

## **TOWN PLANNING BOARD**

### **Minutes of 358th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.9.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department

Mr. H.M. Wong

Assistant Director/New Territories, Lands Department

Mr. C.S. Mills

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Dr. C.N. Ng

Mr. Alfred Donald Yap

Dr. James C.W. Lau

Chief Engineer/Traffic Engineering (New Territories West),  
Transport Department

Mr. Y.M. Lee

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

**In Attendance**

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Mr. C.T. Ling

Town Planner/Town Planning Board

Ms. Kathy C.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 357th RNTPC Meeting held on 14.9.2007

[Open Meeting]

1. The draft minutes of the 357th RNTPC meeting held on 14.9.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

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

**Agenda Item 3**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/I-NP/12 Proposed Minor Relaxation of Building Height Restriction for Permitted Pavilion Development in “Open Space” zone, Government Land in front of the Po Lin Hall, Ngong Ping, Lantau Island (South-eastern End of the Proposed Ngong Ping Public Piazza) (RNTPC Paper No. A/I-NP/12)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction for permitted pavilion development;
- (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 by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper.

4. Members had no question on the application.

#### Deliberation Session

5. 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 28.9.2011, 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/150 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” zone, Lots 448 and 449A in DD 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/150)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of high potential of the site for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as approval of the proposed development would set an undesirable precedent for other similar developments in the “Agriculture” zone, the cumulative traffic impact on the limited local road network had not been assessed and ascertained;
- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of availability of land within the “Village Type Development” (“V”) zone for Small House development, adverse ecological impact, pollution to the river and damage to the integrity of agricultural land, etc.; 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. The

application complied with the interim criteria for assessing planning application for NTEH/Small House development in that the application site was located within the village 'environs' and there was a general shortage of land in meeting Small House development in the "V" zone. While DAFC was not in favour of the planning application, it should be noted that the site and its surrounding area were not under active cultivation. Regarding AC for T/NT's concern on the potential cumulative traffic impact, since there was no parking space proposed for the subject development, the traffic impact would be minimal. For the public comment against the application, it was noted that there was insufficient land within the "V" zone for Small House development. The allocation of land for Small House development would have to comply with the guidelines of the Lands Department. The proposed Small House should also comply with other relevant legislation and Government requirement as might be applicable.

7. Members had no question on the application.

#### Deliberation Session

8. In response to a Member's query, Ms. Ann O.Y. Wong said that as there was no local objection received by the District Officer, the item on 'Local Objection' under the table of planning assessment on page 5 of the Paper should be indicated as "No".

9. 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 28.9.2011, 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 the Director of Leisure and Cultural Services or of the TPB;

- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

10. The Committee also agreed to advise the applicant that extension of the inside services to the nearest government water mains for connection might be needed and any land matter associated with the provision of water supply should be resolved. The applicant should also be responsible for the construction, operation and maintenance of the inside services within the private lots.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-HC/151 Proposed Two Houses (New Territories Exempted Houses (NTEHs) – Small Houses)  
in “Agriculture” zone,  
Lots 485A and 485B in DD 244,  
Ho Chung, Sai Kung  

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(RNTPC Paper No. A/SK-HC/151)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 2 Houses (NTEHs – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of high

potential of the site for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as approval of the proposed development would set an undesirable precedent for other similar developments in the “Agriculture” zone, the cumulative traffic impact on the limited local road network had not been assessed and ascertained. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as the proposed Small Houses would cause an extension of existing development northwards towards Ho Chung River, which would extend the landscape degradation into a new area with no development;

- (d) three public comments were received during the statutory publication period raising objection to the application on grounds of availability of land within the “Village Type Development” (“V”) zone for Small House development, adverse ecological impact, pollution to the river and damage to the integrity of agricultural land, piecemeal development, a need to reserve open space and provision of vehicle parking, etc; 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. The application complied with the interim criteria for assessing planning application for NTEH/Small House development in that the application site was located within the village ‘environs’ and there was a general shortage of land in meeting Small House development in the “V” zone. While DAFC was not in favour of the planning application, it should be noted that the site and its surrounding area were not under active cultivation. Regarding AC for T/NT’s concern on the potential cumulative traffic impact, since there was no parking space proposed for the subject development, the traffic impact would be minimal. For the landscape concern, it could be addressed by imposing landscape condition. With regard to the public comments against the application, it was noted that there was insufficient land within the “V” zone for Small House development. The allocation of land for Small House development would



have to comply with the guidelines of the Lands Department. The proposed Small House should also comply with other relevant legislation and Government requirement as might be applicable.

12. Members had no question on the application.

#### Deliberation Session

13. 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 28.9.2011, 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 the Director of Leisure and Cultural Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

14. The Committee also agreed to advise the applicant that extension of the inside services to the nearest government water mains for connection might be needed and any land matter associated with the provision of water supply should be resolved. The applicant should also be responsible for the construction, operation and maintenance of the inside services within the private lots.

