

TOWN PLANNING BOARD

Minutes of 370th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.4.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

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

Secretary

Absent with Apologies

Professor David Dudgeon

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 369th RNTPC Meeting held on 28.3.2008

[Open Meeting]

1. The draft minutes of the 369th RNTPC meeting held on 28.3.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2008
Proposed School (Primary School)
in “Village Type Development” zone,
Lot 2852 in DD 316, Pui O, Lantau Island
(Application No. A/SLC/86)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for Proposed School (Primary School) in “Village Type Development” (“V”) zone on the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/14 was received by the Town Planning Appeal Board (TPAB) on 1.4.2008. The application was rejected by the TPB on 25.1.2008 on the grounds that the proposed development was not in line with the planning intention of the “V” zone and insufficient information to demonstrate that the New Territories Exempted Houses were suitable for school use. The hearing date of the appeal was yet to be fixed.

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

(ii) Appeal Statistics

3. The Secretary also reported that as at 18.4.2008, 13 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	107
Abandoned/Withdrawn/Invalid	:	128
Yet to be Heard	:	13
Decision Outstanding	:	1
Total	:	272

[Mr. Y.M. Lee arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/9 Application for Amendment to the
Draft Tai Po Outline Zoning Plan No. S/TP/20
from “Green Belt” to “Village Type Development”,
Lots 247, 248, 249, 250, 251, 252 (Part), 253(Part), 254, 255(Part),
258(Part), 259(Part), 260A(Part), 260RP, 261(Part), 289(Part),
290(Part), 291(Part), 293(Part), 322RP(Part), 325(Part), 327A(Part)
and 327RP(Part) in DD 20 and Adjoining Government Land,
Lo Lau Uk, Tai Po
(RNTPC Paper No. Y/TP/9)

4. Mr. Alfred Donald Yap declared an interest in this item as he had past business dealings with the applicant some ten years ago. The Committee noted that according to the Town Planning Board Procedure and Practice, a Member, having past dealings not relating to

the site for more than three years, was not required to withdraw from the meeting. In this regard, the Committee agreed that Mr. Yap could remain in the meeting and participate in the discussion of this item.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

5. Dr. Kenneth S.S. Tang, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), and the following applicant and his representatives were invited to the meeting at this point :

Mr. Lau Koon-hei	-	Applicant
Mr. Chan Tat-choi)	Applicant's Representatives
Mr. Kwan Lok-ping, Denys)	

6. The Chairperson extended a welcome and briefly explained the hearing procedures.

Presentation and Question Sessions

7. The Chairperson then invited Dr. Kenneth S.S. Tang, STP/STN, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Dr. Kenneth S.S. Tang 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/20;
- (b) proposed rezoning from "Green Belt" ("GB") to "Village Type Development" ("V") to facilitate development of 38 village houses;
- (c) the justifications put forth by the applicant in support of the application as detailed in paragraph 2 of the Paper;
- (d) characteristics of the application site and its surrounding area as detailed in paragraph 7 of the Paper;

- (e) the planning and landuse history of application site as detailed in paragraphs 4 and 5 of the Paper;
- (f) departmental comments were detailed in paragraph 9 of the Paper, highlighting that Lands Department (LandsD) did not support the application as Lo Lau Uk Village was not a recognized village under the Small House Policy, and advised that his office would not consider Small House applications within the application site. Transport Department had reservation on the application as there was no access road leading to the application site, which could hardly be developed and sustained without the support of road networks. Water Supplies Department and Environmental Protection Department objected to the application as the application site was partially within the lower indirect gathering grounds and was in close proximity to existing natural streams. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application from urban design and landscape planning points of view;
- (g) three public comments were received during the statutory publication period, raising concerns on grounds of incompatible land use zoning, the application site being not a recognized village, inappropriateness of the application site for Small House development, adverse environmental and ecological impacts to the water gathering grounds and natural stream. Relevant Government departments had been consulted regarding the public comments. LandsD advised that the unauthorized bridge at Lo Lau Uk was demolished on 1.2.2008. Restoration works had commenced on 18.2.2008 and legal proceedings against the suspect for “Illegal excavation on Government land” had been undertaken under the Land (Miscellaneous Provisions) Ordinance; and
- (h) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The current “GB” zoning was considered appropriate for the application site. The development proposal of 38 village houses for the application

site of 0.8 ha was totally out of scale and not in keeping with the character of the surrounding land use characters. Lo Lau Uk Village was not a recognized village and the application site did not fall within any village 'environ'. There was no reason to rezone the subject site to "V". There was no information in the submission to demonstrate that the proposed rezoning from "GB" to "V" would not have any adverse impacts on the water quality, drainage, traffic, visual and landscaping of the area. The approval of the rezoning proposal would set an undesirable precedent for other similar proposals within the "GB" zone.

8. The Chairperson then invited the applicant and his representatives to elaborate on the application. Mr. Chan Tat-choi made the following main points :

- (a) according to the applicant who was the Village Representative of Pun Shan Chau Village, Lo Lau Uk Village was actually part of Pun Shan Chau Village. Pun Shan Chau was a local name which included both Pun Shan Chau Village and Lo Lau Uk Village;
- (b) LandsD's advice that Lo Lau Uk Village was not a recognized village was wrong. Lo Lau Uk Village should be a recognized village given that there was an area zoned "V" in Lo Lau Uk Village and two New Territories Exempted Houses (NTEHs) were approved by the Committee in 1996. It was also stated in the lease of D.D. 20 that Lau clansmen owned a large piece of land within Pun Shan Chau which was referred to the area now known as Lo Lau Uk. The information and evidence submitted by the applicant was therefore sufficient to substantiate the claim that Lo Lau Uk Village, as part of the Pun Shan Chau Village, was a recognized village. The Committee was requested to critically examine the comments made by LandsD; and
- (c) given the Lau clansmen had lived in Lo Lau Uk as early as 1898 and in view of the presence of old village houses within the existing "V" zone, Lo Lau Uk Village should have existed well before the implementation of Small House Policy in 1972. In the New Territories, name of villages

could have changed over time due to economic and social changes. Sympathetic consideration should therefore be given to the application.

9. Mr. Lau Koon-hei made the following main points :

- (a) Pun Shan Chau Village was a very large village extending from Ta Tit Yan to Shan Tong Village, and Lo Lau Uk Village was part of Pun Shan Chau Village; and
- (b) referring to the Photos in Appendix Ia of the Paper, the applicant was born in 1951 in one of the old houses found in Lo Lau Uk Village of Pun Shan Chau. The presence of the applicant's ancestors' graves in the vicinity of the application could be taken as an evidence that Lo Lau Uk Village was part of Pun Shan Chau Village. The application was made due to the strong demand from Lo Lau Uk Villagers on Small House development in Lo Lau Uk Village.

10. A Member asked the applicant whether the District Officer (Tai Po) (DO(Tai Po)) was consulted on the recognized village status of Lo Lau Uk Village. In reply, Mr. Kwan Lok-ping, Denys said that the applicant had written to LandsD and copied to DO(Tai Po) in 2005 and LandsD's reply was that Lo Lau Uk Village was not a recognized village.

