

## **TOWN PLANNING BOARD**

### **Minutes of 380th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.9.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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  
Ms. Karen P.Y. Chan

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

Secretary  
(up to A/PSK/13)  
(from A/NE-KLH/374)

**Absent with Apologies**

Professor David Dudgeon

Mr. Tony C.N. Kan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Miss Vivian M.F. Lai

**Agenda Item 1**

Confirmation of the Draft Minutes of the 379th RNTPC Meeting held on 5.9.2008

[Open Meeting]

1. The Chairperson sent apologies for being unable to attend the whole meeting as she would leave at around 5:30 p.m. for an urgent meeting.
2. The draft minutes of the 379th RNTPC meeting held on 5.9.2008 were confirmed without amendments.

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

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 4 of 2008  
Proposed Office Development  
(Amendment to an Approved Master Layout Plan)  
in “Comprehensive Development Area” Zone,  
Taikoo Place, 979 King’s Road, Quarry Bay  
(Application No. A/H21/130)

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3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 8.9.2008 against the decision of the Town Planning Board (TPB) to reject on review an application for proposed office development (amendment to an approved master layout plan) in “Comprehensive Development Area” zone on the draft Quarry Bay OZP No. S/H21/24. The application was rejected by the TPB on 27.6.2008 on the following grounds :

- (a) the proposed layout was undesirable in that the disposition of buildings would block visual/breeze corridor, and that most of the open space was only planned to be provided at a later phase of redevelopment, which was

subject to uncertainties; and

- (b) the building heights of the proposed Buildings 2A and 2B at 246.6mPD and 270.25mPD respectively were considered excessive in the local context. The information in the submission could not demonstrate that the proposed development would not create any adverse visual impact on the surrounding areas and the ridgeline.

4. The Secretary added that the hearing dates of the appeal were yet to be fixed.

(ii) Appeal Statistics

5. The Secretary reported that as at 19.9.2008, 13 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	108
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	13
Decision Outstanding	:	1
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Total	:	274

**Sai Kung and Islands District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/6                      Proposed Restaurant (4 Storeys)  
with Minor Relaxation of the Building Height Restriction to 14m  
in “Village Type Development” zone,  
Lot 749 in D.D. Cheung Chau,  
Cheung Chau  
(RNTPC Paper No. A/I-CC/6)

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6. The Secretary said Ho Tin & Associates Consulting Engineers Limited (HTL) was a consultant of the application. Dr. James C.W. Lau, having current business dealings with HTL, had declared interests in this item.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

**Presentation and Question Sessions**

7. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed restaurant (4 storeys) with minor relaxation of the building height to 14m;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from the Chairman of the Cheung Chau Rural Committee was received objecting to the application mainly because the proposed building height was not considered compatible with a proposed gateway which was an entrance

portal adjacent to the application site. The proposed building height would also result in adverse visual impact and affect the village-scape of Cheung Chau. The District Officer/Islands received one local support, two local objections, one being the same commenter received during statutory publication period, concerning mainly on visual impacts, and a comment from local business group on environment impact from the use of coal and diesel by the proposed use; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper in that a maximum building height of 3 storeys was stipulated for the “V” zone to retain the existing village character, but there was insufficient information in the application to justify a relaxation of the building height restriction.

8. In response to the Chairperson's question on the height of some of the surrounding buildings, Miss Erica S.M. Wong said that the existing 4-storey buildings as shown on Plan A-5 and Plan A-6 of the Paper were approved by the Building Authority and built before the gazette of the statutory plan in Cheung Chau.

#### Deliberation Session

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

- (a) there was insufficient information or merits given in the application to justify a relaxation of the building height restriction; and
- (b) the approval of the application would set an undesirable precedent for future development with alternative building height which might affect the 3-storeyed village housing character of Cheung Chau.

[Dr. James C.W. Lau returned to join the meeting at this point.]

[Mr. Y.M. Lee left the meeting temporarily at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/164      Proposed 1 House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 496 S.H and 497 S.R in D.D. 244,  
Ho Chung,  
Sai Kung  
(RNTPC Paper No. A/SK-HC/164)

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**Presentation and Question Sessions**

10. 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 1 House (New Territories Exempted House (NTEH) - Small House);

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as the application site was good agriculture land with irrigation supply and convenient transportation, and its potential for agricultural rehabilitation was high. Other departments had no objection to the application;

- (d) during the statutory publication period, three public comments were received expressing concern on the provision of emergency vehicular access and footpath in the area and the proposed development would adversely affect the traffic, utilities and the natural environment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed NTEH complied with the Interim Criteria for assessing planning applications for NTEH/Small House development. There were concerns of DAFC, but it was noted that the application site and its surrounding area were not under active farming activities, and there was insufficient land zoned “Village Type Development” to meet the future Small House demand of Ho Chung Village. Planning conditions on the provision of fire service installation and landscaping proposal were recommended to address the local concerns.

11. Members had no question on the application.

#### Deliberation Session

12. 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 19.9.2012, 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 Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.



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

- (a) to note the comments of the Director of Water Supplies that the applicant might need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (b) to note the comments of the Director of Leisure and Cultural Services (Antiquities and Monuments Office (AMO)) that the application site fell within the boundary of the Ho Chung Archaeological Site, the applicant was required to provide AMO with sufficient time and let the staff of AMO enter the application site to conduct an archaeological survey prior to the commencement of construction works.

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

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

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

**Agenda Item 5**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/TM-LTY Y/2      Application for Amendment to the  
Approved Lam Tei and Yick Yuen  
Outline Zoning Plan No. S/TM-LTY Y/6  
from “Residential (Group C)” and  
“Government, Institution or Community”  
to “Comprehensive Development Area”,  
Various Lots in DD 130 and Adjoining Government Land,  
Lam Tei,  
Tuen Mun  
(RNTPC Paper No. Y/TM-LTY Y/2)

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14. The Secretary said the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (SHK). Mr. Alfred Donald Yap, having current business dealings with SHK, had declared interests in this item. As a request for deferment was received from the applicant, Members agreed that Mr. Yap should be allowed to stay in the meeting.

**Presentation and Question Sessions**

15. The Committee noted that on 13.8.2008, the applicant requested the Town Planning Board to defer consideration of the application for a period of 2 months in order to consult with the relevant Government departments on the outstanding technical issues.

**Deliberation Session**

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

further deferment would be granted unless under very special circumstances.

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/375                Shop and Services (Retail Shop)  
                              in “Industrial” zone,  
                              Workshop No. 17A, G/F,  
                              Hang Wai Industrial Centre,  
                              6 Kin Tai Street,  
                              Tuen Mun  
                              (RNTPC Paper No. A/TM/375)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) note the District Lands Officer/Tuen Mun's comments that he should apply to his office for a new waiver permitting retail shop uses to effect the planning proposal and the new waiver, if approved, would be subject to such terms and conditions to be imposed;

- (d) note the Director of Fire Service's comments that the requirements stipulated in the 'Code of Practice for Fire Resisting Construction' administered by Buildings Department should be complied with for matters in relation to fire resisting construction requirements for the subject premises; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the application area should be separated from the adjoining units with walls of fire resisting period not less than 2 hours and Barrier Free Access provisions should be complied with in accordance with Building (Planning) Regulation 72.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/45                      Proposed Social Welfare Facilities,  
Training Centre and Public Clinic (Community Health Centre)  
in "Residential (Group B)1" zone,  
Government Land,  
Tin Shui Wai Area 104  
(RNTPC Paper No. A/TSW/45)

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21. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item.

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

22. The Committee noted that Ms. Hsia had tendered apologies for being unable to attend the meeting. This item was chaired by the Vice-chairman.

[Ms. Ava Ng, Ms. Karen Chan, Messrs. B.W. Chan and Y.K. Cheng left the meeting temporarily at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed social welfare facilities, training centre and public clinic (community health centre);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, six comments were received, five of them were from the same commenter. The five comments expressed support to the application and that the future development should not pose adverse impact on the teaching environment of the adjacent school and social service planning and development in Tin Shui Wai. Another

commenter was concerned about the noise and disruption of the proposed use to the school; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed development, which was mainly to provide social and community services to local residents, was compatible with the surrounding residential developments. It was not expected to generate significant adverse environmental, traffic and drainage impact as it was 6-storey high and small in scale. Both the Secretary for Labour and Welfare and Secretary of Food and Health supported the application. To address the local concerns, approval conditions requiring setback and implementation of an approved landscape proposal, and an appropriate advisory clause were recommended.

24. Members had no question on the application.

#### Deliberation Session

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.9.2012, 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 vehicular access, car parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the setting back of the proposed development by a minimum of 3.5m from the adjacent school to its south to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Assistant Commissioner for Transport /New Territories, Transport Department (TD)'s comments that the provision of car parking spaces and loading/unloading facilities should be in accordance with the Transport Planning and Design Manual and the Hong Kong Planning Standards and Guidelines. In case the applicant considered that the proposed facility could not comply with the relevant standards, the applicant should highlight the issue and draw the attention of TD for consideration/comment;
- (b) note the District Officer/Yuen Long's comments that the proposal would arouse the concern of the residents and local personalities at Tin Shui Wai North Area, an extensive consultation should be conducted in due course; and
- (c) note the public comments at Appendix IIa to IIc of the Paper and liaise with the relevant parties to address the concerns at detailed design stage.

[Ms. Ava Ng, Ms. Karen Chan, Messrs. B.W. Chan and Y.K. returned to join the meeting at this point.]



**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/286          Temporary Open Storage of Crane Vehicles for Sale  
for a Period of 12 Months  
in “Residential (Group B) 1” zone and an area zoned as ‘Road’,  
Lots 138RP(Part) and 195 S.C RP (Part) in D.D. 121,  
Ping Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-PS/286)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of crane vehicles for sale for a period of 12 months;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site and access road and environmental nuisance was expected. Other departments had no objection to the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper in that, given its small scale and temporary nature, the applied use was not incompatible with the surrounding land uses

and would not likely to generate significant adverse traffic, drainage, landscape and visual impacts on the surrounding areas. The application site fell within Category 4 areas under Town Planning Board Guidelines No. 13D, which set out a maximum period of two years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. The current application (No. A/YL-PS/286) was submitted by the same applicant who had complied with the approval conditions for similar temporary 12-month use under Application No. A/YL-PS/231. It was considered that the current application for a period of 12 months could be allowed to facilitate the applicant to identify suitable sites for relocation. To address the concern on environment, approval conditions prohibiting workshop activities and restricting operation hours, and an appropriate advisory clause were recommended.