[The Chairperson thanked Mr. Lawrence Y.C. Chau and Ms. Ann O.Y. Wong, STPs/SKIs, for their attendance to answer Members' enquiries. Mr. Chau and Ms. Wong left the meeting at this point.]

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

[Messrs. Wilson W.S. Chan, W.M. Lam, Anthony C.Y. Lee and Frederick S.T. Ng, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/TM/362                   Shop and Services (Retail Shop)  
  in "Industrial" zone,  
  Workshop No. 17A(Part), G/F,  
  Hang Wai Industrial Centre,  
  6 Kin Tai Street, Tuen Mun (TMTL 114)  
  (RNTPC Paper No. A/TM/362)
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##### **Presentation and Question Sessions**

15.           Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the shop and services (retail shop);
- (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 by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated on a temporary basis for reasons as detailed in paragraph 11.2 of the Paper. The retail shop use was considered not incompatible with the adjoining units within the same building which were predominantly workshops, retail shop and warehouses, and other industrial uses in the surrounding area. In view of the small scale and nature of operation of the retail shop, no adverse environmental and traffic impacts on the surrounding area were anticipated. The application was in line with the Town Planning Board Guidelines No. 25D in that the applied use would not adversely affect the traffic conditions in the local road network and it was small in scale with direct street frontage. Besides, the aggregate commercial floor area on ground floor of the subject industrial building would not exceed the maximum permissible limit of 460m<sup>2</sup>. The Director of Fire Services' concern on the fire safety of the applied use could be addressed by imposing relevant approval condition. Moreover, a temporary approval of 3 years was recommended in order to monitor the retail shop use at the subject premises.

16. Members had no question on the application.

#### Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 28.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations for the subject premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.3.2008; and

- (b) if the above planning condition 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the planning permission for retail use was confined only to the area under application. Departure from the approved scheme would require planning approval from the TPB;
- (c) to note the District Lands Officer/Tuen Mun (DLO/TM)'s comments that for the purposes of temporary waiver, all ancillary areas in the subject premises should be included in the waiver application in addition to the application area of 3.8m<sup>2</sup>, and to liaise with DLO/TM regarding the application for temporary waiver;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the application area should be separated from the adjoining unit/corridor with walls of fire resisting period not less than 2 hours; and
- (e) to note the Director of Fire Services' comments that the requirements stipulated in the 'Code of Practice on Fire Resisting Construction' administered by the Buildings Department should be complied with for matters in relation to fire resisting construction requirements for the subject premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-SKW/54 Temporary Barbecue Area for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 263B(Part) and 268(Part) in DD 385,  
Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/54)
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Presentation and Question Sessions

19. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary barbecue area for a period of 3 years;
- (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 by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone on the Outline Zoning Plan. It could provide some commercial and recreational outlets for residential developments in the surrounding areas. The development was considered not incompatible with the rural character of the surrounding areas. In view of the small scale and temporary nature, it was unlikely to have significant adverse impact on the area. While the previous approval (Application No. A/TM-LTYYY/48) for the same use on the site was

revoked on 23.3.2007 due to non-compliance with approval conditions relating to submission and implementation of landscape and tree preservation as well as drainage proposals, the applicant had made effort to submit landscape and drainage proposals in the current application. It was considered that the application could be approved on sympathetic ground, but with a shorter approval and compliance periods to better monitor the fulfilment of approval conditions.

20. Members had no question on the application.

### Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 28.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.12.2007;
- (c) in relation to (b) above, the implementation 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 28.3.2008;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.12.2007;
- (e) in relation to (d) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.3.2008;

- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval thereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) 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 expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period and compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions:
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Tuen Mun's comments that application for Short Term Waiver should be submitted from the owners of both Lots 263B and 268 in DD 385 for the erection of temporary structures at the lots; the occupation boundary should be set back; and the unauthorised occupation of Government land near Tai Lam Chung Road should be ceased;
- (e) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the site was located within the dam-break flood plain of Waterfall Dam of Tai Lam Chung Reservoir, an assessment of the impacts of dam break on the proposed development should be carried out and the

applicant should make his/her own provisions;

- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was located in the vicinity of an area at high risk of potential flooding during heavy rainfall;
- (g) to note the Director of Fire Services' comments that fire safety requirements would be formulated upon receipt of formal submission of general building plans; fire service installations (FSIs) were anticipated to be required and the relevant building plans incorporated with the proposed FSIs should be submitted to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO); and a safety distance of 9m should be kept between fixed barbecue pit/stove for public use within the premises and the nearest residential properties;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised building works/structures on site should be removed; and any new building works to be erected on the site required formal submission under the BO. 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; and
- (i) to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.