11. In response to the Chairperson's enquiry, Dr. Kenneth S.S. Tang referred Members to Plan Z-1 of the Paper, and said that the area to the immediate south of the application site was firstly zoned "V" on the Outline Zoning Plan No. LTP/47A in 1982. Since then, the "V" zone remained intact. Dr. Kenneth Tang explained that all recognized villages would be zoned "V" on the Outline Zoning Plan. However, some of non-recognized villages with suitable local and village characters would also be zoned "V" for future use as village expansion area.

12. Dr. Kenneth Tang further referred Members to Plan Z-2 of the Paper, and said that a small part of the application site (encroached on "GB" zone) was the subject of a previous application approved by the Committee in 1996, which involved two NTEHs on two House Lots (i.e. No. 327 s.A and 327 R.P. in D.D. 20). However, there were no House Lots

involved in the current application.

13. Mr. Chan Tat-choi however held a different view. He said that the rationale for the “V” zoning to the immediate south of the application site was due to the presence of House Lots and the recognition of Lo Lau Uk as an old village. The “V” zoning would provide land for future Small House development of Lo Lau Uk Village. The application site was previously a piece of agricultural land of Lo Lau Uk Village.

14. In response to the Chairperson’s enquiry on the implementation of the planning approval (Application No. A/TP/168), Dr. Kenneth Tang said that the approval had already lapsed and fresh application to the Town Planning Board was required.

15. As the applicant and his representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairperson thanked the applicant and his representatives as well as PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

16. The Chairperson pointed out that determination of recognized village status was outside the purview of the Town Planning Board. Nevertheless, the Town Planning Board would make reference to the list of recognized villages in the plan-making process and in consideration of Small House applications.

17. A Member considered that the unauthorized bridge at Lo Lau Uk without prior approval from relevant authority was unacceptable. However, another Member stated that there was no proof that the bridge was related to the current application.

18. In response to the Chairperson’s enquiry, Mr. C.S. Mills indicated that LandsD did not support the application as Lo Lau Uk Village was not a recognized village. From land administration point of view, the two House Lots found within the “V” zone could be

redeveloped subject to approval, but not to be processed under the Small House grant.

19. After further deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the “Green Belt” (“GB”) zoning of the subject site was considered appropriate for a unique topological setting at the site to define 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 no strong justification in the submission for a departure from such zoning;
- (b) Lo Lau Uk Village was not a recognized village and the application site did not fall within any village ‘environ’. There was no reason to rezone the subject site to “Village Type Development” (“V”);
- (c) there was no information in the submission to demonstrate that the proposed rezoning from “GB” to “V” would not have any adverse impacts on the water quality, drainage, traffic, visual and landscaping of the area; and
- (d) the approval of the rezoning proposal would set an undesirable precedent for other similar proposals within the “GB” zone. The cumulative effect of approving such proposals would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

[Messrs. Edmund K.H. Leung and Tony C.N. Kan left the meeting temporarily at this point.]

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/SK-HH/3 Application for Amendment to the
Approved Hebe Haven Outline Zoning Plan No. S/SK-HH/6
from “Conservation Area” to “Village Type Development”,
Lot 156RP, 160B and 161RP in DD 212,
Che Keng Tuk, Hebe Haven, Sai Kung
(RNTPC Paper No. Y/SK-HH/3)

20. The Committee noted that the applicant tabled a letter dated 15.4.2008 with plans for Members reference.

21. Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Kong Chee-cheung) applicant’s representatives
Mr. Poon Ki-yuen, Jenson)

22. The Chairperson extended a welcome and briefly explained the hearing procedures.

Presentation and Question Sessions

23. The Chairperson then invited Ms. Ann O.Y. Wong, STP/SKIs, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Ms. Ann O.Y. Wong presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/6;

- (b) proposed rezoning from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to facilitate development of one New Territories Exempted House (NTEH) (Small House);
- (c) characteristics of the application site and its surrounding area as detailed in paragraph 7 of the Paper;

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

- (d) the planning and landuse history of application site as detailed in paragraph 4 of the Paper;
- (e) departmental comments were detailed in paragraph 9 of the Paper, highlighting that the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view. Transport Department did not support the proposed development as the approval of current application might create a precedent and could result in cumulative traffic impact on the road network nearby. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department had in-principle objection to the application as the site was located below a steep natural hillside. Construction of the proposed house would likely involve substantive vegetation clearance, site formation, slope cutting and erection of retaining structures. The applicant was required to submit Geotechnical Planning Review Report to assess the natural terrain hazard and to propose landslip preventive remedial works or retaining walls as necessary. Agriculture, Fisheries and Conservation Department advised that the rezoning proposal would affect the integrity of the “CA” zone;

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

- (f) a total of 63 public comments were received during the statutory publication period, all raising objections to the application on grounds of

conservation, environmental and traffic impacts, reinstatement of the site to its previous condition, land use zoning incompatibility and setting an undesirable precedent for similar applications; and

- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed rezoning was not in line with the planning intention of “CA” zone. Prior to the unauthorized excavation works undertaken on the application site, it was an integral part of the adjoining woodland and the area is of high scenic and landscaping quality worthy of conservation. There was a general presumption against development in the “CA” zone and no strong justifications have been provided in the development proposal to merit a departure from the planning intention. The proposed development would necessitate substantive clearance of vegetation, site formation, slope cutting, erection of retaining structures and related works. It would destroy the natural character of the area and its surroundings. There was insufficient information in the submission to demonstrate that the proposed Small House development would not adversely affect the landscape and visual characters of the area. The proposed rezoning would set an undesirable precedent for other similar rezoning applications in the area. The cumulative impact of approving such applications would result in encroachment of the “CA” zone by developments. Lands Department advised that the outstanding Small House applications for Che Keng Tuk was about 14 while the 10-year Small House demand forecast was 6. It was estimated that about 0.76 ha of buildable land (equivalent to 30 Small House sites) was available within the “V” zone of Che Keng Tuk. Therefore, there was sufficient developable land reserved and zoned “V” for Che Keng Tuk to meet the Small House demand in the area for the next ten years.