28. Members had no question on the application.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months up to 19.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no dismantling, repairing and other workshop activities were allowed on site at any time during the planning approval period;
- (b) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the application site during the planning approval period;
- (c) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (d) the provision of the drainage facilities as proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2008;

- (e) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2008;
- (f) in relation to (e) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the temporary permission was granted to facilitate the applicant to identify suitable sites for relocation. No further renewal of approval would be given unless under very exceptional circumstances;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment 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 the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Director of Fire Services's comments that the applicant should be advised that the building plans should be drawn to scale and depicted with dimensions and the location of the proposed fire service installations should be marked clearly on the building plans; and
- (f) 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 Environmental Protection Department to minimize any possible environmental nuisances.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

### **Agenda Items 9 to 12**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

#### Agenda Item 9

A/YL-HT/516      Temporary Open Storage of Containers  
for a Period of 3 Years  
in "Recreation" zone,  
Lots 1489RP(Part), 1490RP(Part), 1492RP(Part), 1503RP(Part), 1505A,  
1505RP(Part), 1506(Part), 1513(Part) and 1517(Part) in D.D. 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/516)

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Agenda Item 10

A/YL-HT/517 Temporary Open Storage of Containers  
for a Period of 3 Years  
in “Recreation” zone,  
Lots 1506(Part), 1512(Part), 1513(Part), 1514, 1515, 1516,  
1517(Part), 1518, 1519(Part), 1520(Part), 1521(Part), 1522(Part)  
and 1535(Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/517)

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Agenda Item 11

A/YL-HT/518 Temporary Open Storage of Containers  
for a Period of 3 Years  
in “Recreation” zone,  
Lots 1488RP(Part), 1489RP(Part), 1490RP(Part),  
1491RP(Part), 1492RP(Part), 1503RP(Part), 1504(Part), 1505RP(Part),  
1506(Part), 1507(Part), 1510RP(Part) and 1513(Part) in D.D. 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/518)

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Agenda Item 12

A/YL-HT/557 Temporary Open Storage of Containers with Ancillary Office  
for a Period of 3 Years  
in “Open Storage” and “Recreation” zones,  
Lots 1511 S.B (Part), 1512(Part), 1519(Part), 1520(Part), 1521(Part),  
1522(Part), 1533(Part), 1534(Part), 1535(Part), 1536, 1537,  
1538 RP(Part), 1540(Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/557)

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31. Noting that the four applications were similar in nature and the application sites were close to each other within similar zones, Members agreed that the applications could be considered together.

32. The Secretary reported that a replacement page amending paragraph 12.4 of each of the Papers of A/YL-HT/516, 517 and 518 were tabled at the Meeting for Members' reference.

### Presentation and Question Sessions

33. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary open storage of containers under for a period of 3 years under applications No. A/YL-HT/516 to 518 and the temporary open storage of containers with ancillary office for a period of 3 years under Application No. A/YL-HT/557. In terms of zoning on the extant OZP, applications No. 516 and 518 were under "Open Storage" ("OS") zone while applications No. 517 and 557 were largely under "OS" zone and partly under "Recreation" ("REC") zone;
- (c) departmental comments – the Director of Environmental Protection did not support the applications as there were sensitive uses in the vicinity of the application sites and access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. Other departments had no objection to the applications;
- (d) no public comment was received during the statutory publication period;  
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated based on the assessment given in paragraph 12 of the Papers. To address the concern on environment, approval conditions restricting operation hours, stacking of materials and workshop activities on the application site and an appropriate advisory clause were recommended.

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

34. Noting that the previous applications of applications No. A/YL-517 and 557 were rejected by the Committee and these application sites were now falling partly within “OS” and partly within “REC” zones, a Member enquired on changing circumstances that merited favourable consideration of the two applications. In response, Mr. Y.M. Lee of the Transport Department advised that Ha Tsuen Road (i.e. ex-San Wan Road), which was the main access road serving the application sites, had been widened to cater for container vehicular traffic. In addition, the widening of a slip road connecting Ha Tsuen Road to Kong Sham Western Highway, which allowed 2-way container vehicles, helped alleviate the congestion on Ha Tsuen Road. The applicants had addressed the requirement of the Transport Department by reserving at least 10% of the areas within the application sites for queuing/ temporary parking of container trailers to avoid queuing on Ha Tsuen Road. Mr. Anthony C.Y. Lee, STP/TMYL added that, as shown in Drawing A-2 of the Papers, the applicants indicated that the portion of application sites of A/YL-HT/517 and 557 within “REC” zone would only be used as vehicle holding area for queuing/ temporary parking of container trailers.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the application No. A/YL-HT/516 on a temporary basis for a period of 3 years up to 19.9.2011, 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 from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no workshop activity including container repairing and cleaning, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site, as proposed by the applicant, during the planning approval period;
- (g) the submission of landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (h) in relation to (g) above, the implementation of landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (i) 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 19.3.2009;
- (j) in relation to (i) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;



- (k) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply to his Office for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STT application be received and the

unauthorized occupation of Government land persists on site, his Office would consider taking appropriate control action against the occupier;

- (e) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the information (e.g. level, size and type) of the underground connection from the site to Sik Kong Tsuen Channel and the connection details should be given. DLO/YL should be consulted and relevant lot owners’ consent should be obtained as regards all proposed drainage works outside the site;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that those existing and proposed new trees should be clearly differentiated and marked on the Proposed Landscape Plan by using two different symbols in order to avoid confusion; and
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

37. After deliberation, the Committee decided to approve the application No. A/YL-HT/517

on a temporary basis for a period of 3 years up to 19.9.2011, 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 from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no workshop activity including container repairing and cleaning, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site, as proposed by the applicant, during the planning approval period;
- (g) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (h) in relation to (g) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (i) 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 19.3.2009;

- (j) in relation to (i) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;
- (m) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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.

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

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

- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply to his Office for Short Term Wavier/Short Term Tenancy (STW/STT) to regularize the irregularities. Should no STW/STT application be received and the irregularities persists on site, his Office would consider taking appropriate enforcement/control action against the registered owner/occupier;
- (e) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimise the potential environmental impacts on the adjacent area;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
- (g) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO), and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the information (e.g. level, size and type) of the underground connection from the site to Sik Kong Tsuen Channel and the connection details should be given, and that DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site;
- (i) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that those existing and proposed new trees should be clearly differentiated and marked on the Proposed Landscape Plan by using two different symbols in order to avoid confusion; and
- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the BO. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

39. After deliberation, the Committee decided to approve the application No. A/YL-HT/518 on a temporary basis for a period of 3 years up to 19.9.2011, 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 from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no workshop activity including container repairing and cleaning, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;

- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site, as proposed by the applicant, during the planning approval period;
- (g) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (h) in relation to (g) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (i) 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 19.3.2009;
- (j) in relation to (i) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;
- (k) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2009;

- (l) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply to his Office for Short Term Wavier/Short Term Tenancy (STW/STT) to regularize the unauthorized structures on site and illegal occupation of Government land. Should no STW/STT application be received and the unauthorized structures and illegal occupation of Government land persists on site, his Office would consider taking appropriate enforcement/control action against the registered owner/occupier;



- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
- (f) note the Chief Engineer/Sewerage Projects, Drainage Services Department (DSD)’s comments that the site should not encroach upon the Government land at Ha Tsuen Road where the proposed pressurized sewer under PWP Item No. 235DS was to be laid by his department;
- (g) note the Chief Engineer/Mainland North, DSD’s comments that the information (level, size and type) of the underground connection from the site to Sik Kong Tsuen Channel and the connection details should be given, and DLO/YL should be consulted and relevant lot owners’ consent should be obtained as regards the proposed 900mm surface channel outside the site; and
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that those existing tree and the proposed new trees should be clearly differentiated and marked on the Proposed Landscape Plan by using two different symbols in order to avoid confusion.

41. After deliberation, the Committee decided to approve the application No. A/YL-HT/557 on a temporary basis for a period of 3 years up to 19.9.2011, 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 from 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no workshop activity including container repairing and cleaning, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site, as proposed by the applicant, during the planning approval period;
- (g) no stacking of containers within the "Recreation" portion of the site, as proposed by the applicant, at any time during the planning approval period;
- (h) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (i) in relation to (h) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (j) 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 19.3.2009;
- (k) in relation to (j) above, the provision of drainage facilities proposed within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;

- (l) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2009;
- (m) in relation to (l), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.6.2009;
- (n) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the

lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply to his Office for Short Term Wavier/Short Term Tenancy (STW/STT) to regularize the unauthorized structures on site and the unauthorized occupation of Government land. Should no STW/STT application 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 and land control programme;

- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments to demonstrate that the proposed 500mm U-channel was sufficient by calculations, that the size of connection pipes and the connection details to Fung Kong Tsuen Channel should be submitted for his approval, that DLO/YL should be consulted and the relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site, that all proposed drainage facilities should be constructed and maintained at your own costs and to properly maintain your drainage facilities and rectify those facilities if they were found inadequate/ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of his/her drainage facilities;
- (e) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 "Commercial – Low Rise" of the current version of the 'Codes of Practice for Minimum Fire Service Installations and Equipment'. In this connection, the building plans should be drawn to scale and depicted with dimension; and the location of where the proposed FSI were to be installed should be clearly marked on the building plans;
- (f) follow the environmental mitigation measures as recommended in the

“Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the potential environmental impacts on the adjacent area; and

- (g) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/566          Temporary Logistics Centre, Container Vehicle Park,  
Open Storage of Containers and Construction Materials  
with Ancillary Vehicle Repair Workshop for a Period of 3 Years  
in “Comprehensive Development Area”  
and “Commercial/Residential” zones,  
Lots 2187 RP(Part), 2380 RP(Part), 2381 RP (Part), 2382 (Part),  
2383 RP(Part), 2384 S.B (Part), 2385 RP(Part), 2412 RP,  
2415 RP, 2416, 2417, 2418 RP(Part) and 2419 RP in D.D. 129  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/566)

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

43. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary logistics centre, container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site and the access road (Lau Fau Shan Road) and environmental nuisance was expected. Other departments had no objection to the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views –based on the assessment given in paragraph 12 of the Paper, PlanD considered that the temporary use could be tolerated but suggested a shorter compliance period. To address the concern on environment, approval conditions restricting operation hours and stacking of materials on the application site and an appropriate advisory clause were recommended.

44. In response to a Member's query, Mr. Anthony C.Y. Lee, STP/TMYL that a shorter compliance period was suggested due to the non-compliance with approval conditions of the previous approvals on the application site.

#### Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, 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. to 7:00 a.m. was allowed on the site at any time during the approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2008;
- (f) in relation to (e) above, the provision of the drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2009;
- (g) 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 19.12.2008;
- (h) in relation to (g) 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 19.3.2009;
- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2008;
- (j) in relation to (i) above, the provision of 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 19.3.2009;

- (k) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2008;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) 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.

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

- (a) prior planning permission should be obtained before commencing the development on the site;
- (b) shorter compliance periods had been imposed in order to monitor the fulfillment of approval conditions;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;



- (e) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Wavier and Short Term Tenancy to regularize the unauthorized structures and occupation of Government land on the site;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal that :
  - (i) the detail of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. The applicant should construct open channels of adequate sizes on both sides of the wall or construct adequate openings at the foot of the wall to allow the passage of rainwater from adjacent areas;
  - (ii) peripheral surface channel should be provided at the eastern portion of the site to intercept the surface runoff from flowing into Lau Fau Shan Road;
  - (iii) the applicant was required to ensure that the existing channels into which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside subject lot;
  - (iv) all proposed drainage facilities should be constructed and maintained by the applicant at his own costs; and
  - (v) the applicant was required to properly maintain their drainage facilities and rectify those facilities if they found inadequate/ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;
- (g) note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs)

were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the following requirements :

- (i) fire extinguisher should be provided;
  - (ii) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
  - (iii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1;
  - (iv) fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1: 1988 and Fire Services Department Circular Letter No. 1/2002. One actuating point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
  - (v) modified hose reel system with 2m<sup>3</sup> fire services water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing;
  - (vi) the building plans should be drawn to scale and depicted with dimensions;
  - (vii) the location of where the proposed FSI were to be installed should be clearly marked on the building plans; and
  - (viii) it was noted that part of the site was proposed to be used as vehicle repair workshop in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the subject site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary;
- (h) 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; and

- (i) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD should not be responsible for the maintenance of any existing vehicular access connecting the site and Lau Fau Shan Road.