[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL/150 Eating Place (Restaurant)  
in “Other Specified Uses” annotated “Public Car Park  
to include Retail and Residential Uses” zone,  
Shop No. 2, G/F and Cockloft, Springdale Villas,  
80 Ma Tin Road, Yuen Long  
(RNTPC Paper No. A/YL/150)
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Presentation and Question Sessions

23. 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 eating place (restaurant);
- (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 grounds of decrease in supply of car parking spaces and increase in parking fee due to conversion of car parking spaces for restaurant use; illegal on-street parking; emission of fume from the existing restaurants and attraction of villains at night causing nuisances to local residents; and that the surrounding area was planned for pure residential use but not retail/eating place; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The applied use was considered not incompatible with the existing uses at the retail floor of the subject building. Given its small scale, the restaurant was unlikely to cause any significant adverse environmental, traffic and infrastructural impacts on the locality. Regarding the public comment on

the loss of car parking spaces and illegal parking in the area, it was noted that the application premises was not originally used as car park, but was located within the shopping arcade at G/F of Springdale Villas. The local illegal parking problem was primarily a traffic enforcement issue. Besides, the Director of Food and Environmental Hygiene advised that no complaint against the emission of greasy fume from the application premises was received in the past year.

24. Members had no question on the application.

#### Deliberation Session

25. 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 was subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) note the District Lands Officer/Yuen Long's comments that the applicant (i.e. the owner of the subject property) should apply to his office for a waiver so as to permit the proposed use;
- (d) note the Director of Food and Environmental Hygiene's comments that a separate restaurant licence issued by his department after consultation and favourable comments from relevant Government departments and compliance of relevant restaurant licensing requirements and conditions was required if food business was carried out at the subject location; and

- (e) note the Director of Fire Services' comments that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-PS/274 Proposed Temporary Vehicle Park for Private Cars  
for a Period of 3 Years  
in "Village Type Development" zone,  
Lot 285RP in DD 123,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/274)
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Presentation and Question Sessions

27. 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 vehicle park for private cars for a period of 3 years;
- (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 by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the "Village Type Development" zone since the proposed use was just a temporary use for 3

years. The proposed vehicle park for private cars only was not incompatible with the surrounding land uses which were predominantly residential in character. In view of its small scale and nature, the development was unlikely to create significant adverse impacts on the surrounding areas. Moreover, appropriate approval conditions would be imposed to minimise potential impact on the environment.

28. Members had no question on the application.

### Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.9.2010, 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 vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no goods vehicles, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.3.2008;
- (e) the provision of the accepted drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.3.2008;

- (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 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.

30. 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 the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (c) note the Assistant Commissioner for Transport/New Territories' comments that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be clarified;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that the access proposal should be submitted to the Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point and in accordance with the latest

version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. HyD did not maintain the access track between the site and Fuk Shun Street; and

- (e) adopt the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any possible environmental nuisances.

[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/487B)
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Presentation and Question Sessions

31. The Committee noted that the applicant on 11.9.2007 requested for a deferment of the consideration of the application to allow time to finalise various technical assessments

to substantiate the application. The applicant indicated that the further information would be ready for submission to the Committee before end of September 2007.

### Deliberation Session

32. 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 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-HT/504           Temporary Open Storage of  
Construction Machinery and Material  
with Ancillary Covered Storage and Office  
for a Period of 3 Years in “Agriculture” zone,  
Lot 298RP(Part) in DD 128,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/504)

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### Presentation and Question Sessions

33. Mr. Anthony C.Y. Lee, 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 machinery and material with ancillary covered storage and office 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 (the nearest residential dwelling was only about 10m away) and along the access road (Deep Bay Road) and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation did not favour the application in view of high potential of the site for agricultural rehabilitation;

- (d) four public comments were received during the statutory publication period raising objection to the application mainly on the grounds that the site was located too close to residential dwellings and agricultural lands, hence noise and dust from heavy vehicles as well as materials stored on site would cause environmental nuisance and adverse health impact to nearby residents; Deep Bay Road with limited traffic capacity could not cope with traffic generated from the site which might cause traffic safety and congestion problems; and the development as a precedent case would cause a degradation of the living environment of the villagers; 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. The applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and not compatible with the surrounding environment which was rural in character with active farmlands and orchard. The site gained access from Deep Bay Road which was a single-lane, two-way road with limited traffic capacity. The Assistant Commissioner for Transport/New Territories was concerned about the cumulative adverse traffic impact of approving such similar applications on the nearby road network and the undesirable precedent effect. There was insufficient information in the submission to demonstrate that the development would not cause any adverse traffic, environmental and drainage impacts on the surrounding areas. The development did not meet the Town Planning Board Guidelines No. 13D in that there was no previous planning approval for the site and there were adverse comments from Government departments as well as local objections against the application. Approval of the application would set an undesirable precedent for other applications within



the “AGR” zone.