24. The Chairperson then invited the applicant's representatives to elaborate on the application. Mr. Kong Chee-cheung made the following main points :

- (a) the applicant, a 60-year-old indigenous villager of Che Keng Tuk village, intended to build a small house within private land of his own village,

which was entitled under the Small House Policy subject to approval;

- (b) referring to the plan tabled at the meeting, despite zoned “CA”, the application site fell within 300 ft of Che Keng Tuk village’s boundary, in which Small House development was used to be allowed, and was bought by the applicant as he could not find suitable private land within the “V” zone of Che Keng Tuk village;
- (c) the applicant had reservation on the “CA” zoning of the application site given that the proposed rezoning was considered not incompatible with the surrounding land uses which mainly comprised village houses to the east, west and south of the site; the application site was adjoining the Che Keng Tuk Road; and Agriculture, Fisheries and Conservation Department did not indicate that there were rare species of trees found within the site;
- (d) the applicant was already 60 years old and he could not wait long to obtain a small house grant. The provision of Small House should therefore be driven by market force;
- (e) according to PlanD’s information, about 0.76 ha of land was available for future Small House development within the “V” zone of Che Keng Tuk for the next ten years. It was however noted that the land in question comprised large piece of “V” zones in Ta Ho Tun and Tsiu Hang Hau, which fell outside the Che Keng Tuk village’s boundary. It also included land at the coastal area within which provision of septic tank would be a problem. In this regard, not all the 0.76 ha of land as identified by PlanD would be available for Small House development within Che Keng Tuk village; and
- (f) Lands Department advised that the outstanding Small House applications for Che Keng Tuk was about 14, but there was no information on the number of Small House applications relating to Government land nor the proportion of applications between Government land and private land. A survey conducted by the applicant showed that there was insufficient

private land for future Small House development within Che Keng Tuk village.

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

25. Mr. Poon Ki-yuen, Jenson also made the following main points :

- (a) of the 0.76 ha of land said to be available for future Small House development within the “V” zone of Che Keng Tuk, about 90% fell within Government land and the waiting time for granting of Government land for Small House development was quite long;
- (b) the application site was bought by the applicant as it fell within 300 ft of the Che Keng Tuk village’s boundary which complied with the requirements under the Small House Policy;
- (c) if the application was approved, the applicant would be responsible for the provision of an access road to the application site, where an underground electricity cable was planned to be laid therein as advised by the District Officer (Sai Kung). The accessibility and the utility provision in the area would then be improved;
- (d) the additional traffic generated by the proposed Small House development was insignificant since only one Small House was involved; and
- (e) there were no rare species of plants found within the site worthy of protection or preservation. The proposed Small House development involved slope protection and landscaping works which would enhance the slope safety and improve the visual and landscape characters of the area.

26. In response to the Chairperson’s enquiry on the land supply for future Small House development, Ms. Ann O.Y. Wong said that as advised by Lands Department, indigenous villagers were eligible to apply for Small House grants on both Government land and private land within the “V” zone of Che Keng Tuk. The estimated land available for

Small House development were identified based on site inspections by PlanD's staff within the "V" zone of Che Keng Tuk to be suitable for Small House development. The applicant's concern on the waiting time for Small House grant should be under the purview of Lands Department.

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

27. Mr. Kong Chee-cheung also supplemented that indigenous villagers preferred to apply for Small House grant within their own village given that application in other villages would likely have objections. Furthermore, the land available for future Small House development was generally not provided with access road.

28. As the applicant's representatives had no further point to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant's representatives of the Committee's decision in due course. The Chairperson thanked the applicant's representatives as well as PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

29. A Member did not support the application as the proposed rezoning would set an undesirable precedent for other similar rezoning applications in the area which was zoned "CA" on the Outline Zoning Plan, and there were no strong justifications in support of the application. Another Member concurred with the view, and considered that the unauthorized excavation works undertaken on the application site was unacceptable.

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

30. After further deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the application site covered with vegetation was part of a wider "Conservation Area" ("CA") zone which was to protect and retain the

existing natural landscape, ecological or topographical features of the area for conservation, and to separate sensitive natural environment from the adverse effects of development. It was a green buffer between the “Village Type Development” (“V”) zone and the Ma On Shan Country Park. There were no strong justifications in the submission to merit a change in the planning intention;

- (b) there was sufficient developable land reserved and zoned “V” for Che Keng Tuk to meet the Small House demand in the area for the next ten years;
- (c) the proposed development would necessitate substantive clearance of vegetation, site formation, slope cutting, erection of retaining structures and related works. It would destroy the natural character of the area and its surroundings. There was insufficient information in the submission to demonstrate that the proposed Small House development would not adversely affect the landscape and visual characters of the area; and
- (d) the proposed rezoning would set an undesirable precedent for other similar rezoning applications in the area. The cumulative impact of approving such applications would result in encroachment of the “CA” zone by developments. Besides, the cumulative traffic impacts on the road network nearby had not been assessed and ascertained.

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

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Draft Planning Brief for “Comprehensive Development Area (2)” zone
on the Approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/4
(RNTPC Paper No. 5/08)

Presentation and Question Sessions

31. With the aid of a Powerpoint presentation, Ms. Ann O.Y. Wong, STP/SKIs, presented the draft planning brief (PB) and covered the following aspects as detailed in the Paper :

- (a) background to the “Comprehensive Development Area(2)” (“CDA(2)”) zone;
- (b) characteristics of the “CDA(2)” site and its surrounding area;
- (c) the draft PB, highlighting that the proposed development of the “CDA(2)” site should be subject to a maximum plot ratio of 1.5 and building height of 8 storeys (excluding basements). Design considerations like free mountain backdrop, compatibility with surrounding rural township settings and proposed town square, and provision of breezeway and view corridor should be included. To avoid monotonous design and wall effect, a ‘stepped height profile’ should be adopted. Green buffer zone of 15m along Tai Mong Tsai Road and 5m along remaining boundaries should be provided. Existing trees should be retained as far as possible. In addition, submission of Air Ventilation Assessment, Visual Impact Assessment, Traffic Assessment and Environmental Assessment were required;
- (d) departmental comments – no adverse comments from concerned Government departments were received; and

[Professor Edwin H.W. Chan left the meeting temporarily at this point.]

- (e) on 4.3.2008, the Sai Kung District Council (SKDC) was consulted on the draft PB. While expressing general support to the draft PB, SKPC expressed specific concerns on the provision of cycle parking spaces in the site, pedestrian subway crossing and air ventilation issues. Transport Department considered that cycling facilities and parking spaces in the site

were not necessary as there would be no cycle track connecting with the site along Tai Mong Tsai Road and Mei Yuen Street. Highways Department advised that the provision of pedestrian subway crossing would be considered during the detailed design stage of the Tai Mong Tsai Road upgrading project. Moreover, an Air Ventilation Assessment would be required under the draft PB to ensure that air ventilation of the site and its surrounding would not be adversely affected by the proposed development.

32. In response to a Member's concern on tree felling, the Chairperson said that under the "CDA" zoning, the future developer was required to submit a Master Layout Plan (MLP) with landscaping proposal to the Town Planning Board for approval. In the MLP submission, justifications would have to be provided for tree felling within the site with compensatory proposals.

33. The Chairperson remarked that the PB would serve as guidance for future development of the "CDA(2)" site, and the requirements as stated in the PB would be incorporated in the Conditions of Sale for future land disposal.

Deliberation Session

34. After deliberation, the Committee decided to agree to :

- (a) note Sai Kung District Council's concerns on the draft Planning Brief (PB) and responses from concerned Government departments as detailed in Appendix B of the Paper; and
- (b) endorse the draft PB at Appendix A of the Paper.