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/182      Proposed Temporary Open Storage of  
Construction Machinery and Material for a Period of 3 Years  
in "Recreation" and "Residential (Group E)" zones,  
Lots 2228 S.A (Part), 2228 S.B (Part), 2229 (Part), 2264, 2265  
and 2266 (Part) in D.D. 129 and Adjoining Government Land,  
Lau Fau Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/182)

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

47. 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 temporary open storage of construction machinery and material for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site and the access road (Deep Bay Road) and environmental nuisance was expected. Other departments had no objection to the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “R(E)” and “REC” zones, and there was insufficient justification in the submission to merit a departure from such planning intention, even on a temporary basis. In addition, the application did not meet the TPB Guidelines No. 13D in that there was no previous planning approval granted for the application site, the submission had not sufficiently demonstrated that the applied use would not have adverse environmental impacts on the surrounding areas, and there were adverse comments from concerned departments. In terms of land use, the applied use was not compatible with the surrounding rural neighbourhood to its east and northeast. Furthermore, site formation / vegetation clearance before planning permission was obtained should not be encouraged.

48. Members had no question on the application.

#### Deliberation Session

49. 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 E)” and “Recreation” (“REC”) zones which was primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board (TPB), and for recreational developments for the use of the general public respectively. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis;

- (b) the proposed development was not compatible with the nearby residential dwellings;
- (c) the proposed development was not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous planning approval granted for the site and there were adverse departmental comments from concerned Government departments on the environmental aspect against the application. There was also insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas; and
- (d) no previous planning approval had been given for this part of the “REC” zone. The approval of the application would set an undesirable precedent and encourage other similar applications for similar development within this part of the “REC” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area.

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/166      Proposed Comprehensive Development  
to include Wetland Restoration Area  
in “Other Specified Use” annotated  
“Comprehensive Development to include Wetland Restoration Area”  
(“OU(CDWRA)”) and “Village Type Development” zones (“V”),  
Lots 43 S.ARP(Part) and 50 in D.D. 101, Lots 1266RP(Part),  
1267(Part) and 1268(Part) in D.D. 105 and Adjoining Government Land,  
Wo Shang Wai,  
Mai Po,  
Yuen Long,  
New Territories  
(RNTPC Paper No. A/YL-MP/166)

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50. The Secretary said the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Alfred Donald Yap, having current business dealings with HLD, had declared interests in this item. In addition, MTR Corporation Limited (MTRCL) had submitted a comment to the application. Mr. Y.M. Lee, being an alternative member for the Secretary for Transport and Housing who was the non-executive Director of the Board of MTRCL, had also declared interests in this item.

[Mr. Alfred Donald Yap and Mr. Y.M. Lee left the meeting temporarily at this point.]

**Presentation and Question Sessions**

51. With the aid of a powerpoint presentation, 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 proposal -

- (i) the proposed residential development cum wetland restoration area mainly fell within the “OU(CDWRA)” zone while the access road fell within the “V” zone. The proposed development comprised 172 houses, 190 duplex units and 47,400m<sup>2</sup> of created wetland (about 22.79% of the site area). It would be occupied after the completion of concerned public sewer in 2012;
- (ii) the major development parameters as detailed in paragraph 1.3 and the Master Layout Plan, Landscape Master Plans, perspectives and floor plans are shown at Drawings A-1 to A-10 of the Paper;.
- (iii) according to the applicant, access to the proposed development was from Castle Peak Road – Mai Po section via pieces of land within “V” zone (Drawing A-9 of the Paper). It would be managed and maintained by the future owners up to the boundary of the application site. Further discussion would be held on providing access to adjoining lots. The applicant also proposed to improve the junction of Palm Springs Boulevard and Castle Peak Road – Mai Po Section and had discussed the issue with residents of Royal Palms;
- (iv) the 4.74 ha created wetland habitat included reed beds and large open water bodies for life support, flood control, recreational and educational uses. To minimize the disturbance to the habitats and provide linkage to surrounding fishponds, the created wetland would be constructed at the earliest stage. A buffer planting area would be provided along the edge of the created wetland to sever from the residential areas. Regarding the long-term management of the created wetland, the applicant undertook sole financial responsibility until a successor could be found to the satisfaction of the Director of Environmental Protection (DEP) or its agent. If that undertaking failed due to unforeseen circumstances, HLD, the applicant’s parent company, advised that, they had no objection to surrender the completed wetland restoration area if requested by the Government, and the details could be resolved at land exchange stage;

(c) departmental comments –

(i) The District Lands Officer/Yuen Long (DLO/YL) advised that :

- the proposed main access road of the application site, which fell within “V” zone, also fell within the recognized village boundary of Mai Po Village. Non-Small House Policy land exchange would not normally be entertained. Unless the said proposed access could be excluded from the land exchange application, the proposed development might not be implemented;
- the applicant should justify that the provision of access road to other lots was essential and directly related to the proposed development. Otherwise it would be unfair to require future individual owners to maintain a road solely for the benefits of third parties;
- as the created wetland would be maintained as a separate unit from the residential estate, the wetland would not be included into any future land grant for the proposed residential development;
- enforcement of the proposed management and maintenance options was not appropriate through land grant as the ultimate sanction was re-entry of the lot and the Government needed to take up the management afterwards;

(ii) the DEP advised that he had approved the environmental impact assessment (EIA) report of the proposed development on 31.7.2008 under EIA Ordinance and issued the Environmental Permit on 9.9.2008;



- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application as the submission had demonstrated that potential loss in wetland functions arising from the proposed development, and the off-site impacts to nearby fish ponds would be mitigated;
  - (iv) The Assistant Commissioner for Transport/NT had no objection to the application provided that new junction between the proposed access road and Castle Peak Road – Mai Po section and improvement measures at local junctions of Palm Spring Boulevard and Castle Peak Road – Mai Po section could be designed and implemented to his satisfaction. He required the applicant to revise the Traffic Impact Assessment using the latest trip generation and attraction rates.
- (d) during the statutory publication period, 431 public comments were received. These included the MTRCL, village representatives (VRs), a local concern group, a District Councillor, local residents and their management office, and members of the public. Among the comments, 394 objected whilst 37 supported the application;
- (i) MTRCL was concerned about the infringement of land by the proposed development on that for the Express Rail Link (XRL) project. The VRs objected as the proposed development intruded onto the “V” zone, and concerned about the villager’s right to use the passageway connecting the proposed development with Castle Peak Road. They also objected the application on grounds of compatibility of the 4-storey block with the village townscape, its proximity to the Mai Po Nature Reserve, adverse traffic and air impacts and road safety. The concern group, management office, local residents, the District Councillor and private individuals also expressed similar views on compatibility, environment and traffic impacts. In addition, they were against the application on ecology, air ventilation and sewerage impact grounds. A private individual objected to the proposed development as it failed to comply with the ‘no-net-loss’ in

ecological value requirement and had not provided detailed information for continuous public involvement to ensure various impacts could be mitigated within acceptable level. There was also no consultation in terms of construction and traffic arrangement.

- (ii) The District Officer/Yuen Long also received the same objection letter from one of the VRs who added that he objected to the application on fung shui and visual grounds.
  - (iii) 37 private individuals expressed support mainly because the proposed development was in line with the planning intention and compatible with the surrounding environment. The comprehensive development made a blend of factors in nature environment and residential development. It could phase out the current open storage uses and provide job opportunities; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper in that :
- (i) the proposed development was in line with the planning intention of the “OU(CDWRA)” zone in that it could achieve the objective of enhancing ecological value through the creation of a 4.74 ha of wetland, and the residential development was located farthest away from the Deep Bay. The proposed building height profile of 2.5/3-storey houses and 4-storey blocks being lower than the building height of 6 storeys permitted under the OZP was also in line with the rural setting;
  - (ii) according to the applicant, there were mitigation measures to prevent public access into the wetland restoration area, screen planting to shield the wetland from the residential areas. The wetland would be created at the start of the construction period to provide buffer between the nearby wetland conservation area and the construction

works. DAFC considered that the applicant's ecological impact assessment and wetland restoration management plan adequate to address the possible on-site and off-site ecological impacts and had basically met the requirement of the TPB Guidelines. DEP approved the EIA report on 31.7.2008 and had no adverse comment on the application;

- (iii) the development proposal also satisfied various technical requirements, viz. traffic impact, visual impact, and landscape and drainage aspects. Concerned departments had no objection. The application therefore met the Board's requirement for development in the "OU(CDWRA)" zone. The applicant also undertook the long-term management responsibility of the wetland, and its parent company (HLD) further confirmed to take up the sole responsibility of wetland management if the applicant failed to do so. They had indicated no objection to surrender the completed wetland restoration area if requested by the Government, and such land administrative matter could be resolved at land exchange stage;
- (iv) the proposed vehicular access fell partly in "V" and partly in "OU(CDWRA)". The land zoned "V" would not be counted for GFA or site coverage calculation. As the land was owned by the applicant, there was no planned Small House development on that part of the "V" land. Although the access road may sever the physical continuity of the "V" zone, the applicant would arrange with the adjoining lots owner to work out right-of-way. An approval condition on the right-of-way requirement was recommended;
- (v) Railway Development Office of the Highways Department and the Railway Development Section of the Lands Department had no adverse comment on the application as they did not anticipate any fundamental problem with the XRL project. To address the MTRCL's concern on any interface, an approval condition requiring the reservation of land within the application site for the XRL project was recommended; and

- (vi) to address DLO/YL's concern that there was no effective action to enforce the maintenance of wetland, an approval condition on the submission of a wetland restoration and maintenance and management plan was recommended. Other conditions to address technical concerns of various departments and the locals were also recommended.

52. In response to a Member's query on the proposed access road within the "V" zone, Mr. Anthony C.Y. Lee, STP/TMYL, said that the applicant, being the land owner of the proposed access road, had indicated no objection to providing a right of way for the locals to access to other developments, and approval conditions requesting the applicant to build the proposed access and provide right of way were recommended. Ms. Karen P.Y. Chan of the Lands Department advised that the proposed access road would mostly be excluded from the future land grant since it would contravene the current land grant policy and practice on non-Small House Policy land exchange. Nevertheless, details in respect of the access arrangement would have to be worked out during land exchange stage.

53. The Member also noted that there were concerns from the residents of Royal Palm and Palm Springs on the traffic impacts on the round-about near Palm Springs and Fairview Park, and on the visual impacts of the proposed development on surrounding areas. Mr. Anthony C.Y. Lee, STP/TMYL, replied that the applicant had proposed to improve the junction of Palm Springs Boulevard and Castle Peak Road – Mai Po section and appropriate conditions were recommended. Concerned Government departments had no adverse comments on visual aspects of the proposed development.