34. Members had no question on the application.

#### Deliberation Session

35. 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 quality agricultural land for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation. No justification had been given in the current submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding residential dwellings;
- (c) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site was with no previous planning approval and there were adverse departmental comments and local objections; and that there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.



raising objection to the application on the grounds that the 1.5m depth of land filling was too deep for agricultural purpose; the current land filling activity on site was for dumping of construction and demolition materials rather than genuine filling of land for agricultural purpose; the applicant should demonstrate that the land filling would have no impact on the breeding birds (i.e. Chinese Pond Heron and Little Egret) found less than 100m from the site; land filling should only be approved under the premise that the ecology and landscape of the site would not be damaged; and the development would generate traffic impacts on the narrow Deep Bay Road, safety issues due to heavy trucks carrying the soil as well as environmental/air impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. There was no strong justification submitted for the land filling which was claimed to avoid flooding and the formed site would be for cultivation purpose. In this regard, the land filling was not supported from agricultural point of view as it was not necessary for cultivation purpose, and the dumped materials (including construction wastes) were not suitable for cultivation. The application was also not supported from the landscape planning perspective as a large part of the site had already been formed by dumping of waste materials which had generated significant adverse landscape impact. There was no technical submission, in particular drainage proposal, to demonstrate that the development would not cause any adverse environmental, ecological and drainage/flooding impacts on the adjacent areas. Approval of the application would set an undesirable precedent for similar applications within the “Agriculture” zone.

37. In response to a Member's question, Mr. Anthony C.Y. Lee said that the land filling activities on site was considered as an unauthorised development, and the relevant Enforcement Notice and Reinstatement Notice were issued on 12.7.2007 and 19.9.2007 respectively. He also said that the applicant's letter dated 25.9.2007, which was tabled at the meeting, clarified that all irregularities on site had already been rectified. However, according to the site visit carried out on the same day (i.e. 25.9.2007), it was noted that the

site was still dumped with construction waste but not soil for agricultural purpose. The extent of land filling activities even encroached onto the adjoining pond and fallow agricultural land. He pointed out that the applicant's claim in the letter tabled at the meeting did not tally with the situation observed during the site visit.

#### Deliberation Session

38. Members generally agreed that the site had been used for unauthorised dumping of construction waste which should be subject to necessary enforcement action.

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

- (a) the existing topography and condition of the site rendered the proposed land filling for agricultural use unjustifiable. Besides, the existing materials used to fill the site were construction wastes which were not suitable for cultivation;
- (b) there was no information in the submission to demonstrate that the land filling would not have adverse drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the "Agriculture" ("AGR") zone and the cumulative effect of which would result in a general degradation of the quality of agricultural land in the "AGR" zone and a proliferation of similar uses in the area.

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

**Agenda Item 5**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/80-4 Proposed Class B Amendments to Approved Residential Development under Application No. A/YL-LFS/80 in “Green Belt” zone, Various Lots in DD 129 and Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/80-4B)

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**Presentation and Question Sessions**

40. The Committee noted that the applicant on 17.9.2007 requested for a further deferment of the consideration of the application to allow time to address the outstanding land and traffic issues raised by the District Lands Officer/Yuen Long and the Assistant Commissioner for Transport/New Territories.

**Deliberation Session**

41. 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 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.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

**Agenda Item 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-KTN/277 Temporary Logistic Use, Vehicle Repair Workshop and Ancillary Container Vehicle Park for a Period of 3 Years in “Industrial (Group D)” and “Other Specified Uses” annotated “Railway Reserve” zones, Lots 1733RP(Part), 1734(Part) and 1735(Part) in DD 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/277)
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**Presentation and Question Sessions**

42. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement page 16 for the Paper was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary logistic use, vehicle repair workshop and ancillary container vehicle park for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories did not support the application for reasons that the proposed vehicular access was not adequate for the two-way traffic of container vehicles; the layout of container vehicle parking spaces as well as the daily traffic generation and traffic impact arising from the site to existing roads had not been provided. The Director of Environmental Protection did not support the application as there were sensitive uses including residential dwellings in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department considered that the applicant’s drainage proposal was not

satisfactory which only reflected the existing unsatisfactory drainage facilities on site;

- (d) five public comments were received during the statutory publication period raising objection to the application mainly on grounds of adverse traffic impact, pedestrian safety, drainage and environmental impacts to 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. The application did not comply with the Town Planning Board Guidelines No. 13D in that the development was considered incompatible with the surrounding land uses including residential dwellings in the vicinity and there were adverse departmental comments and local objections on the application. 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.