[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBN/8 Filling and Excavation of Land for Agricultural Use in “Conservation Area” and “Costal Protection Area” zones, Lots 137A, 137RP, 138, 139A, 139RP, 140-149, 151, 152, 158-160 and 161 in DD 227, and Adjoining Government Land, Pak Shui Wun, Sai Kung
(RNTPC Paper No. A/SK-CWBN/8)
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Presentation and Question Sessions

35. Ms. Ann O.Y. Wong, STP/SKIs, drew Members’ attention to the two replacement pages tabled at the meeting. With the aid of a Powerpoint presentation, she then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Professor Edwin H.W. Chan returned to join the meeting at this point.]

- (b) the filling and excavation of land for agricultural use;
- (c) departmental comments – Lands Department advised that under the lease, the site did not have any right of access to the sea and prior to commencement of any works on government land, such as formation of footpath or the construction of a pier, necessary consent/approval from relevant Government departments/authorities should be obtained. Marine Department commented that the water near shore was very shallow and there was no landing facility for sea transport in the immediate vicinity;

[Mr. Timothy K.W. Ma returned to join the meeting at this point.]

- (d) a total of 13 public comments on the application and the further information were received during the statutory publication period, raising concerns on/objecting to the application from traffic, environmental,

natural landscape, ecological, site accessibility and land use compatibility points of view. One public commenter who was a Tai Po Tsai villager requested that a notice inviting public comments should be posted at Tai Po Tsai Village. In this regard, notices informing the public about the application had already been posted in accordance with the Town Planning Board Guidelines No. 30 on “Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance” at and near the application site, at the District Officer (Sai Kung) (DO(Sai Kung)), and sent to the Hang Hau Rural Committee during the first three weeks of the publication period. Planning Department with the assistance of the DO(Sai Kung) posted additional notices in Tai Po Tsai Village on 27.3.2008. Two complaints from another Tai Po Tsai villager were subsequently received on 2.4.2008 and 14.4.2008, requesting for reposting the notices in Tai Po Tsai Village and extending the public inspection period; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed organic farm use which involved filling and excavation of land was considered undesirable and unnecessary as it had damaged the natural landscape and adversely affected the environment and nearby coastal character. It was noted that the site had been excavated and formed with containers deposited on it without obtaining prior planning permission and the application was in fact seeking the Committee’s retrospective approval of the unauthorized development. Approval of the application would set an undesirable precedent for similar applications within the “Conservation Area” (“CA”) and “Coastal Protection Area” (“CPA”) zones and the cumulative effect of approving such applications would degrade the natural environment in the area.

36. Members had no question on the application.

Deliberation Session

37. Whilst indicating support to the proposed organic farm which was a permitted use under the “CA” and “CPA” zoning, a Member had doubt on the scale and extent of land filling and excavation work involved. In response to the Chairperson’s enquiry on the extent of filling and excavation of land normally required for agricultural purposes, Ms. Ann O.Y. Wong quoted the example of “Agriculture” zone in which the laying of soil not exceeding 1.2m thickness for cultivation was always permitted.

38. By referring to the comments made by the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 9.1.12 of the Paper, a Member considered that the filling and excavation of land undertaken on the application site was substantial. Other Members shared the view and raised the following views and concerns :

- (a) organic farm use was generally supported;
- (b) there was insufficient information in the submission to justify the need for the extensive filling and excavation of land and deposit of containers on the application site;
- (c) the adverse impacts on the surrounding areas;
- (d) poor site accessibility; and
- (e) the illegal filling and excavation of land prior to submitting application for planning permission was unacceptable.

39. Given Members’ general support for organic farm use, a Member suggested to defer the consideration of the application with a view to obtaining further justifications from the applicant on land filling and excavation work. Another Member opined that as the applicant had already submitted proposal for the application, the application should be considered as submitted. Should the application be rejected, the applicant could further substantiate the application through application for review.

40. The Chairperson sought clarification from Ms. Ann O.Y. Wong on Agriculture, Fisheries and Conservation Department's (AFCD) view on the application. In reply, Ms. Ann O.Y. Wong said that following a discussion on the application at a recent meeting held with the two public commenters (i.e. the Kadoorie Farm & Botanic Garden Corporation and the World Wild Fund Hong Kong), AFCD had raised concerns on the appropriateness of the location, site accessibility and the operation of the proposed organic farm.

41. Mr. C.W. Tse also raised concerns on the extent of the filling and excavation of land and the building works involved and their impacts on the surrounding natural environment from environmental point of view.

42. The Chairperson summarized that Members generally did not support the application given that the filling and excavation of land was substantial and unnecessary. To address the Members' concerns, the Secretary suggested and Members agreed to incorporate the following into the reasons for rejection :

“There was insufficient information in the submission to justify for extensive filling and excavation of land for the proposed organic farm use.”

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

- (a) the planning intention of the “Conservation Area” (“CA”) zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. The planning intention of the “Coastal Protection Area” (“CPA”) zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value. There was a general presumption against development in both zones. The extent of filling and excavation of land for the proposed organic farm use was considered substantial and unnecessary as it had damaged the natural landscape and adversely affected

the environment and nearby coastal character. There was insufficient information in the submission to justify for extensive filling and excavation of land for the proposed organic farm use; and

- (b) approval of the application would set an undesirable precedent for similar applications within the “CA” and “CPA” zones and the cumulative effect of approving such applications would degrade the natural environment in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/156 Proposed 2-storey House
in “Residential (Group D)” zone,
Lot 1021(part) in DD 221
and Adjoining Government Land,
Kap Pin Long San Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/156)
-

Presentation and Question Sessions

44. With the aid of a Powerpoint presentation, 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-storey House;
- (c) departmental comments – Lands Department did not support the application from the land administration point of view as the application site comprised largely Government land. The Government land involved was considered capable of separate alienation for other purposes;
- (d) three public comments were received during the statutory publication period. One commented that the village representative should be consulted.

The remaining two did not support the application and raised concerns on grounds of the implementation and future management problems of the proposed cul-de-sac, and the safety implications on the existing wells and the underground water system; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed maximum plot ratio of 0.3 and the building height of 6.6m were considered excessive in scale. No strong justifications had been provided in the submission to merit a departure from the planning intention. The approval of the application would set an undesirable precedent for other similar applications within the “Residential (Group D)” zone.

45. Members had no question on the application.

Deliberation Session

46. 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 “Residential (Group D)” (“R(D)”) zone which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. The proposed plot ratio of 0.3 and building height of 6.6m were considered excessive. No strong justifications had been provided in the submission to merit a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

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

Sha Tin, Tai Po and North District

[Dr. Kenneth S.S. Tang, STP/STN, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), and Ms. Stephanie P.H. Lai, STP/STN, were invited to the meeting at this point.]