54. In response to another Member's query on the proportion of residential development and the created wetland, Mr. Anthony C.Y. Lee, STP/TMYL, said that the applicant had prepared six options of development layouts, and the submitted layout (Option F) providing 4.7ha of created wetland was considered the best in terms of maximizing the buffer area and minimizing the visual impacts out of the permitted plot ratio of 0.4.

Deliberation Session

55. A Member remarked that the Advisory Council on Environment endorsed the EIA report of the proposed development as it had been able to meet the 'no-net-loss' of wetland principle. Of the permitted plot ratio, it had struck a balance of maximizing the provision of created wetland and minimizing the building heights of the residential development.

56. After further 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 19.9.2012, 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 and implementation of a revised Master Layout Plan to take into account conditions (b) to (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the interface arrangement for Express Rail Link project in terms of permanent land take for Express Rail Link tunnels and structures and temporary land take for related construction to the satisfaction of the Director of Highways or of the TPB;
- (c) the interface arrangement for the project 7259RS 'Cycle Tracks Connecting North West New Territories with North East New Territories' to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (d) the submission and implementation of a Landscape Master Plan including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services or of the TPB;

- (f) the implementation of the flood mitigation measures and stormwater drainage facilities identified in the DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission of a revised Ecological Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the submission of a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals to mitigate potential impact on the nearby existing wetland, a maintenance and management plan with implementation details, arrangement of funding and monitoring programme and enforcement mechanism to ensure the long-term management of the restored wetland to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the provision of a waterworks reserve within 1.5 metres from the centerline of the affected water mains to the satisfaction of the Director of Water Supplies or of the TPB;
- (j) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of new junction between the proposed access road and Castle Peak Road – Mai Po section and improvement measures at junction of Palm Springs Boulevard and Castle Peak Road – Mai Po section to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of an access road to link with Castle Peak Road – Mai Po section to the satisfaction of the Director of Buildings or of the TPB;
- (m) in relation to (l) above, the proposed access road should serve as the right

of way for the accessibility of adjoining developments, as proposed by the applicant;

- (n) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (o) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that portion of the site zoned "Village Type Development" ("V") also fell within the recognized village boundary of Mai Po Village. Non Small House Policy land exchange would not normally be entertained within defined village environs or "V" zone for recognized New Territories villages. As such, the proposed development might not be processed for land exchange even though planning issues had been resolved. Unless the access road (i.e. the "V" zoned area) could be excluded from the land exchange application (irrespective of whether it would be a public or private road), the proposed development (including the access road) might not be implemented. The proposed access road would mostly be excluded from the future land grant since it would contravene the current land grant policy and practice; the wetland would be maintained and managed as a separate unit from the residential estate. As such, the proposed wetland would not be included into any future land grant for the proposed residential development; the applicant should apply to his Office for a land exchange for implementing the proposed development. However, there was no guarantee that the land exchange application could be possessed or would eventually be approved. Site area and boundary would be verified during processing of the land exchange application; and the applicant should justify that the provision of such access road to other lots was

essential and directly related to the proposed development;

- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments that the proposed improvement measures arising from the private development should be designed according to the Transport Planning and Design Manual, completed on or before completion of the development at the cost of the applicant and consulted with the locals on the proposal;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the access proposal should also be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point at Castle Peak Road – Mai Po section in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Mai Po section; and the extent of access road proposed to be maintained by the lot owners or government department should be submitted to his office and relevant government departments for further comment in future land exchange exercise of the site;
- (d) note the Chief Engineer/Sewerage Projects, Drainage Services Department's comments that under the present programme, the proposed sewerage under 235DS to which the applicant's sewerage impact assessment proposed to connect should commence in 2010 for completion in 2013. However, the applicant should be made aware that the works programme of 235DS was subject to revision and there was no guarantee that the sewerage could be commissioned before the completion of the proposed development. Environmental Protection Department should be consulted in relation to sewage treatment and disposal;
- (e) note the Chief Engineer/Development (2), Water Supplies Department's



comments that existing water mains and waterworks installations would be affected. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes; and the Water Authority and his officers, contractors and workmen should have free access at all times to the 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;

- (f) note the Director of Fire Service's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant was also advised that the trees planted between the buildings and the emergency vehicular access (EVA) should be restricted to shrubs and bushes in order not to hamper the fire service operation in case of emergency and the EVA provision should comply with standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue issued by Buildings (Planning) Regulation (B(P)R) 41D;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site abuts on a specified street having a width of not less than 4.5m, otherwise, the development intensity would be determined under B(P)R 19(3). Detailed comments would be provided at building plan submission stage and the applicant should draw attention to the provision of EVA under B(P)R 41D for the site;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should propose means to ensure the management and maintenance of the buffer planting in the operation stage of the development, the applicant should setback the private garden of the 2.5/3-storey detached houses adjacent to the wetland restoration area (WRA) and maximize the proposed landscape buffer as far as feasible in order to mitigate the disturbance of the proposed development to the WRA. The species proposed for the Green Barrier should be included in the submission of the Landscape Master Plan;

- (i) note the Project Manger (New Territories North and West), New Territories North and West Development Office, Civil Engineering and Development Department's comments that the applicant's attention should be drawn to the existing level difference between Castle Peak Road and the proposed cycle track;
  
- (j) note the Director of Electrical and Mechanical Services' comments that there were low voltage (LV) and high voltage (11kV) overhead lines and LV/11kV pole-mounted transformers within and in the vicinity of the site. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and prior to establishing any structure in the vicinity of the overhead lines to liaise with CLP Power Hong Kong Limited, to divert the electricity supply lines away from the vicinity of the proposed structure; and
  
- (k) liaise with the residents of the adjoining developments of Wo Shang Wai, Palm Springs and Royal Palms and local villagers on the landscape proposal for the Green Barrier.

[Messrs. Alfred Donald Yap and Y.M. Lee returned to join the meeting at this point.]

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/181 Proposed Low-rise Residential Development with Minor Relaxation of Building Height from 2 storeys (6m) to 3 storeys (9.475m) and Plot Ratio Restrictions from 0.2 to 0.4 in “Other Specific Uses” annotated “Comprehensive Development to include Wetland Restoration Area” and “Residential (Group D)” zones, Lot 3719 S.C in D.D. 104, Kam Pok Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/181)

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**Presentation and Question Sessions**

58. With the aid of a powerpoint presentation, 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 low-rise residential development with minor relaxation of building height from 2 storeys (6m) to 3 storeys (9.475m) and plot ratio restrictions from 0.2 to 0.4;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation had reservation on the application in view of the inadequacy of the applicant’s ecological impact assessment to fully address the possible off-site disturbance impacts on the surrounding fishponds. The Director of Environmental Protection did not support the application as the submission failed to demonstrate the environmental acceptability including

industrial/residential interface and road traffic noise, and an environmental permit would be required before commencement of the proposed development. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) objected to the application as there was no restoration of landscape resources of wetland in the submission, and the proposed hard-edged engineered form noise barriers would cause adverse visual impacts to the rural landscape of the area. Other departments had no objection to the application;

- (d) during the statutory publication period, three public comments were received against the application because of the associated environmental, ecological and traffic impacts brought about by the proposed development and its non-comprehensive nature of development. During statutory publication period of further information submitted by the applicant, four public comments were received. Two of them had submitted comments in the first publication, of which one reiterated his previous concern and the other withdrew the objection. The third commenter withdrew the comment subsequently. The fourth commenter objected to the application mainly on grounds of fung shui, and drainage and traffic impacts. The District Officer/Yuen Long received the same letters from the commenter who submitted objection and withdrew after; and
- (e) PlanD's views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The proposed development comprising 21 houses, a club house with a communal open space on an application site of about 0.93 ha was neither a small-scale development nor uses that would have insignificant environmental impacts on the area. The requirement for the provision of wetland restoration proposal could not be exempted. Without a wetland restoration proposal, the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone. The proposed development was inadequate to satisfy major technical requirements on environment, ecology, landscape and visual aspects and there were adverse comments from concerned departments and the public.

59. Members had no question on the application.

Deliberation Session

60. The Chairperson remarked that it was elaborated in the Explanatory Statement of the OZP that to provide flexibility in the planning application, certain uses or developments, which were small-scale and had insignificant environment impacts, might be permitted as interim development on an individual basis with the requirement of provision of wetland restoration proposal and the submission of layout plan exempted. However, the proposed 21 houses on a site of about 0.93 ha was not a small-scale project, nor the uses would have insignificant environmental impacts on the area as the application site was situated next to ponds. The requirement for the provision of wetland restoration could not be exempted. Members agreed.

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

- (a) the proposed development, which did not provide a sustainable wetland restoration scheme, was not in line with the planning intention of the “Other Specific Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, landscape and visual impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in a general degradation of the environment of the area and the ecological function of the Wetland Buffer Area.

[Ms. Maggie M.K. Chan left the meeting at this point.]

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/223 Proposed Comprehensive Low Density Residential Development in “Comprehensive Development Area” zone,  
Lots 700, 701, 702 S.A, 702 S.B, 718(Part), 719(Part), 720(Part), 721 S.A, 721 S.B, 721 S.C, 721RP, 722 S.A, 722 S.B, 722 S.C, 722RP, 723 S.A, 723 S.B, 723RP, 724 S.A, 724RP, 725, 726, 727, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739RP(Part), 740(Part), 741(Part), 842RP, 845RP, 853RP, 854, 855, 952RP, 954, 956, 960RP, 961, 962, 963, 966, 967, 968RP, 972RP, 973RP, 975, 976, 977, 1019, 1020, 1021, 1022, 1023, 1024 and 4469RP in DD 104,  
and Adjoining Government Land,  
Ngau Tam Mei,  
Yuen Long  
(RNTPC Paper No. A/YL-NTM/223)

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62. The Secretary said the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Alfred Donald Yap, having current business dealings with HLD, had declared interests in this item. As a request for deferment was received from the applicant, Members agreed that Mr. Yap should be allowed to stay in the meeting.

**Presentation and Question Sessions**

63. The Committee noted that on 5.9.2008, the applicant requested the Town Planning Board to defer consideration of the application for a period of 2 months so as to allow time to submit further information to address the departmental comments.

**Deliberation Session**

64. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the

Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information. Since a total of six months had been granted, no further deferment would be granted unless under very special circumstances.

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

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/229 Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years in “Open Storage” zone,  
Lots 2781RP, 2782RP, 2783RP, 2785RP, 2786RP, 2787RP, 2788RP, 2789, 2791, 2792, 2793S.A, 2793S.B, 2794, 2795, 2962RP and 2963RP in DD 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/229)

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

65. 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;

[Messrs. Timothy K.W. Ma and C.W. Tse left the meeting temporarily at this point.]