43. Members had no question on the application.

#### Deliberation Session

44. 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 for Application for Open Storage and Port Back-up Uses in that the development was incompatible with the surrounding rural land uses with residential dwellings and cultivated agricultural land and there were adverse departmental comments and local objections 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 Sessions Only)]

- (ii) A/YL-PH/547 Temporary Open Storage of New Vehicles,  
Vehicle Parts and Construction Materials  
(Electric Generators) Prior to Sale for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lot 3017B(Part) in DD 111  
and Adjoining Government Land,  
Wang Toi Shan, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/547)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of new vehicles, vehicle parts and construction materials (electric generators) prior to sale for a period of 3 years;
- (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 by the District Officer; and

[Ms. Anna S.Y. Kwong returned to join the meeting and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2



of the Paper. The development was not incompatible with adjoining mixture of warehouse, open storage yards and workshops. Approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” zone since there was yet any programme/known intention to implement this zoned use on the Outline Zoning Plan. The development generally complied with the Town Planning Board Guidelines No. 13D in that previous approval for a similar use had been granted for the site, all the approval conditions associated with the previous approval had been complied with, and no adverse departmental comments had been received from concerned Government departments. Approval conditions as recommended in paragraphs 12.3(a) to (d) would be imposed to minimise any potential environmental impacts from the development.

46. Members had no question on the application.

#### Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing, maintenance, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (e) the drainage facilities on the site implemented under the previous application No. A/YL-PH/357 should be maintained at all times during the planning approval period;
- (f) the landscape planting on the site implemented under the previous application No. A/YL-PH/357 should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.3.2008;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.6.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

48. 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.

49. The Committee also agreed to advise the applicant of the following :
- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
  - (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
  - (c) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his Office. His Office reserved the right to take enforcement action against the existing five structures erected on site without prior approval as well as unauthorised occupation of government land. The applicant should clarify the discrepancy that a small portion of Lot 3018 in DD 111 not included under the current submission was being occupied, as well as the total built-over area and number of structures on site which were different from those submitted in the application. The applicant/landowner(s) should apply to his Office for Short Term Waiver and Short Term Tenancy to regularise unauthorised structures on private land and occupation of government land respectively;
  - (d) to note the Assistant Commissioner for Transport/New Territories' comments that the land status as well as the management and maintenance responsibilities of the proposed access road between the site and Kam Tin Road should be checked;
  - (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
  - (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the

Environmental Protection Department for implementation of appropriate mitigation measures;

- (g) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise;
  
- (h) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant building plans incorporated with the proposed FSIs to his Office for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO);
  
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised structures on the site should be removed. All building works were subject to compliance with the 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; and

- (j) to note the Director of Electrical and Mechanical Services' comments that there were low voltage overhead lines in the vicinity of the site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-TYST/364 Proposed Temporary Open Storage of Construction Materials and Recycled Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in "Undetermined" zone, Lot 1662RP(Part) in DD 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/364)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and recycled materials (including metal, paper and plastic goods) 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 located to the immediate south-west of and along the vehicular access leading to the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period

and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13D in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. 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 which was zoned “Undetermined” (“U”) on the Outline Zoning Plan. The proposed development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouse, workshop, residential structures, vacant land and used land. To address DEP's concerns, approval conditions restricting the operation hours; prohibiting the storage of electronic waste and used electrical appliances, workshop activities and use of heavy vehicles; and requiring the provision of 2.5m high boundary fencing as recommended in paragraphs 12.4(a) to (f) of the Paper would be imposed.

51. Members had no question on the application.

#### Deliberation Session

52. The Chairperson noted that there had already been a number of similar applications approved in the area, and asked whether the Planning Department had any programme to review the current “U” zone of the area concerned. Mr. Frederick S.T. Ng said that a land use review of the subject “U” zone was in progress.

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.9.2010, 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 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the provision of 2.5m high boundary fencing within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.6.2008;
- (g) the implementation of the accepted 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 28.6.2008;
- (h) 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 28.3.2008;
- (i) the implementation of the approved 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 28.6.2008;
- (j) 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;

- (k) if any of the above planning conditions (f), (g), (h) or (i) 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
- (l) 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.

54. 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 the District Lands Officer/Yuen Long's comments that Short Term Waiver should be applied for if any structure was to be erected on the site;
- (c) note the Assistant Commissioner for Transport/New Territories' 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 vehicular access track between the site and Shan Ha Road;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the gradient of the proposed channel within the site should



be greater than 1 in 200; and

- (g) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that extension of the inside services to the nearest government water mains for connection might be needed for the provision of water supply to future development on site. 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.