Agenda Item 7

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/ST/7 Application for Amendment to the
Approved Sha Tin Outline Zoning Plan No. S/ST/23
from "Open Space" to
"Other Specified Uses" annotated "Open Space with
Historic Building and Hotel Development",
Lots 533E, 533FRP, 533G, 533H, 533JRP and 533J1 in DD 184,
STTL 310 and Adjoining Government Land,
J/O Tai Chung Kiu Road and Lion Rock Tunnel Road, Sha Tin
(RNTPC Paper No. Y/ST/7)

47. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Y.K. Cheng and Donald Yap had declared interests in this item as they had current business dealings with SHK. As the applicant had requested to defer consideration of the application, Messrs. Cheng and Yap could be allowed to stay in the meeting.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

Presentation and Question Sessions

48. The Committee noted that on 10.4.2008, the applicant requested for deferment of the consideration of the application to allow time for the preparation of supplementary information to address departmental comments.

Deliberation Session

49. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further 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/NE-KLH/368 Proposed House
(New Territories Exempted Houses – Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 873B and 875C in DD 9,
Yuen Leng Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/368)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned Government departments including

Water Supplies Department, Drainage Services Department and Environmental Protection Department had no objection to the application;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

51. Members had no question on the application.

Deliberation Session

52. The Chairperson remarked that although about half of the application site was zoned “Agriculture”, the proposed NTEH/Small House development generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

53. 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 18.4.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the

satisfaction of the Director of Water Supplies or of the TPB; and

- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

54. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) that the site was in an area where no public sewerage connection was available;
- (d) that the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within “Village Type Development” zone;
- (e) that land resumption of a minor portion of the subject site, i.e. eastern corner of Lot 873B, might be required for the public sewerage network. The applicant should ensure that the public sewerage network would not be obstructed by the New Territories Exempted House structure; and
- (f) to 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 obtain planning permission from the TPB where required before carrying out the road works.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-TK/248 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lots 254C in DD 26,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/248)
-
- (iii) A/NE-TK/249 Proposed 2 Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 255A3, 255A4, 255B1, 255L and 255M in DD 26,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/249)
-

55. Noting that the two applications (No. A/NE-TK/248 and 249) were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

Presentation and Question Sessions

56. Dr. Kenneth S.S. Tang, STP/STN, informed that further comments from the District Officer/Tai Po were received and tabled at the meeting for Members’ reference. He then presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – Transport Department (TD) had reservation on

the applications on traffic ground. Agriculture, Fisheries and Conservation Department (AFCD) raised concerns regarding the impact on the existing vegetation. Other concerned Government departments including Water Supplies Department, Drainage Services Department and Environmental Protection Department had no in-principle objection to the applications;

- (d) two public comments were received during the statutory publication period, raising objections on grounds of incompatible land use zoning, adverse visual, traffic, environmental and landscape impacts on the surrounding areas. Two local objections were received from the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment given in paragraph 12 of the Papers. The proposed Small House developments were not incompatible with the surrounding rural environment and were not envisaged to impose adverse impacts on the surrounding area. Three similar applications for Small House development were previously approved in the vicinity of the application sites within the same “Green Belt” zone. Regarding AFCD's concern, it should be noted that the sites were overgrown with grass and some shrubs only. As regards the local concerns, Lands Department advised that the applicants were indigenous villagers of Ng Tung Chai and Wong Yue Tan which fell within the same ‘Heung’.

57. In response to a Member's enquiry, Mr. C.S. Mills said that under current New Territories Small House Policy, Small House application from indigenous villagers of other recognized villages within the same ‘Heung’ would be allowed provided that there was no local objection. The local objections as in the subject applications might therefore affect the processing of Small House applications.

Deliberation Session

58. The Chairperson said that if the applications were approved, the applicants had to apply to LandsD for Small House grants, which would be considered under the Small House

Policy administered by LandsD. The Chairperson then remarked that regarding the two planning applications, the proposed Small House developments complied with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories.

59. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 18.4.2012, 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. Each 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 provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

60. The Committee also agreed to advise the applicant :

- (a) that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (c) to consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (d) to 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 obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-MUP/54 Temporary Warehouse for Storage of Ceramic Tiles
for a Period of 3 Years
in “Agriculture” zone,
Lots 806, 808(Part), 809, 811, 812, 813(Part),
823BRP, 824BRP, 825, 826(Part) in DD 46
and Adjoining Government Land,
Loi Tung, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/54)
-

61. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

62. Ms. Stephanie P.H. Lai, 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 storage of ceramic tiles for a period of 3 years;
- (c) departmental comments – Agriculture, Fisheries and Conservation Department did not support the application from agricultural development point of view as the site had a high potential for agricultural rehabilitation;

- (d) one supporting public comment was received during the statutory publication period. The District Officer (North) advised that the Resident Representatives of Loi Tung and Indigenous Inhabitant Representatives of Ha Wo Hang supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The use under application was not in line with the planning intention for “Agriculture” zone. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis. Although about half of the application site had been used for open storage of construction materials since 12.10.1990, the application site was situated in an area which was predominantly rural and agricultural in nature and was characterized by a mixture of agricultural activities and natural landscape, the extension of “existing uses” and proliferation of unauthorized open storage uses should not be encouraged.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to reject the application and the reason was that the use under application was not in line with the planning intention for “Agriculture” zone which was intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-MUP/55 Land Filling for Permitted Agricultural Use (Plant Nursery) in “Agriculture” zone,
Lot 27 in DD 38 and Lots 807, 808(Part), 826(Part), 827, 828BRP in DD 46,
Loi Tung, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/55)
-

65. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

66. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the land filling for permitted agricultural use (plant nursery);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape had reservation on the application from the landscape planning point of view, and had doubts on the genuine intention to use the site as a plant nursery since a plant nursery did not need such extensive hard paved area and solid tall metal fencing;
- (d) three public comments were received during the statutory publication period, of which two supported and one raised concerns on the application. One local objection from the Indigenous Inhabitant Representatives (IIR) of Loi Tung was received from the District Officer (North) raising concern on possible flooding problems ground. The IIR of of Ha Wo Hang and 2 Resident Representatives of Loi Tung and Man Uk Pin supported the

application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. It should be noted that the site had been filled and paved with cement without obtaining prior planning permission and the present application was seeking the Committee's retrospective approval to an unauthorized activity subsequent to planning enforcement action taken by the Planning Authority. The granting of approval to the illegal land filling operation would set an undesirable precedent for other similar applications within the "Agriculture" zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.

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

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to reject the application and the reason was that the granting of approval to the illegal land filling operation would set an undesirable precedent for other similar applications within the "Agriculture" zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-TKL/307 Temporary Open Storage of Building Materials and Machinery with Ancillary Caretakers' Office and Quarters for a Period of 3 Years in "Agriculture" zone, Lot 1091(Part) in DD 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/307)
-

Presentation and Question Sessions

69. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of building materials and machinery with ancillary caretakers' office and quarters for a period of 3 years;
- (c) departmental comments – Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. Transport Department stated that the existing village access was narrow and sub-standard and was undesirable for using by medium/heavy goods vehicles;
- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer (North) advised that the Indigenous Inhabitant Representative and Resident Representative of Lei Uk supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application did not comply with the Town Planning Board Guidelines

for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

70. Members had no question on the application.

Deliberation Session

71. The Chairperson remarked that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’.

72. After deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

[The Chairperson thanked Dr. Kenneth S.S. Tang, STP/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members’ enquiries. Dr. Tang and Ms. Lai left the meeting at this point.]