- (b) the temporary public vehicle park (including container vehicles) and ancillary tyre and repairing use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;



- (e) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2009;
- (f) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;
- (g) in relation to (f) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of District Lands Officer/Yuen Long to apply to his Office for a Short Term Tenancy (STT) to regularize the unlawful occupation of Government Land and renewal of the Short Term Wavier (STW) for the increase of Built-over-area. Should no STT or STW renewal applications were received/approved, his Office on review of the situation would resume or take action as appropriate according to the

established district lease enforcement/land control programme;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to confirm and take up repair and maintenance responsibilities of the existing cross road drain under the existing ingress and egress location. The cost for repairing and maintenance of the cross road drain should be fully responsible by the applicant. The applicant should not disturb any existing drains and streams within the site or in its vicinity. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The drainage connection point from the site should be made to the existing nullah in Kwu Tung Road. However, if the applicant wished to make use of the other local village drains for connection, the applicant was required to consult the District Officer/Yuen Long (DO/YL) who was probably maintaining the local village drains. The site was in an area where no sewerage was available in the vicinity for connection. For the sewage disposal and treatment, the applicant should consult the Director of Environmental Protection (DEP). The applicant should consult DO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure unobstructed discharge from the site in future. The applicant was fully responsible for the proper maintenance of the drainage facilities on site;
- (e) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP in order to minimise the possible environmental nuisance;
- (f) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. The building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs would be installed should be clearly marked on building plans; and

- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 19**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/304      Animal Boarding Establishment with Ancillary Facilities  
in “Agriculture” zone,  
Lot 1493 in D.D. 107 and Adjoining Government Land,  
Shui Mei Tsuen,  
Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/304)

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Presentation and Question Sessions

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

[Dr. C.N. Ng and Mr. C.W. Tse returned to joined the meeting at this point.]

- (a) background to the application;
- (b) the animal boarding establishment with ancillary facilities;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 11 of the Paper, PlanD had no objection to the application but suggested the application be approved on a temporary basis for a period of 3 years to monitor the situation in view of the residential dwellings in the vicinity of the application site.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of existing trees and landscape planting on the site at all times during the planning approval period to the satisfaction of the Director of Planning or of the TPB;
- (b) the maintenance of drainage facilities implemented under application No. A/YL-KTN/251 during the planning approval to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;

- (d) in relation to (c) above, the provision of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;
- (e) the submission of appropriate mitigation measures within 6 months from the date of planning approval in order not to cause any disturbance/contamination to the fish ponds nearby to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 19.3.2009;
- (f) in relation to (e) above, the implementation of appropriate mitigation measures within 9 months from the date of planning approval in order not to cause any disturbance/contamination to the fish ponds nearby to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 19.6.2009;
- (g) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon 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.

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

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

- (b) a temporary approval period of 3 years was granted so as to monitor the situation on site;
- (c) resolve any land issues relating to the development with the concerned owner of the application site;
- (d) note the District Lands Officer/Yuen Long's comments that the lot under concern was Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. A recent site inspection revealed that some unauthorised structures were erected on the site. Besides, the Government land within the application site was also occupied without approval from his office. The applicant should be reminded specifically to apply for Short Term Waiver/Short Term Tenancy (STW/STT) to regularize the irregularities on site from his office. Should no STW/STT application was received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement/control programme. The track of the access road on Government/private land was without maintenance works to be carried out thereon by his office. Also, his office would not guarantee right-of-way to any proposed STW/STT even if the subsequent regularization proposal was approved;
- (e) note the Director of Environmental Protection's comments that regarding the sewerage arrangement of the proposed use, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance. The applicant could approach Environmental Protection Department's Regional Office (North) for more details;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Chi Ho Road;

- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Based on the information provided by the applicant and in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his office for approval. In formulating the FSIs' proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 'Commercial – Low Rise' of the current version of the "Code of Practice for Minimum Fire Service Installations and Equipment". In this connection, the applicant should also be advised that the building plans should be drawn to scale and depicted with dimensions and the location where the proposed FSI were to be installed should be clearly marked on the building plans;
- (h) note the Chief Engineer/Development(2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the application site. In this regard, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines and prior to establishing any structure within the application site. The applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development; and
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on site should be

removed, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation 19(3) at building plan submission stage.

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/309 Temporary Public Vehicle Park  
(Excluding Container Vehicle and Trailer) for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 216 S.A ss.1 S.B, 216 S.A ss.1 RP, 216 S.A ss.2, 216 S.A RP,  
216 S.B ss.1, 216 S.B ss.2, 216 S.B RP (Part), 216 S.E, 216 S.F ss.1,  
216 S.F RP, 216 S.I RP, 216 S.J, 216 S.K ss.1, 216 S.K RP,  
216 S.N ss.2, 216 S.O ss.1, 216 S.P (Part), 216 S.Q (Part), 216 S.U,  
216 RP (Part), 237 S.B ss.1, 237 S.B ss.2 (Part),  
237 S.B ss.5 S.A and 237 S.B ss.5 RP in D.D. 103,  
Ko Po Tsuen,  
Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/309)

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**Presentation and Question Sessions**

73. 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 and trailer) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were residential buildings/ structures in the vicinity of the application site and the access road (Deep Bay Road) and environmental nuisance was expected. The District Lands Officer/Yuen Long advised that a total of 11 Small House applications within the application site were approved, of which some of them had obtained Certification of Exemption for Small House development. The temporary use was expected to jeopardize the forthcoming Small House developments. Other departments had no objection to the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper in that the applied use was not in line with the planning intention of the “V” zone as it would jeopardize the approved Small House developments, and there was insufficient information in the submission to address the possible environmental impacts.

74. Members had no question on the application.

#### Deliberation Session

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

- (a) the development of public vehicle park was not in line with the planning intention of the “Village Type Development” zone which was to reflect existing recognized and other villages, and to provide land considered

suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development would jeopardize the approved Small House developments; and

- (b) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/310      Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lots 942 S.B RP and 942 S.C RP in D.D. 109,  
Tai Kong Po,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/310)

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

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

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

- (a) background to the application;

- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, a public comment was received advising that Tai Kong Po was located within Pat Heung instead of Kam Tin; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. The application did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development in that there was sufficient land in the “Village Type Development” (“V”) zone of Cheung Kong Tsuen to meet the future Small House demand of Tai Kong Po. However, according to the prevailing land policy as advised by the Lands Department, villagers of Tai Kong Po which was a post-1898 recognised village could only apply Small House within their own village environs. In other words, the applicant, being a villager of Tai Kong Po, could not erect Small House in “V” zoned land in Cheung Kong Tsuen. In light of the above and similar approved applications, sympathetic consideration was suggested for the application.

77. Members had no question on the application.

#### Deliberation Session

78. 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 19.9.2012, 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 condition that the submission and

implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Engineer/Development(2) Division, Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (b) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the proposed development should not cause hindrance to the existing overland flow. Otherwise, mitigation measures should be provided; and
- (c) note Director of Fire Services's comments that emergency vehicular access (EVA) , fire hydrant and fire service installations (FSIs) would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by District Lands Officer/Yuen Long.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/440      Temporary Market for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 398 (Part) and 400 in D.D. 109  
and Adjoining Government Land,  
Kam Sheung Road,  
Kam Tin South,  
Yuen Long  
(RNTPC Paper No. A/YL-KTS/440)

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**Presentation and Question Sessions**

80. 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 market for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 11 of the Paper.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation of the development is restricted from 10:00 a.m. to 6:00 p.m. on Fridays to Sundays and public holidays only, as proposed by the applicant, on the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (c) in relation to (b) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (d) 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 19.3.2009;
- (e) in relation to (d) 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 19.6.2009;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2009;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.6.2009;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owners of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that part of the vehicular access from Kam Sheung Road leading to the site ran through Government land had been granted to the holder of Short Term Waiver (STW) No. 2251 for the non-exclusive right of way and maintenance responsibility of the vehicular access rested with the waivee. Besides, the applicant should apply to his office for Short Term Tenancy (STT) to regularize the unlawful occupation of government land and renewal of the STW to use the site for the purpose of flea market and to increase the built-over area within the site. If no STT and STW renewal application was received or approved, his office, on review of the situation, would resume or take action as appropriate according to the established district land control or lease enforcement programme;
- (d) note the Director of Food and Environmental Hygiene's comments that a licence of Temporary Place of Public Entertainment might be required subject to the nature of business to be carried out at the site. Besides, a

relevant food licence was also required if food business was carried out at the site;

- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the tree crowns of the existing mature trees near the southeastern site entrance had encroached on the site boundary. The applicant should identify these trees in the landscape and tree preservation proposal and assure that these trees would not be disturbed and/or removed;
- (f) note the Director of Fire Services's comments that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans. Besides, in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed flea market, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.4 'Commercial-Low Rise' of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment. In this connection, the applicant should be advised that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSI were to be installed should be clearly marked on the building plans;
- (g) 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;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;



- (i) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her water supply facilities/water mains to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the water supply facilities/water mains within the private lots to WSD's standards;
  
- (j) 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 must be appointed to coordinate all building works; and
  
- (k) note the Director of Electrical and Mechanical Services' 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 within the site, the applicant and his contractor should liaise with CLP Power Hong Kong Limited to divert the existing low voltage underground cables away from the vicinity of the proposed development.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/227          Temporary Warehouse for Storage  
of Building Materials (Ceramic Tiles) for a Period of 3 Years  
in “Agriculture” zone,  
Lots 1024 (Part) and 1025 (Part) in D.D. 117  
and Adjoining Government Land,  
Tai Tong,  
Yuen Long  
(RNTPC Paper No. A/YL-TT/227)

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**Presentation and Question Sessions**

84. 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 warehouse for storage of building materials (ceramic tiles) for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application and the application site was surrounded by vegetable and animal farms and it had potential of agricultural rehabilitation. The Director of Environmental Protection did not support the application as there were sensitive receivers including residential dwellings in the vicinity and along the vehicular access, and environmental nuisances were expected. The Director of Electrical and Mechanical Services did not support the application on electric safety concerns as the application site was within 50m of the preferred working corridor of the 400kV overhead lines. Other departments had no objection to the application;

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

- (d) during the statutory publication period, a public comment was received expressing concern on road safety as the access road was a single carriageway, and the incompatibility of the applied use with the surrounding agricultural activities; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper. The applied use for storage of ceramic tiles was not in line with the planning intention of “AGR” zone, and it could be accommodated in purpose-built industrial premises. No strong justification was given in the submission for a departure from the planning intention, even on a temporary basis. The structures on the application site was not in keeping with the farming and agricultural activities in the area. Erection of such structures without prior planning permission should not be encouraged. No previous approval for warehouse had been granted on the application site and in its vicinity within the “AGR” zone. There were adverse departmental and local comments on the application, which were not satisfactorily addressed in the submission.

85. Members had no question on the application.

#### Deliberation Session

86. Members noted the comments of Buildings Department that the structures on the application site were unauthorised under the Buildings Ordinance.