### **Agenda Item 7**

#### **Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/118-1 Extension of Time for Commencement of the Approved Residential Development with Commercial, Government, Institution or Community and Open Space Facilities and Minor Relaxation of Building Height Restriction under Application No. A/YL-KTN/118 for a Period of 3 Years until 5.10.2010 in "Comprehensive Development Area" and "Undetermined" zones, Various Lots in DD 107 and Adjoining Government Land, Sha Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/118-1)

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

55. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this application as they had current business dealings with SHK. The Committee noted that Mr. Yap had tendered apologies for being unable to attend the meeting.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the development for a period of 3 years until 5.10.2010;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer anticipated that the locals would raise objection to the EOT application, and noted that the previous objectors still maintained their objections to the whole development project. In this regard, there were 5 objection letters from villagers of Sha Po Tsuen and Fung Kat Heung as well as Kam Tin Rural Committee on application No. A/YL-KTN/118. In addition, villagers of Shui Tau Tsuen and Shui Mei Tsuen and a Yuen Long District Council Member raised objection to the application. The grounds of objection were mainly incompatibility with the rural character; adverse traffic, drainage, sewerage and environmental impacts on the villagers; affecting the living environment, ecosystem and fung shui of the area; flooding hazards; inadequate consultation with the locals; blocking of sunlight to Sha Po Tsuen; significant changes to the existing local road network creating inconvenience to villagers of Sha Po Tsuen; and nuisances to nearby villagers in terms of waste disposal, environmental hygiene, public order, air pollution and illegal parking; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 7.1 of the Paper. The application complied with the criteria of Town Planning Board (TPB) Guidelines No. 35A on Extension of Time for Commencement of Development in that there was no material change in the land use zoning

and development restrictions of the site since the granting of the planning permission; the commencement of development was delayed due to various technical/practical problems beyond the control of the applicant; and the applicant had made efforts to comply with the planning conditions. Regarding the local concerns on the proposed development, they had been fully considered by the Committee in granting the planning permission on 5.10.2001 and by the TPB in granting the previous EOT application on 17.9.2004.

57. A Member noted that the Director of Agriculture, Fisheries and Conservation (DAFC) requested the applicant to update the ecological impact assessment with reference to the more recent ecological baseline and to revise the proposed mitigation measures of the application. This Member also noted that a meeting was held on 22.8.2007 between DAFC and the applicant to discuss on the ecological assessment, future management aspects of the proposed mitigation measures and interface issues with the Northern Link (NOL), and asked what resolutions had been made by the applicant in addressing DAFC's concerns. Mr. Frederick S.T. Ng said that since the proposed NOL alignment was preliminary and subject to change as the scheme design proceeded, the applicant was still liaising with DAFC on the revised ecological impact assessment. The Secretary supplemented that the applicant had yet submitted a revised ecological impact assessment to the satisfaction of the DAFC as required under condition (j) for the application previously approved. Should the Committee approve the application, the requirement for submission of a revised ecological impact assessment would be included as one of the approval conditions as suggested in paragraph 7.2(j) of the Paper.

#### Deliberation Session

58. Noting that the application (No. A/YL-KTN/118) was approved by the Committee on 5.10.2001 with the validity of the planning permission extended for 3 years until 5.10.2007, Members generally agreed that the current application for a further extension of the validity period for 3 years until 5.10.2010 would be the last and further extension warranted a fresh planning application.

59. After deliberation, the Committee decided to approve the application for

extending the time for commencement of the approved development for 3 years until 5.10.2010, on the terms of the application as submitted to the TPB and subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan, taking into account conditions (b), (c), (e), (h), (i), (k) and (l) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan, including a comprehensive tree survey and tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised visual impact assessment, including a model of the scheme and the surrounding area to address the visual impact on the adjoining rural area to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of the layout and geometric details of internal roads, the layout of public transport interchange and the design of junction between Castle Peak Road and Western Access Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of a public car-park for Sha Po Tsuen, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the provision of roundabouts and road works within and close to the administrative protection boundary of the Northern Link (NOL), as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (g) the submission of a revised drainage impact assessment and the implementation of flood mitigation measures and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage

Services or of the TPB;

- (h) the implementation of part of the Sha Po Tsuen Stream Rehabilitation project within the application site, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the TPB;
- (i) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the submission of a revised ecological impact assessment, including the habitat creation and management plan of the proposed wetland park, the enhancement proposal for Kam Tin River meander and landscaped area under the "Main Drainage Channel for Ngau Tam Mei, Yuen Long and Kam Tin" project and the implementation of ecological mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (k) the submission of site formation proposals, taking into account existing water-mains, to the satisfaction of the Director of Water Supplies or of the TPB;
- (l) the provision of a kindergarten within the development, as proposed by the applicant, to the satisfaction of the Secretary for Education or of the TPB;
- (m) the submission and implementation of site formation proposals for a primary school, as proposed by the applicant, to the satisfaction of the Secretary for Education or of the TPB;
- (n) the design and implementation of landscaped garden and leisure facilities for Sha Po Tsuen and adjacent villages, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;  
and

- (o) the design and implementation of a public toilet for Sha Po Tsuen and adjacent villages, as proposed by the applicant, to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB.

