minimize any potential impact on the environment.

100. Members had no question on the application.

### Deliberation Session

101. The Chairperson remarked that it was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the area as the site was within an "Undermined" zone on the Outline Zoning Plan.

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) 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 operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (d) the stacking height within the site should not exceed 6m, as proposed by the applicant;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;

- (f) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.11.2007;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2008;
- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher being provided in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2007;
- (i) 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;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structures should be erected without prior approval from his office.

The Government land adjoining the western side of Lot 319 had been occupied. His office reserved the right to take land control action. A large unauthorized structure was found straddling Lots 318, 321, 322 S.B and 1423, and Lot 321 was also occupied by the applicant. His office reserved the right to take enforcement actions against these irregularities. The applicant should apply to his office for regularization of the unauthorized occupation of Government land and the lot owners would apply for regularization of unauthorized structures on the private lots. However, his office did not guarantee the approval upon receipt of applications;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track from the site to Shan Ha Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (f) maintain the landscape planting implemented on the site under proper horticultural care;
- (g) note the Director of Fire Services' comments that part of the site was proposed to be used as repairing workshop in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the site should approach the Dangerous Goods Division of his department for advice on licensing of the premises for the

above purposes where necessary;

- (h) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

### Remarks

104. Noting that the applicants of the section 12A application No. Y/TP/5 had not yet arrived at the meeting, Members agreed to advance the consideration of Agenda Item 10. The Chairperson remarked that Agenda Item 10 was a confidential item and would not be open for public viewing.

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

[A short break of 10 minutes was taken.]

### Agenda Item 10

[Closed Meeting]

105. The minutes of this item were recorded under separate confidential cover.



[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.]

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

#### **Agenda Item 9**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/5                      Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/19  
from "Green Belt" to "Village Type Development",  
Lots 1345, 1349 and 1355 in DD 36,  
Tai Po Mei,  
Tai Po  
(RNTPC Paper No. Y/TP/5)

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106.            Messrs. Michael K.C. Lai, Tony C.N. Kan and Alfred Donald Yap declared interests in this item as they and the applicants knew each other. As the above Members did not have any business dealings with the applicants, their interests were considered indirect. The Committee agreed that the above Members could stay in the meeting and participate in the discussion of and determination on this item.

107.            Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) and Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the following applicants/applicants' representative were invited to the meeting at this point:

Mr. Li Wing Keung	]	
Mr. Li Wong Shing	]	the applicants
Mr. Yau Fuk Ping	-	the applicants' Representative

108.            The Chairperson extended a welcome and briefly explained the hearing

procedures.

### Presentation and Question Sessions

109. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/19;
- (b) the proposed rezoning from “Green Belt” (“GB”) to “Village Type Development” (“V”);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of Transport Department had reservation on the application on traffic ground;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 to 10.3 of the Paper. The proposed rezoning to “V” which was to reflect the existing use on site as Small House development was considered appropriate. As the proposed rezoning was basically to regularize the existing use, there was no urgency to proceed with the rezoning. Should the Committee decide to agree to the application, the Tai Po OZP would be amended as opportunity arose in future.

110. The Chairperson then invited the applicants/applicants’ representative to elaborate on the application. Mr. Li Wing Keung stated that the site was occupied by three existing 3-storey Small Houses which were approved by the then Tai Po District Officer in 1978 before gazetting of the first version of the Tai Po OZP in 1980. The site was within the village “environs” of Tai Po Mei Village. The applicants had made several requests to

rezone the site to “V” to reflect the existing use on site. The development on the site would be restricted if the “GB” zoning was retained.

111. As Members had no question on the application, the Chairperson informed the applicants and their representative that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and would inform them of the Committee’s decision in due course. The Chairperson thanked the applicants and their representative and the representatives of PlanD for attending the meeting. They left the meeting at this point.

### Deliberation Session

112. The Chairperson remarked that as the application was basically to regularize the existing use, there was no urgency to proceed with the proposed zoning amendment. The Committee agreed that amendment to the Tai Po OZP would be submitted to the Committee for agreement when opportunity arose.

113. A Member asked whether the site had been considered as “V” zone in the first version of the Tai Po OZP in 1980. The Secretary remarked that the OZP was a broadbush plan to illustrate the broad principles of development and planning control only. The boundaries between the land-use zones might be subject to minor alterations as detailed planning proceeded.

114. After deliberation, the Committee decided to agree to the application by rezoning the subject site from “Green Belt” and “Village Type Development” on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/19. Amendment to the OZP would be submitted to the Committee for agreement prior to gazetting under the provisions of the Town Planning Ordinance.

### **Agenda Item 11**

#### Any Other Business

115. There being no other business, the meeting was closed at 4:50 p.m..