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was

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

- (b) the site was intermixed with chicken farms, pigsty, warehouses, residential dwellings, cultivated agricultural and vacant lands. There were residential dwellings located to the north and north-west in the vicinity and along the local access road leading to the site. No previous approval had been granted at the site for warehouse use and there were adverse departmental and local comments against the application;
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental and drainage impacts on the surrounding areas;
- (d) there was no information to support why the proposed storage of ceramic tiles could not be accommodated in industrial buildings; and
- (e) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/228          Temporary Car Washing Service Centre with Ancillary Office  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 3255 RP in D.D. 120,  
Shung Ching San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TT/228)

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**Presentation and Question Sessions**

88. 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 car washing service centre with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the application site, and environmental nuisances were expected. A pollution complaint related to waste pollution on used lubricant oil discharge against the application site was received in the past 3 years;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper.

The applied use was not in line with the planning intention of the "V" zone which was to designate land for village expansion as well as provision of infrastructure and services. Despite the applicant's claim of the applied use to serve the needs of the villagers, there was no information in the submission to indicate the scale and mode of operation on the application site. No strong justification was given for a departure from the planning intention, even on a temporary basis. In addition, the use was not compatible with the residential dwellings located in close proximity of the application site. The departmental comments on adverse environmental impact, inadequate drainage and landscape proposals were not satisfactorily addressed in the submission. No previous approval for similar use had been granted on the application site and in its vicinity within the "V" zone.

89. Members had no question on the application.

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

#### Deliberation Session

90. 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 "Village Type Development" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the vicinity of the site;
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for

similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/405 Proposed Public Utility Installation  
(Mobile Communication Radio Base Station)  
in “Green Belt” zone,  
Government Land to the Northwest of  
Tan Kwai Tsuen Fresh Water Pumping Station,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/405)

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**Presentation and Question Sessions**

91. 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 proposed public utility installation (mobile communication radio base station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, a public comment was received against the application on the grounds that it was very close to the nearby residential dwellings and the village office; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “GB” zone, it was small in scale and not incompatible with the surrounding areas. The proposed use was in line with the concerned TPB Guidelines No. 10 in that its scale was small, it was an essential facility for enhancing mobile phone service for the area, and there were no alternative sites available nearby, and it would not involve extensive clearance of existing vegetation. Concerned departments had no adverse comments on the application. As for the local concern, it should be noted that the proposed development was situated on a piece of vacant land screened by trees, not on the side or roof top of buildings. The applicant would be advised to observe the relevant code of practice to safeguard public health.

92. Members had no question on the application.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.9.2012, 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 and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the equipment cabinet of the proposed mobile communication radio base station to the satisfaction of the Director of Fire Services or of the TPB.



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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that a Short Term Tenancy (STT) for the proposed installation had to be applied for from his office. The STT application, if subsequently submitted, would be considered according to current land policy. This was however no guarantee that approval to such application would be granted as proposed;
  
- (b) note the Director of Health's comments that the 'Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment' issued by the Office of Telecommunication Authority (OFTA) was applicable. Any location in the vicinity of the proposed mobile communication radio base station accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields applicable to workers and public respectively. The applicant for installation of mobile telecommunication radio base station was required to ensure the non-ionising radiation level of any location in the vicinity of the proposed base station accessible to the workers and the public would meet the relevant sets of exposure limits applicable to workers and public respectively, as recommended by the International Commission on Non-ionising Radiation Protection (ICNIRP), taking into consideration the combined effects of transmissions from the same site or sites in the vicinity. As a reassurance, the compliance with the OFTA code should be verified by direct on-site measurement, performed by relevant parties, upon commissioning of the radio base station;
  
- (c) note that reference should be made to the Practice Note for Professional Persons (PNPP) No. 3/2006 – Landscape Treatment and/or Other Measures for Mitigating the Landscape and Visual Impacts of Small-scale Utility Installations issued by Planning Department when preparing the landscape proposal submission for compliance with approval condition (a) above;

- (d) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that as the sites might affect or be affected by adjacent slopes, the applicant should appoint an Authorized Person (AP) or an experienced engineer to carry out an investigation of the effects of the proposed works on the adjacent slopes and vice versa. The investigation report should be submitted to District Lands Officer and referred to his office for consideration as to whether the findings were acceptable. Proposals of any necessary slope stabilisation works should be submitted to the Buildings Department for approval;
  
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required, unless the proposed new works were carried out on Government land. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
  
- (f) note the Director of Electrical and Mechanical Service's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage (11kV) overhead line 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 electricity supply lines.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/407 Temporary Place of Recreation (War Game Playground)  
for a Period of 3 Years  
in “Green Belt” zone,  
Lots 7 to 10, 14, 31 to 34, 39, 40 (Part), 41 to 51, 54, 70, 77,  
118 to 126, 417 RP and 515 (Part) in D.D. 119,  
Shan Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/407)

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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 :

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

- (a) background to the application;
- (b) the temporary place of recreation (war game playground) for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) had reservation on the application as the applied use might cause adverse impact on the woodland, soil and the ground vegetation of the application site but the applicant had not addressed such adverse impact;
- (d) no public comment was received during the statutory publication period;  
and

- (e) the PlanD's views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper in that :
- (i) the applied use was not in line with the planning intention of the “GB” zone. War game playground could not be considered as passive recreational use as the trampling, running and shooting actions of the war game participants would likely create much disturbance to the tranquil natural environment. No strong justification was given in the submission for a departure from the planning intention, even on a temporary basis;
  - (ii) the application site was large in area and in well-vegetated woodland. The war game activities would likely cause adverse impacts on the woodland, soil and ground vegetation of the application site. It was found that the natural topography of the application site was altered with ditches and tracks formed on various parts. The protective nets were piecemeal and unable to protect the participants and passer-bys. The concerns, which were raised by relevant Government departments, were not adequately addressed in the submission; and
  - (iii) if the proposed war game playground was regarded as a required facility for meeting the recreational and entertainment demand for young people, it was more appropriate to local such use in areas zoned “Recreation” (“REC”). Some 22.27 ha of land was zoned “REC” on the Tai tong OZP, but there was no information in the submission to demonstrate why suitable sites within the “REC” zone could not be made available for the proposed use.

96. Members had no question on the application.

#### Deliberation Session

97. A Member reckoned that there was demand for war game playground among young people, and such games required a natural environment with trees and grass for shading and

shielding. He enquired if “REC” zone land would be suitable for the field-type war games, and the impact of such games, which took place mostly in the weekends, would be on the trees. Miss Paulina Y.L. Kwan, STP/TMYL, replied that some “REC” zones were also covered by vegetation, but their landscape quality might not be comparable with those of “GB” zones. Another Member said that war games activities in areas like Tsuen Wan and Tai Lam showed that the trampling, running and shooting actions of the participants, some even on motorbike or bikes, had caused adverse impacts on the woodland, the soil and ground vegetation and the natural topography of the areas.

98. Members noted that in considering similar application No. A/YL-TYST/378, war game activity was regarded as ‘not entirely not in line’ with the planning intention of the “GB” zone. Notwithstanding, considering the valuable landscape resources in the current application site of A/YL-TYST/407, and that adverse impact on the woodland of the application site was anticipated for the subject application, it was agreed that rejection reason (a) in the Paper was valid for the subject application. Members generally agreed that war game activities should be channelled to “REC” zones.

99. After further 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 in the submission for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse landscape impact on the surrounding areas;
- (c) 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 rural environment of the area; and

- (d) there was no information in the submission to demonstrate why suitable sites within the “Recreation” zones in the district could not be made available for the proposed use.

[Mr. Y.M. Lee left the meeting temporarily at this point.]

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/406 Temporary Office for War Game Centre  
with Ancillary Storage Area for a Period of 3 Years  
in “Undetermined” zone,  
Lots 489 (Part), 490 S.A and 723 (Part) in D.D. 119,  
Shan Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/406)

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**Presentation and Question Sessions**

100. 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 office for war game centre with ancillary storage area for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/NT of Transport Departments pointed out that the application site was remote requiring a long walking distance from Kung Um Road but within formal access road, thus the traffic generated by the site might adversely affect the locals. The Director of Agriculture, Fisheries and Conservation had

reservation on the application mainly because the submission did not provide information to address the adverse impact of the war game activities on the surrounding woodland;

- (d) during the statutory publication period, a public comment was received against the application for the area was not suitable for war game centre and the use might create nuisance to the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper. It was believed that the supporting facilities on the application site served primarily the temporary war game playground under Application No. A/YL-TYST/407. As A/YL-TYST/407 was rejected by the Committee at the same meeting, approving the subject application (A/YL-TYST/406) might attract unauthorized war game activities in the nearby woodland on the “GB” zone, causing a general degradation of the rural environment of the area. The subject application would attract visitors travelling to the application site, but the traffic generated might adversely affect the locals in view of the lack of a formal road. The applicant failed to demonstrate that the applied use would be sustainable in traffic terms. There were adverse comment from concerned departments and the local.

101. Members had no question on the application.

#### Deliberation Session

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

- (a) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic impact on the surrounding areas; and

- (b) the approval of the application would attract unauthorized war game activities to the nearby woodland of the site, causing a general degradation of the rural environment of the area.

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

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

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

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/179                      Proposed House (Redevelopment)  
   in "Green Belt" zone,  
   Lot 2348 in D.D. 92,  
   Sheung Shui  
   (RNTPC Paper No. A/FSS/179)

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

103.            Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) the applicant claimed in the submission that the proposed redevelopment was to replace an existing structure of about 50 years old with a modern village house up to the existing intensity as permitted in the lease;



- (b) according to the advice of the District Lands Officer/North (DLO/N), the application site was governed by the General Conditions of Sale and Special Conditions of Government Notification (GN) 364 of 1934. Some of the restrictions stipulated in these conditions include the building should not exceed 25 feet (7.62 m) or 2 storeys in height, and that no storey should be less than 10 feet (3.05 m) in height;
- (c) as the applicant proposed to develop a house of 2-storey in height with a plot ratio of 2, it was crucial for DLO/N to clarify the development intensity as permitted under the existing lease; and
- (d) in view of the above, Planning Department recommended to defer a decision on the application pending the advice from DLO/N on the lease entitlements of the application site.

104. Members had no question on the application.

#### Deliberation Session

105. After deliberation, the Committee decided to defer a decision on the application. The Committee also agreed that the application should be submitted to the Committee for consideration as soon as Lands Department's advice on the lease entitlements of the application site was available.