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

- (a) a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. Should the applicant wish to seek any further extension of time for commencement of the development, a fresh application under section 16 of the Town Planning Ordinance should be submitted. The TPB Guidelines Nos. 35A and 36 should be referred to for details. A second 3-year extension was currently granted to the applicant with the original duration of 4 years for commencement of development. No further extension of time would be given to the applicant;
- (b) to note the District Lands Officer/Yuen Long's comments that :
  - (i) the management of the wetland would be financed by the income arising from the commercial development. The applicant should demonstrate how such proposal could be implemented effectively and submit a detailed proposal to relevant departments for consideration. The applicant should also clarify whether the wetland would form part of the common areas of the development and future residents would still be responsible for the long-term management;
  - (ii) the site boundary covered various pieces of Government land and there were various public works projects carried out/to be carried within the site. Under the existing land policy, land exchange would only be considered if the concerned Government land was not capable of reasonable separate alienation or development and had no foreseeable public use;

- (iii) to clarify the maintenance and management agent of the public transport terminus (PTT) and whether the PTT and the kindergarten were countable for non-domestic gross floor area calculation;
  - (iv) to clarify the work agent of the proposed sewage pumping station within the site. If it was a Government project, it should be excluded from the site;
  - (v) to ensure that the site was not in conflict with the works limit of the various public works projects carried out/to be carried out within the site; and
  - (vi) to clarify whether any existing government, institution or community/open space facilities would be affected by the proposal;
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that the ecological impact assessment should be updated by comparing with a more recent ecological baseline and the proposed mitigation measures should be revised accordingly as soon as possible; and
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m or 3m (depending on size of the water mains concerned) from the centreline of the water main should be provided to WSD. No structures should be erected over this waterworks reserve and such area should not be used for storage purposes. There might be cases where boundary of the site should be slightly adjusted to exclude the existing water mains. The applicant should liaise with his office for diversion and protection of the water mains.

[The Chairperson thanked Messrs. Wilson W.S. Chan, W.M. Lam, Anthony C.Y. Lee and Frederick S.T. Ng, STPs/TMYL, for their attendance to answer Members' enquiries. They all left the meeting at this point.]

[Mr. Y.K. Cheng returned to join 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 Dr. Kenneth S.S. Tang, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

### **Agenda Item 8**

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Approved Tai Po Outline Zoning Plan No. S/TP/19

(RNTPC Paper No. 23/07)

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61. Dr. Kenneth S.S. Tang, STP/STN, presented the proposed amendments to the Tai Po Outline Zoning Plan (OZP) as detailed in the Paper and highlighted the following points :

- (a) the proposed amendments to the OZP, as detailed in paragraph 4 and Annex B of the Paper, were mainly to reflect rezoning proposals and planning applications previously approved by the Committee as well as existing uses/completed developments; and to rezone five "Open Space" ("O") sites to other uses upon a review of all "O" zones on the OZP;

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

- (b) the proposed amendments to the Notes, as detailed in paragraph 5 and Annex C of the Paper, were to incorporate new Notes consequential to the



relevant proposed amendment items on the OZP; and to include further refinements to the revised Master Schedule of Notes to Statutory Plans endorsed by the Town Planning Board on 6.1.2006; and

- (c) opportunity was taken to revise the Explanatory Statement of the OZP as detailed in Annex D of the Paper to reflect the proposed amendments as mentioned in paragraphs 4 and 5 of the Paper and the latest status and planning circumstances of the OZP.

62. In response to a Member's query, Dr. Kenneth S.S. Tang said that the proposed inclusion of 'Burial Ground' use under Column 2 of the Notes for the "Conservation Area" zone would not affect the villagers to continue their use of the existing burial grounds as such were regarded as existing use under the Notes. However, if there was any proposed extension or new burial grounds, they were required to obtain planning permission from the Committee.

63. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/19 as mentioned in paragraphs 4 and 5 of the Paper;
- (b) agree that the Amendment Plan No. S/TP/19C at Annex B (to be renumbered to S/TP/20 upon gazetting) and its Notes at Annex C were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for various land use zones on the draft Tai Po OZP and be issued under the name of the TPB; and
- (d) agree that the revised ES at Annex D was suitable for exhibition for public inspection together with the draft OZP.

[Dr. Kenneth S.S. Tang left the meeting at this point.]