[A short break of 5 minutes was taken.]

[Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), Mr. Wilson W.S. Chan, STP/TMYL, Miss Paulina Y.L. Kwan, STP/TMYL, and Mr. Anthony C.Y. Lee, STP/TMYL, were invited to the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 9

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-TT/1 Application for Amendment to the
Approved Tai Tong Outline Zoning Plan No. S/YL-TT/14
from “Agriculture” and “Open Storage” to “Village Type Development”,
Lots 1238ARP(Part), 1238BRP(Part), 1239RP, 1241RP, 1329(Part),
1330, 1331, 1332(Part), 1333(Part), 1334(Part), 1335(Part), 1336, 1337,
1338A, 1338B, 1338C, 1338D, 1339(Part), 1342(Part), 1343, 1344A,
1344B, 1344C, 1345A, 1345RP, 1346, 1347, 1348, 1349, 1350, 1351A,
1351 RP, 1352, 1353, 1354, 1381, 1382A, 1382 RP, 1383, 1384, 1385A,
1385RP, 1396, 1397, 1398(Part), 1409, 1417, 1418, 1419, 1420, 1421,
1422, 1423A, 1423 RP, 1424 and 1425 in DD 117
and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. Y/YL-TT/1)

Presentation and Question Sessions

73. The Committee noted that on 6.3.2008, the applicant requested for deferment of the consideration of the application to allow time to address local objections and the comments from relevant Government departments.

Deliberation Session

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

Agenda Item 10

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-PS/250
Proposed Filling and Excavation of Land for
Development of New Territories Exempted Houses and
Proposed Utility Installation for Private Project (Transformer Room)
in “Village Type Development” zone,
Lots 1340B4 to 24, 1340BRP, 1340B1RP(Part) and 1340B2RP(Part) in DD 121,
Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/250)

75. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Profit Well Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

76. The Committee noted that on 1.4.2008, the applicant requested for deferment of the consideration of the application to allow time to sort out the relevant information and documents to support the application.

Deliberation Session

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

Agenda Item 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL/160 Temporary Place of Recreation
(including Outdoor Barbecue Area), Eating Place,
and Shop and Services (Retail of Frozen Food)
for a Period of 3 Years
in “Open Space” zone,
Lot 4583 RP in DD 116, Tai Kei Leng, Yuen Long
(RNTPC Paper No. A/YL/160)
-

Presentation and Question Sessions

78. 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 place of recreation (including outdoor barbecue area), eating place, and shop and services (retail of frozen food) for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. A total of 11 complaints against the existing barbecue operation on noise, odour, effluent discharge and glare had been received by EPD from February 2006 to 12.3.2008. Food and Environmental Hygiene Department had also received 11 complaints regarding unlicensed fresh food shop and taken 15 prosecutions against the existing operation at the site from 22.8.2006 to 14.3.2008. Drainage Services Department commented that a drainage proposal was required;

- (d) two public comments were received during the statutory publication period, raising objections to the application on the grounds that the applied uses would generate noise, odour and glare nuisances to the nearby residents, release harmful gas, cause traffic jam and worsen public order and the sanitary condition of the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The current application was basically the same as the previous application (No. A/YL/156) rejected by the Committee on 30.11.2007. The applicant had not provided new information in the current application to address the various concerns including environment, drainage and public hygiene raised in the previous application. There was no change in the planning circumstances since the consideration of the subject application by the Committee on 30.11.2007. The approval of this planning application would set an undesirable precedent for other similar applications in the “Open Space” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the surrounding areas.

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

79. Members had no question on the application.

Deliberation Session

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

- (a) the development was environmentally undesirable as it would cause noise and odour nuisance to nearby residents and problems of public hygiene;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts

on the surrounding areas; and

- (c) the approval of this planning application would set an undesirable precedent for other similar applications in the “Open Space” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM/358 Proposed Comprehensive Residential Development with Ancillary Club House in “Comprehensive Development Area” zone, Lots 398RP, 406RP, 407, 408RP, 409, 410RP, 411RP, 412B, 412RP, 413, 442RP, 443RP, 444, 445A, 445RP, 446A, 446RP, 447, 448, 449, 450, 451, 453(Part), 454, 455, 456, 457, 458, 459(Part), 462(Part), 464RP, and 466RP in DD 374 and Lots 248RP, 249ARP, 249B, 250RP, 251, 253(Part) and 255RP(Part) in DD 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/358)
-

81. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The Committee noted that Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHK. As the applicant had requested to defer consideration of the application, Messrs. Yap and Cheng could be allowed to stay in the meeting.

Presentation and Question Sessions

82. The Committee noted that on 27.3.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare supplementary information to address some comments raised by Transport Department.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TM/370 Proposed House (Redevelopment of Existing House)
in “Green Belt” and “Government, Institution or
Community” zones and area shown as ‘Road’
436, Castle Peak Road, Tuen Mun
(Lot 977RP and Extension in DD 131)
(RNTPC Paper No. A/TM/370)
-

84. The Committee noted that Mr. B.W. Chan had declared an interest in this item as he was the applicant’s legal representative in purchasing the application site. As the applicant had requested to defer consideration of the application, Mr. B.W. Chan could be allowed to stay in the meeting.

Presentation and Question Sessions

85. The Committee noted that on 26.3.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare supplementary information to address some comments raised by Transport Department.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TM-LTYY/167 Temporary Vehicle Park (Private Cars, Light/Medium/Heavy Goods Vehicles and Container Vehicles) for a Period of 3 Years in “Green Belt” zone, Lot 164(Part), 165, 166(Part), 167(Part), 180RP(Part), 189(Part), 191 and 192(Part) in DD 132 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/167)
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Presentation and Question Sessions

87. 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 vehicle park (private cars, light/medium/heavy goods vehicles and container vehicles) for a period of 3 years;
- (c) departmental comments – Environmental Protection Department did not support the application given the sensitive receivers in the vicinity. Such activities should not be encouraged and the development would intensify the existing open storage development and further jeopardize the deteriorating landscape environment in the “Green Belt” zone. Drainage Services Department commented that the applicant should demonstrate that the development would not cause any increase in the risk of flooding in the

adjacent areas, and provide drainage facilities for the development to his satisfaction. Transport Department commented that some complaints about container vehicles/heavy vehicles had been received occasionally and proposed to exclude container vehicles/heavy vehicles for the proposed car park;

- (d) two public comments were received during the statutory publication period, raising concern/objection to the application on grounds of traffic/pedestrians safety and adverse traffic impacts on Hong Po Road; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Green Belt” (“GB”) zone. The development was not compatible with the residential dwellings in the vicinity. There was insufficient information to demonstrate that the development would not have adverse environmental, landscape, traffic and drainage impacts on the surrounding areas. The application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone.