106. Members agreed to consider section 16 applications No. A/PSK/9 to 13 under Agenda Items 32 to 36 first.

**Agenda Item 32 to 36**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 32

A/PSK/9                      Proposed minor relaxation of the stated building height restriction from 30m to a maximum of 39.9m for permitted residential development (with maximum building height at 36mPD) to allow for a maximum of two-storey basements below ground level for provisions of ancillary parking and supporting facilities in “Residential (Group B) 1” (“R(B)1”) zone, Tai Po Town Lot 186, Pak Shek Kok, Tai Po (RNTPC Paper No. A/PSK/9)

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Agenda Item 33

A/PSK/10                      Proposed minor relaxation of the stated building height restriction from 30m to a maximum of 39.9m for permitted residential development (with maximum building height at 36mPD) to allow for a maximum of two-storey basements below ground level for provisions of commercial, ancillary parking and supporting facilities in “Residential (Group B) 3” (“R(B)3”) zone, Tai Po Town Lot 187, Pak Shek Kok, Tai Po (RNTPC Paper No. A/PSK/10)

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Agenda Item 34

A/PSK/11

Proposed minor relaxation of the stated building height restriction from 45m to a maximum of 54.9m for permitted residential development (with maximum building height at 51mPD) to allow for a maximum of two-storey basements below ground level for provisions of ancillary parking and supporting facilities in “Residential (Group B) 2” (“R(B)2”) zone, Tai Po Town Lot 188, Pak Shek Kok, Tai Po  
(RNTPC Paper No. A/PSK/11)

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Agenda Item 35

A/PSK/12

Proposed minor relaxation of the stated building height restriction from 45m to a maximum of 54.9m for permitted residential development (with maximum building height at 51.5mPD) to allow for a maximum of two-storey basements below ground level, with storey height of not more than 4.95m each, for provisions of commercial, ancillary parking and supporting facilities in “Residential (Group B) 4” (“R(B)4”) zone, Tai Po Town Lot 200, Pak Shek Kok, Tai Po  
(RNTPC Paper No. A/PSK/12)

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Agenda Item 36

A/PSK/13 Proposed minor relaxation of the stated building height restriction from 45m to a maximum of 54.9m for permitted residential development (with maximum building height at 51.5mPD) to allow for a maximum of two-storey basements below ground level, with storey height of not more than 4.95m each, for provisions of commercial, ancillary parking and supporting facilities in “Residential (Group B) 4” (“R(B)4”) zone, Tai Po Town Lot 201, Pak Shek Kok, Tai Po  
(RNTPC Paper No. A/PSK/13)

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107. The Secretary said that the applications Nos. A/PSK/9 to 11 were submitted by subsidiaries of Nan Fung Group and Sino Land Co. Ltd.. The Chairperson invited Members to declare interest, if any, on this item. The Secretary also reported that applications No. A/PSK/ 12 and 13 were submitted by the Lands Department (LandsD). Ms. Karen P.Y. Chan, being the Assistant Director of LandsD, declared an interest in this item.

[Ms. Karen P.Y. Chan left the meeting temporarily at this point.]

108. The Secretary reported that two replacement paragraphs for each of the applications were tabled at the Meeting for Members’ reference. The first paragraph related to the comments of District Officer/Tai Po (which was paragraph 9.1.4. in application Nos. A/PSK/9 to 11 and paragraph 8.1.4 in application Nos. A/PSK/12 and 13). The second paragraph related to Planning Department’s (PlanD) view (which was 11(f) in application Nos. A/PSK/9 to 11 and paragraph 10(f) in application Nos. A/PSK/12 and 13).

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

Presentation and Question Sessions

109. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications –
- (i) when the draft Pak Shek Kok (East) OZP No. S/PSK/2 was exhibited for public inspection on 26.3.1999, there were strong objections from the residents of Deerhill Bay against the proposed land use zonings and development restrictions which covered the application sites;
  - (ii) Planning Department (PlanD) then undertook a review of the Pak Shek Kok (PSK) reclamation area and recommended a reduced plot ratio and BH development option to achieve a stepped height concept descending towards the Tolo Harbour and protect the ridgeline of mountain backdrop. In respect of the application sites, development was restricted to a domestic plot ratio (PR) of 3 and a building height (BH) of 30m under “R(B)1” zone, a domestic PR of 3 & non-domestic PR of 0.2 and a BH of 30m under “R(B)3” zone, a domestic PR of 3.5 and BH of 45m under “(R)B2”, and a domestic PR of 3 & non-domestic PR of 0.2 and a BH of 45m under “R(B)4”. The recommendations were agreed by the Town Planning Board (the Board) on 23.6.2000;
  - (iii) three of the application sites were sold by public auction on 17.9.2007 (A/PSK/9) and 13.3.2007 (A/PSK/10 and 11). The maximum BH of the lots in the sales conditions was 36mPD (A/PSK/9 and 10) and 51mPD (A/PSK/11). Application sites No. A/PSK/12 and 13 were not yet sold;
- (b) the proposed minor relaxation of stated BH restriction to allow for a maximum of two-storey basements below ground level for commercial and/or ancillary parking and supporting facilities in residential developments at the application sites. The purpose was to align the BH restrictions under the leases and OZP which had no intention to prohibit basements;

- (c) departmental comments – the Director of Environmental Protection (DEP), the Project Manager (NT North and West) of the Civil Engineering and Development Department, and the Chief Engineer/ Major Works 1-1 of the Highways Department had no comment on the applications noting that the maximum BH of the developments above ground at each of the application lots remained the same, and reminded the applicants to ensure all noise mitigation measures be complied with the road traffic noise criterion prior to the intake of residents. The District Lands Officer/Tai Po had no comments on applications No. A/PSK/9, 10 and 11. Other departments had no objection to the applications;
  
- (d) during the statutory publication period, one public comment from the Incorporated Owners (IO) of Deerhill Bay was received for each of the applications. The IO of Deerhill Bay supported the BH restriction above ground at the application lots, and that the Board should respect the prevailing land policy that major changes to the sale conditions within 5 years from the land sales should not be acceded to. It was also considered that the proposed relaxation of height restriction, which was about 20% to 30%, was major in magnitude, and the BH relaxation was not the only solution to cater for the 2-storey basement for parking or ancillary facilities. The IO of Deerhill Bay requested for longer consultation period. The District Officer/Tai Po (DO/TP) advised that the local Village Representatives and the Heung Representative objected to the applications on grounds of fung shui and introduction of wall effect. DO/TP did not receive any response from IO of Deerhill Bay; and
  
- (e) PlanD's views – PlanD had no objection to the applications based on the assessment given in paragraph 11 (applications No. A/PSK/9 to 11) or 10 (applications No. A/PSK/12 and 13) of the Papers in that:
  - (i) according to the established practice of the PlanD, in calculating the height of buildings in cases where the prescribed BH was given in metres only with no reference of the Hong Kong Principal Datum, the concept of 'mean site formation level' is adopted. It referred to the

average formed level of a site ready for development, i.e. the formed site on which the building stood;

- (ii) the proposed developments including basement at the application sites stood on the formed sites at level of  $-3.9\text{mPD}$  (application Nos. A/PSK/9 to 11) and  $-3.4\text{mPD}$  (application Nos. A/PSK/12 and 13). The BH of the proposed developments as shown in Drawings A-1 of the Papers was therefore  $39.9\text{m}$  (application Nos. A/PSK/9 and 10) and  $54.9\text{m}$  (application Nos. A/PSK/11 to 13), and exceeded the BH restrictions stipulated on the OZP;
- (iii) under the leases of the application lots, BH was expressed in terms of mPD, i.e. the maximum BH of  $36\text{mPD}$  (application Nos. A/PSK/9 and 10),  $51\text{mPD}$  (application No. A/PSK/11) or  $51.5\text{mPD}$  (application Nos. A/PSK/12 and 13) based on the BH restriction plus the site formation level of  $6\text{mPD}$  (application Nos. A/PSK/9 to 11) or  $6.5\text{mPD}$  (application Nos. A/PSK/12 and 13). Such restriction under the lease could not be regarded as entirely complying with the OZP stipulations;
- (iv) notwithstanding the above, the applications for relaxing the BH were to facilitate the construction of 2-storey basement for provision of commercial/parking/ancillary uses in support of the residential developments. It would not result in any increase in the building bulk above ground, nor the PR. The planning implication arising from the proposed relaxation of BH might be regarded as minor. The planning intention of the stepped height concept in the PSK reclamation area would not be adversely affected;
- (v) concerned departments were consulted and they had no adverse comments on/no objection to the applications; and
- (vi) as for the public comments, since the proposed relaxation of BH would not result in any visual impact above ground, there would not be any increase in the PR, and no major urban design implication

arising from the proposed relaxation of BH was expected. The applications were unlikely to have major adverse impacts onto the development in the vicinity.

110. In response to a Member's query, Mr. W.K. Hui, DPO/STN, said that no increase in gross floor area (GFA) would be resulted as the basements facilities were not included in the GFA calculation, and that there was plot ratio restrictions on the OZP.

### Deliberation Session

111. A Member raised if the proposed relaxation of BH could be considered minor in nature. The Secretary replied that the provision for relaxation of development restriction stated in the Notes of OZP was the 'minor relaxation' clause. According to legal advice previously sought, the notion 'minor' was not judged by the percentage of increase per se but by the consequence and impact of the proposed relaxation.

112. Mr. C.W. Tse of the Environmental Protection Department (EPD) recalled that during considerations of PSK objections in 1999 and 2000, the Board had concern on the visual impact of noise barriers along the Tolo Highway, and agreed that, with the reduction in PR and BH of the residential sites subsequent to the PSK review, the concerned section of noise barriers should be deleted and alternative mitigation measures such as design and layout of the application sites should be adopted. To be in line with the Board's decision, he suggested to turn the advisory clause on noise mitigation measure as recommended in the Papers to an approval condition. He considered it necessary to make the requirement an approval condition to ensure compliance.

113. The Chairperson said that the requirement to comply with noise impact restriction was already a condition in the leases of the application sites, and judging from the technical nature of the current applications without involving any increase in the development intensity and height above ground, she considered that it would not be appropriate to turn the advisory clause to condition. Members agreed.

114. Noting DEP's concern, the Chairperson requested the concerned departments including the PlanD, EPD, Buildings Department and LandsD should work closely in



monitoring the design of the layout and buildings and provision of noise mitigation measures of the application sites at building plan submission and lease modification stages.

115. After further deliberation, the Committee decided to approve the Applications No. A/PSK/9, 10, 11, 12 & 13, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 19.9.2012, 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 condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

116. The Committee also agreed to advise each of the applicants of the following :

- (a) the applicant should ensure that all noise mitigation measures for the subject lot be carried out within the lot by the developer and full compliance of the road traffic noise criterion of not exceeding 70dB(A) was to be achieved for the lot prior to the intake of residents;
- (b) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
- (c) detailed fire safety requirements would be formulated upon the receipt of formal general building plans submission.

[Mrs. Ava S.Y. Ng and Miss Ophelia Y.S. Wong left the meeting at this point. The meeting was then chaired by the Vice-chairman with Mr. S. Lau being the Secretary.]

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/374 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Government Land in D.D. 9,  
Tai Wo Village,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/374)

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**Presentation and Question Sessions**

117. Ms. Lisa L.S. Cheng, 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 – the District Lands officer/Tai Po objected to the application mainly on land administration ground that the application site fell within the project limit of the North District Sewerage project. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the submission did not address the impacts on the trees and the ecological important stream of Kau Lung Hang. The Director of Environmental Protection and the Chief Engineer/Development (2) of Water Supplies Department did not support the application as the applications site was not covered by planned sewerage programme and the discharge from the proposed Small House would potentially cause water pollution to the water gathering grounds;

- (d) public comment - the District Officer received a local objection as the application site was a piece of cultivation land; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper. Although the application site was entirely within the ‘village environs’ of Tai Wo Village and there was a shortage of land in meeting the future Small House demand, the application was not in line with the planning intention of “AGR” zone. No strong justification was given in the submission for a departure from the planning intention. There were adverse department comments on land administration, and impacts on trees, ecological stream and water gathering ground.