**Agenda Item 9**

**Section 12A Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)            Y/ST/4            Application for Amendment to the  
Draft Sha Tin Outline Zoning Plan No. S/ST/22  
from “Green Belt” to “Comprehensive Development Area (2)”,  
Lots 379 and 380RP(Part) in DD 186,  
Tung Lo Wan Hill Road, Sha Tin  
(RNTPC Paper No. Y/ST/4)
- 

**Presentation and Question Sessions**

64.            The Committee noted that the applicant on 17.9.2007 requested for a deferment of the consideration of the application until 2.11.2007 to allow time to prepare supplementary information to address outstanding concerns on technical issues raised by the Transport Department.

**Deliberation Session**

65.            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 agreed that the application should be submitted to the Committee for consideration at its meeting to be held on 2.11.2007. The Committee also agreed to advise the applicant that five weeks 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) Y/TP/7 Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/19  
from “Green Belt” to “Village Type Development”,  
Lot 64 in DD 36,  
Cheung Shue Tan, Tai Po  
(RNTPC Paper No. Y/TP/7)
- 

66. Members noted that Messrs. Michael K.C. Lai, Tony C.N. Kan and Alfred Donald Yap declared interests in this item as they had personal association with the applicant. Mr. Yap had tendered his apologies for being unable to attend the meeting. As a request for deferment was received from the applicant, Members agreed that Messrs. Lai and Kan should be allowed to stay in the meeting.

#### Presentation and Question Sessions

67. The Committee noted that the applicant on 28.8.2007 requested for a deferment of the consideration of the application for one month to allow time to address the concerns of Government departments.

#### Deliberation Session

68. 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 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 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.



- (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. The proposed Small House development complied with the interim criteria for assessing planning application for NTEH/Small House development in that the application site was located within the village 'environs' of a recognized village and there was a general shortage of land in meeting the demand for Small House in the "V" zone of the village. The proposed development was generally compatible with surrounding land uses which were rural in nature and the application site was in close proximity with the village proper of Tung Kok Wai. While there was reservation on traffic ground, it should be noted that a total of 21 similar applications for NETHs had been approved in the vicinity of the application site and other concerned Government departments had no objection to the application.

70. Members had no question on the application.

#### Deliberation Session

71. 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 28.9.2011, 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 and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments:

- (i) to assess the need to extend the inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
  - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
  - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) 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 TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-MUP/53 Proposed Temporary Car Park for a Metalware Factory for a Period of 3 Years in "Agriculture" zone, Lot 171RP(Part) in DD 38, Sha Tau Kok Road, Wo Hang  
(RNTPC Paper No. A/NE-MUP/53)
- 

Presentation and Question Sessions

73. The Committee noted that the applicant on 20.9.2007 requested for a deferment



The District Officer advised that the Resident Representative of Tung Tsz objected to the application on the grounds that limited land in the village should be reserved for Small House development, but not for private garden purpose; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated on a temporary basis for reasons as detailed in paragraph 11.1 of the Paper. A previous application (No. A/NE-TK/206) covering the same application site for private garden was approved by the Committee on 19.5.2006 on a temporary basis for a period of three years. The private garden use was not incompatible with the surrounding use which was predominantly rural in character, and it was unlikely to cause adverse impact on the surrounding areas. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone as the garden under a short term tenancy could be terminated for permanent development when required. As the previous planning permission was revoked due to non-compliance with the approval condition on submission of tree preservation proposal, shorter compliance periods for approval conditions would be imposed in order to monitor the situation. Regarding the local objection, it should be noted that a temporary approval of three years was recommended so that the “V” portion of the application site could be released for Small House development in future.

76. In response to a Member's question, Mr. W.K. Hui said that the similar applications Nos. A/NE-TK/202, 205 and 238 were not submitted by the applicant of the current application. Approval for the former two applications were revoked in 2006 due to non-compliance of the approval condition on submission of tree preservation proposal. In reply to the same Member's query, Mr. W.K. Hui informed that the concerned applicants had not submitted any tree preservation proposal rather than having difficulties in complying with the approval condition.

Deliberation Session



77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.12.2007;
- (b) in relation to (a) above, the implementation of 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 28.3.2008;
- (c) if any of the above planning conditions (a) or (b) 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
- (d) 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.

78. The Committee also agreed to advise the applicant that :

- (a) shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (b) a temporary approval of three years was given so that the “Village Type Development” portion of the application site could be released for Small House development in future and the “Green Belt” portion of the site be reinstated to match with the surrounding green and natural environment;
- (c) extension of the inside services to the nearest government water mains for connection might be needed. 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 the Water Supplies Department's standards;

- (d) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) the Environmental Protection Department should be consulted regarding sewage treatment/disposal aspects of the proposed development.

Remarks

79. The Chairperson said that the remaining item in the Agenda would not be open for public viewing since it was in respect of a request for amendments to the Outline Zoning Plan submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.