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

88. Members had no question on the application.

Deliberation Session

89. 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 “Green Belt” (“GB”) zone. There was no strong justification for a departure from the planning intention, even on a temporary basis;

- (b) the development was not compatible with the residential dwellings in the vicinity;
- (c) there was insufficient information to demonstrate that the development would not have adverse environmental, landscape, traffic and drainage impacts on the surrounding areas;
- (d) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to justify the proposal, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and
- (e) no similar application for the applied use was approved in the same “GB” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTN/293 Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 5 Years
in “Village Type Development” zone,
Lot 225RP in DD 109,
Tai Hong Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/293)
-

Presentation and Question Sessions

90. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were residential buildings/structures located in the vicinity of the site. Other concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding EPD's concern, a shorter approval period of 3 years, instead of 5 years as proposed by the applicant, was recommended so as to monitor the situation on site. Approval conditions restricting the types of vehicles and activities on site and requiring the provision of mitigation measures to minimize possible nuisance to the residents nearby were recommended. The applicant would be advised to undertake the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact.

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 3 years up to 18.4.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance and container vehicles were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the setting back at the northeastern corner of the site to avoid the existing water mains to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2008;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (g) the submission of 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 18.10.2008;
- (h) in relation to (g) above, the implementation of 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 18.1.2009;

- (i) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on site to the residents nearby within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2008;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (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.

93. The Committee agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

94. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 3 years were granted so as to monitor the situation on site;
- (b) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take lease enforcement action against the irregularities on site and the applicant should apply for the issue of Short Term Wavier (STW) to use the site for car-parking purposes. There was no guarantee

that the application for STW would be approved/considered by his office;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the Director of Agriculture, Fisheries and Conservation’s comments that disturbance to the trees in the vicinity of the site should be avoided;
- (e) to note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department’s comments that a drainage proposal should be submitted to demonstrate that all existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points;
- (f) to note the Chief Highway Engineer/New Territories West’s comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works;
- (h) to note the Director of Electrical and Mechanical Services’s comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the high voltage and low voltage underground cables away from the vicinity of the proposed structure. Besides, 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; and

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that no structure should be erected over the waterworks reserve and such area should not be used for storage purpose. Besides, 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 authorize.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTS/418 Temporary "Open Storage of Forklifts" Use for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lots 606RP(Part), 609RP(Part), 610(Part) in DD 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/418)
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Presentation and Question Sessions

95. Miss Paulina Y.L. Kwan, 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 forklifts" use for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were residential structures in the

vicinity of the site and environmental nuisance was expected. No adverse comments from other concerned Government departments were received;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The current application was considered generally in line with Town Planning Board Guidelines No. 13D as it was an application to continue the use approved under previous application (No. A/YL-KTS/343). All the approval conditions under the previous approval had been complied with. Regarding EPD's concern, approval conditions restricting the operation hours were recommended. The applicant would be advised to undertake the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact.

96. Members had no question on the application.

Deliberation Session

97. The Chairperson remarked that the application was considered similar to a renewal application as it was an application to continue the use approved under previous application (No. A/YL-KTS/343), where all the approval conditions had been complied with.

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.4.2011, 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 6:00 p.m. and 9:00 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) all landscape plantings within the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (e) the submission of emergency vehicular access, water supply for fire fighting and 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 18.10.2008;
- (f) in relation to (e) above, the provision of emergency vehicular access, water supply for fire fighting and 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 18.1.2009;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

99. The Committee agreed to remind the applicant that planning permission should have been renewed before continuing the applied use at the application site.

100. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take action against the irregularities on site according to the lease enforcement/land control programme and the applicant should apply for the issue of Short Term Wavier for the proposed use and Short Term Tenancy to regularize the unlawful occupation of the government land;
- (c) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the Director of Fire Services's comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans; and the provision of fire service installations for the proposed structures for storage and vehicles parking purposes should be in accordance with the Code of Practice for Minimum Fire Services Installations and Equipment;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works; and
- (f) to note the Director of Electrical and Mechanical Services's comments that 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. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, asked CLPP to divert the electricity supply lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/419 Temporary Open Storage of Vehicles
(Pending Repair and Insurance Compensation)
and Spare Parts for a Period of 3 Years
in “Agriculture” zone,
Lot 467RP in DD 106,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/419)
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Presentation and Question Sessions

101. Miss Paulina Y.L. Kwan, 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 vehicles (pending repair and insurance compensation) and spare parts for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there was residential structures in the vicinity of the site and environmental nuisance was expected. Agriculture, Fisheries and Conservation Department was not in favour of the application as the agricultural life in the vicinity of the subject site was active and the subject site could be rehabilitated for agricultural purposes. Other concerned Government departments had no objection to the application;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The current application was considered generally in line with Town Planning Board Guidelines No. 13D as it was an application to continue the use approved under previous application (No. A/YL-KTS/339). All the approval conditions under the previous approval had been complied with. Regarding EPD's concern, approval conditions restricting the operation hours and prohibiting vehicle repairing and paint spraying activity were recommended. The applicant would be advised to undertake the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. As regards AFCD's concern, the applied use had been operated on site since 1999.

102. Members had no question on the application.

Deliberation Session

103. The Chairperson remarked that the application was considered similar to a renewal application as it was an application to continue the use approved under previous application, where all the approval conditions had been complied with.

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.4.2011, 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 9:30 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 was allowed on the site

during the planning approval period;

- (c) no vehicle repairing and paint spraying activity should be carried out within the application site at any time during the planning approval period;
- (d) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the application site at any time during the planning approval period;
- (e) the maintenance of all landscape plantings within the site at all times during the planning approval period;
- (f) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) if 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; 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.

105. The Committee agreed to remind the applicant that :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site; and
- (b) planning permission should have been renewed before continuing the applied use at the application site.

106. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take lease enforcement action against unauthorized use on site and the applicant should apply for renewal of the Short Term Wavier (STW) to use the site for the purpose of ancillary use to open storage of vehicles and spare parts. There was no guarantee that the application for the STW renewal would be approved/considered by his office,
- (b) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works; and
- (d) to note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the high voltage (11kV) underground cables, low voltage overhead lines and low voltage underground cables away from the vicinity of the proposed structure. Besides, 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)]

- (viii) A/YL-PH/560 Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” zone, Lots 2902(Part) and 2905(Part) in DD 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/560)
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Presentation and Question Sessions

107. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and vehicle parts for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were scattered houses in the vicinity of the site and environmental nuisance was expected. Transport Department’s (TD) commented that the road width of the proposed access leading to Kam Tin Road might not be sufficient for two-way traffic of goods vehicles and the sightline on some road sections was not sufficient. No adverse comments from other concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The current application was considered generally in line with Town Planning Board Guidelines No. 13D in that there were previous approvals

(No. A/YL-PH/382 and 440) for similar uses on site; all of the approval conditions associated with the previous approval of similar nature had been complied with; drainage and landscape proposals had been submitted for the current application and no local objection had been received against the application. Regarding EPD's concern, approval conditions prohibiting workshop activities and restricting the operation hours were recommended. The applicant would be advised to undertake the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. As regards TD's concern, the applicant had provided further information to clarify that trip generation from the site was minimal (only 1 to 2 trips would be generated in a week). Besides, manoeuvring of vehicles would only be conducted within the site.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.4.2011, 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 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, 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 vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (d) the stacking height of construction materials stored within 5 metres of the

periphery of the application site should not exceed the height of the boundary fence of the application site at any time during the planning approval period;

- (e) the drainage facilities implemented on the application site (under Applications No. A/YL-PH/382 and 440) should be maintained at all times during the planning approval period;
- (f) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the provision of a 9 litre water type/3 kg 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 18.10.2008;
- (h) 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;
- (i) if the above planning condition (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

110. The Committee agreed to remind the applicant that :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site; and

- (b) the permission was given to the use 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 take immediate action to discontinue such use/development not covered by the permission.

111. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. It was noted that part of the Government land had been used. A recent site inspection revealed that the site was being used for the purpose of storage of construction materials. Should planning approval be given, the applicant should apply for renewal of the Short Term Wavier (STW) to use the site for the purpose of storage of construction materials and Short Term Tenancy (STT) to regularize the unlawful occupation of Government land. Should no STW renewal and STT applications be received/approved, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the proposed access leading to Kam Tin Road was a private road. The right of way might not be guaranteed;
- (d) 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;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental

Protection Department for implementation of appropriate mitigation measures;

- (f) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant needed to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should be responsible to resolve any land matters (such as private lots) associated with the provision of water supply, and should also be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (g) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP to divert the high voltage (11kV) overhead lines as well as the low voltage underground cables away from the vicinity of the proposed structure. 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 the electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-TYST/385 Proposed Public Utility Installation
(Mobile Communication Radio Base Station)
in "Green Belt" zone,
Government Land to the North of
Tan Kwai Tsuen Fresh Water Pumping Station, Yuen Long
(RNTPC Paper No. A/YL-TYST/385)
-

Presentation and Question Sessions

112. The Committee noted that on 8.4.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare a landscape proposal for the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

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| (x) | A/YL-HT/537 | Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in “Agriculture” zone,
Government Land at Ngau Hom Shek,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/537) |
|-----|-------------|--|
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Presentation and Question Sessions

114. The Committee noted that on 10.4.2008, the applicant requested for deferment of the consideration of the application to the next meeting on 9.5.2008 to allow time to consult the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) on archaeological matters of the site.

Deliberation Session

115. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration at the next meeting on 9.5.2008 as proposed by the applicant subject to the availability of departmental comments on burial ground and archaeological issues.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-LFS/173 Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in “Green Belt” zone,
Lot 1621(Part) in DD 129,
Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/173)
-

Presentation and Question Sessions

116. 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 proposed public utility installation (telecommunications radio base station);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 12 of the Paper. The application site was the subject of a previously approved application (No. A/YL-LFS/155) for the same use. Although the permission was subsequently revoked on 6.1.2008 due to non-compliance with the approval condition on landscape submission, the applicant had actually complied with the approval condition on emergency vehicular access and fire service installations submission and demonstrated genuine efforts in compliance with that on landscape submission. A shorter compliance periods for the approval conditions were therefore recommended to monitor the fulfillment of the conditions. The Director-General of Telecommunications confirmed that due to shielding effect from high-rise buildings, extra fill-in stations would need to set up by operators to improve reception signals. From the technical point of view, the subject site was the preferred location which had direct line of sights to most blind spots in the vicinity such that they could pick up direct signals for satisfactory mobile reception.

117. Members had no question on the application.

Deliberation Session

118. The Chairperson remarked that the application site was the subject of a previously approved application for the same use.

119. 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 18.4.2012, 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 a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.7.2008;
- (b) in relation to (a) above, the implementation of the landscape proposal

within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2008;

- (c) the submission of fire service installation proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.7.2008;
- (d) in relation to (c) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2008; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

120. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were granted in order to monitor the compliance with approval conditions;
- (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 the lot under application was an Old Schedule Agricultural Lot granted under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply through the respective landowner for another Short Term Waiver from this office;
- (d) to 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 and that the management and maintenance responsibilities of this

road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (e) to 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 was not abutting on and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (f) to note the Director of Health's comments that any location in the vicinity of the proposed radio base station and antennae that was accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields for workers and public respectively in the 'Code of Practice for the Protection of Workers and Members of the Public against Non-Ionising Radiation Hazards from Radio Transmitting Equipment' issued by the Office of the Telecommunications Authority, and ensure that the non-ionising radiation level of any location in the vicinity of the proposed mobile radio base station accessible to the workers and the public would meet the relevant exposure limits applicable to workers and public respectively, as recommended by the International Commission on Non-Ionising Radiation Protection, taking into consideration the combined effects of transmissions from the same site or sites in the vicinity.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-NSW/180 Proposed Comprehensive Residential Development in "Undetermined" and "Government, Institution or Community" zones, Lots 879(Part), 880A1, 880B1, 881, 882, 883, 884, 885, 889RP(Part), 891(Part), 1318, 1326 and 1344(Part) in DD 115, and Adjoining Government Land, Au Tau, Yuen Long (RNTPC Paper No. A/YL-NSW/180)
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Presentation and Question Sessions

121. The Committee noted that on 2.4.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare supplementary information to address the departmental comments.

Deliberation Session

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

Agenda Item 12

Any Other Business

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-HT/511-1 Temporary Open Storage of Construction Materials
with Ancillary Workshop for a Period of 3 Years
in “Undetermined” zone,
Lots 1845(Part) and 1846(Part) in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/511-1)
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123. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

124. The Secretary reported that an application for extension of time for compliance with planning conditions (d) to (g) under application No. A/YL-HT/511 was received on 8.4.2008. While approval condition (f) was complied with, the applicant failed to comply with conditions (d) and (g) by the expiry date on 12.4.2008 and the planning permission was revoked on the same day. The application could not be considered as the planning permission no longer existed at the time of consideration by the Committee.

125. After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval conditions (d) and (g) had already expired on 12.4.2008, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/512-1 Temporary Open Storage of Construction Materials
for a Period of 3 years
in “Undetermined” zone,
Lots 1837(Part), 1838(Part),
1843(Part) and 1844(Part) in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/512-1)
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126. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

127. The Secretary reported that an application for extension of time for compliance with planning conditions (e) to (g) under application No. A/YL-HT/512 was received on 8.4.2008. While approval condition (f) was complied with, the applicant failed to comply with conditions (e) and (g) by the expiry date on 12.4.2008 and the planning permission was revoked on the same day. The application could not be considered as the planning

permission no longer existed at the time of consideration by the Committee.

128. After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval conditions (e) and (g) had already expired on 12.4.2008, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, Mr. Wilson W.S. Chan, STP/TMYL, Miss Paulina Y.L. Kwan, STP/TMYL, and Mr. Anthony C.Y. Lee, STP/TMYL, for their attendance to answer Members' enquiries. Miss Kwan and Messrs. Lam, Chan and Lee left the meeting at this point.]

129. There being no other business, the meeting was closed at 5:25 p.m..