118. Members had no question on the application.

#### Deliberation Session

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development, which affected the mature trees and an ecological important stream nearby, was not supported from nature conservation point of view.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/388            Proposed House (New Territories Exempted House - Small House)  
                                 in “Village Type Development” and “Agriculture” zones,  
                                 Lot 822 S.C. ss.1 in D.D. 10,  
                                 Chai Kek Village,  
                                 Tai Po  
                                 (RNTPC Paper No. A/NE-LT/388)

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**Presentation and Question Sessions**

120.            Ms. Lisa L.S. Cheng, 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 – the Director of Agriculture, Fisheries and Conservation did not support the application as the application site formed part of a field growing chrysanthemum and agricultural activities in the area were very active. Other departments had no objection to the application;
  
- (d)    no public comment was received during the statutory publication period; and
  
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper in that the applied use complied with the Interim Criteria for assessing planning applications for NTEH/Small House development. There was

concerns of DAFC, but land zoned “Village Type Development” to meet the future Small House demand of Chai Kek Liu Village was insufficient.

121. Members had no question on the application.

#### Deliberation Session

122. 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 19.9.2012, 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 and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (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;
- (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 occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;

- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) the public sewers would be laid in the vicinity of the proposed development near Lot No. 824 in D.D. 10 under the project 4332DS “Lam Tsuen Valley Sewerage”. The applicant could extend his sewer, at his own cost, passing through other private lots to the nearest connection points of the planned sewerage system;
- (d) to note the Drainage Services Department’s comments in paragraph 3 of Appendix IV of the Paper;
- (e) water mains in the vicinity of the site could not provide the standard fire-fighting flow; 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.

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/264      Proposed Public Utility Installation  
(Mobile Communication Radio Base Station and Antenna)  
in an area shown as ‘Road’,  
Government Land next to Lot 322 R.P. in D.D. 17,  
Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/264)

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Presentation and Question Sessions

124. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (mobile communication radio base station and antenna);
- (c) departmental comments – the Assistant Commissioner for Transport/NT (AC for T/NT) had reservation on the application as he was concerned about the encroachment of the installation on land intended for future road widening, though the Government did not have any plans yet. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) also had reservation on the application noting that the existing tree group at the southern boundary of the application site might be affected and there were no screening on the northern face of the application site. Other departments had no objection to the application;
- (d) public comment – the District Officer/Tai Po received objection from a district councillor, Chairman and Vice-chairman of local village council, indigenous inhabitant representatives and resident representative of the area concerning on location of the applied use and its adverse impact on health and fung shui; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessment given in paragraph 9 of the Paper in that the applied use was required to enhance the mobile phone coverage of the area and it was not incompatible with the surrounding areas due to its small scale. AC for T/NT had concern on the encroachment of the applied use on future widening of the concerned section of Ting Kok Road, but he advised that there was no plans for the works. Concerned departments including the

Director-General of Telecommunications, District Lands Officer/Tai Po and AC for T/NT had no comments on the local objections. To address the concern on landscape, a approval condition and an advisory clause were recommended.

125. Members had no question on the application.

#### Deliberation Session

126. 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 19.9.2012, 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 and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to seek the approval of Office of the Telecommunications Authority before bringing the mobile telephone base station into use. The mobile telephone base station should not emit non-ionising radiation which exceeds the limits recommended by the International Commission on Non-Ionizing Radiation Protection;
- (b) to apply to the District Lands Officer/Tai Po for temporary granting of surrounding land for landscaping;
- (c) to make reference to Planning Department's Practice Note for Professional Persons No. 3/2006 on Landscape Treatment and/or Other Measures for



Mitigating the Landscape and Visual Impacts of Small-scale Utility Installations;

- (d) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
- (e) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

**Agenda Item 37**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/671            Proposed Shop and Services (Fast Food Counter)  
                         in “Industrial” zone,  
                         Unit No. 3 (Part), G/F,  
                         Leader Industrial Centre,  
                         57-59 Au Pui Wan Street,  
                         Fo Tan,  
                         Sha Tin,  
                         New Territories  
  
                         (RNTPC Paper No. A/ST/671)

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Presentation and Question Sessions

128.            Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food counter);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting to the application as the applied use would lead to an increase in traffic flow in the busy industrial area; and
- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 11 of the Paper PlanD had no objection to the application but suggested a temporary approval of three years in order to monitor the compliance of approval conditions and situation of the area so that the long term planning intention of industrial use of the application premises would not be jeopardized. As for the local concern, considering the scale and that the applied use would only involve selling of fast food for consumption off the premises, the traffic flow generated was not anticipated to be substantial. In this respect, the Transport Department had no objection to the application.

129. Members had no question on the application.

#### Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009; and

- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department regarding that, for any non-exempted alteration and addition works to be carried out, building plans should be submitted to the Building Authority for approval and consent;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only be queued up inside the subject premises and should not obstruct pedestrian flow on public footpaths;
- (e) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as a 'food factory', detailed fire service requirement would be formulated upon receipt of formal submission of general building plans, and there was need to comply with the fire resisting construction requirements as stipulated in the Code of Practice for Fire Resisting Construction for compliance; and
- (f) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial

Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/392                      Proposed 'Place of Entertainment'  
in "Residential (Group A)" zone,  
11/F of Tai Po Centre Multi-storey Car Park,  
2 On Pong Road,  
Tai Po  
(RNTPC Paper No. A/TP/392)

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132.            The Secretary said the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. As a request for deferment was received from the applicant, Members agreed that Messrs. Yap and Cheng should be allowed to stay in the meeting. Mr. Yap should continue to chair the meeting out of necessity.

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

133.            The Committee noted that on 3.9.2008, the applicant requested the Town Planning Board to defer consideration of the application by two months from 3.9.2008 to allow time to address the departmental comments.

#### **Deliberation Session**

134.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the

Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed from 3.9.2008 for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/409                      Proposed House (New Territories Exempted House - Small House)  
   in “Green Belt” zone,  
   Lots 339RP, 345RP and 346RP in D.D. 32,  
   Ha Wong Yi Au,  
   Tai Po  
   (RNTPC Paper No. A/TP/409)

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

135.            The Committee noted that on 9.9.2008, the applicant requested the Town Planning Board to defer consideration of the application to allow time to address departmental comments.

#### **Deliberation Session**

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

**Agenda Item 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/410                      Proposed 2 Houses (New Territories Exempted Houses - Small Houses)  
   in “Green Belt” zone,  
   Lot 653 in D.D.20,  
   Ta Tit Yan,  
   Tai Po  
   (RNTPC Paper No. A/TP/410)

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137.                      The Secretary said that the following members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted comments on the application, declared interests in this item :

- |                     |   |
|---------------------|---|
| Prof. David Dudgeon | - being a member of the Mai Po management and Development Committee under the WWF |
| Dr. James C.W. Lau  | - being an ex-member of WWF   |

138.                      The Committee noted that Prof. Dudgeon had tendered apology for being unable to attend the meeting. As Dr. Lau was only an ex-member of WWF, his interest was considered indirect. He was allowed to stay in the meeting and participate in the discussion of and determination on this item.

**Presentation and Question Sessions**

139.                      Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed 2 Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP), the Director of Agriculture, Fisheries and Conservation (DAFC), the Director of Water Supplies (DWS) and the Director of Environmental Protection (DEP), the Assistant Commissioner for Transport/New Territories (AC for T/NT) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of Planning Department (PlanD) did not support the application. DLO/TP, DAFC, CTP/UD&L, DWS and DEP objected mainly on land administration, conservation of the natural stream and wooded area in the vicinity, and possible adverse impact on water supply as the application site fell within water gathering ground without any planned village sewerage scheme. The AC for T/NT considered that NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Despite the insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent for similar applications. Other departments had no objection to the application;
- (d) during the statutory publication period, one public comment from WWF was received objecting to the application on landscape, visual and ecological grounds. The District Officer (Tai Po) advised that the Indigenous Inhabitant Representative of the concerned village supported the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The proposed NTEH did not comply with the Interim Criteria for assessing Planning Applications for NTEH/Small House development in that it fell within the water gathering grounds but was not served by any planned village sewerage scheme. There were objections from other departments and a local on conservation, landscape and ecology grounds.

140. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development as the proposed NTEH/Small House development as the site fell within the upper indirect Water Gathering Grounds (WGGs) and it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area;
- (c) the site was close to a natural stream and densely wooded area. There was insufficient information in the submission to demonstrate that the proposed development would not pollute the natural stream and had no adverse landscape impact on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the



tranquil valley and result in a general degradation of the natural environment in the area.

**Agenda Item 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/411            Proposed House (New Territories Exempted House - Small House)  
in “Comprehensive Development Area (1)” and  
“Village Type Development” zones,  
Lot 713 S.A in D.D. 11,  
Fung Yuen,  
Tai Po  
(RNTPC Paper No. A/TP/411)

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**Presentation and Question Sessions**

142.        Ms. Lisa L.S. Cheng, 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 – no objection from concerned Government departments was received;
- (d) public comment – the District Officer (Tai Po) advised that the Indigenous Inhabitant Representative and the Resident Representative of the concerned village supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper.

143. Members had no question on the application.

#### Deliberation Session

144. 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 19.9.2012, 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 and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of proper drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) 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.

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

- (a) note that water mains in the vicinity of the site could not provide the standard fire fighting flow;
- (b) the applicant might need to extend his inside services to the nearest suitable 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) note that there was no existing Drainage Services Department maintained public stormwater drains available for connection in the vicinity of the application site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated with the application site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development and the provision of the proposed septic tank;
- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (f) as there were low voltage overhead lines in the vicinity of the site, the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the application site, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) to divert the existing low voltage overhead lines away from the vicinity of the proposed development; and
- (g) implement preventive measures to avoid causing disturbance to the partially modified stream nearby.

### Remarks

146. The Vice-chairman said that Agenda Item 42 would not be open for public viewing as the subject application were submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

**Agenda Item 42**

**Section 16 Application**

[Closed Meeting]

[The Vice-chairman thanked Mr. W.K. Hui, DPO/STN, and Ms. Lisa L.S. Cheng, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui, and Ms. Cheng left the meeting at this point.]

**Agenda Item 43**

**Any Other Business**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/668-1            Extension of Time for Compliance with Planning Condition  
Temporary Shop and Service (Estate Agency) for a Period of 3 Years  
in "Industrial" zone,  
Workshop J (Part), G/F, Universal Industrial Centre,  
19-25 Shan Mei Street,  
Sha Tin  
(RNTPC Paper No. A/ST/668-1)

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153.            The Secretary reported that a Paper of application No. A/ST/668-1 was tabled at the Meeting for Members' reference.

154.            The Secretary said that application for extension of time to comply with planning condition (a) under application No. A/ST/668 from was received on 18.9.2008. The application was approved by the Committee on 20.6.2008 subject to approval conditions. Approval condition (a), relating to the submission of fire safety measures, should be complied with by 20.9.2008. As the application for extension of time for compliance with conditions was received 2 days before the specified time limit, the application could not be processed in accordance with the practice adopted by the Town Planning Board due to insufficient time to obtain departmental comments.

155. Members agreed not to consider the application for extension of time as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the approval condition.

156. There being no other business, the meeting was closed at 6:30 p.m..