

**TOWN PLANNING BOARD**

**Minutes of 382nd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 24.10.2008**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

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  
Mr. Chris Mills

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

Secretary

**Absent with Apologies**

Dr. C.N. Ng

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  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. W.S. Lau

Town Planner/Town Planning Board  
Miss Alice Y.Y. Cheung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 381st RNTPC Meeting held on 10.10.2008

[Open Meeting]

1. The draft minutes of the 381st RNTPC meeting held on 10.10.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 5 of 2008 (5/08)

Proposed Comprehensive Development with Government,

Institution or Community and Public Transport Interchange Facilities

in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station

and Its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin

(Application No. A/ST/658)

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2. The Secretary reported that an appeal was received by the Town Planning Appeal Board on 3.10.2008 against the decision of the Town Planning Board (TPB) to reject on review the application No. A/ST/658. The application was for a proposed comprehensive development with Government, institution or community (GIC) and public transport interchange (PTI) facilities at the East Rail Fo Tan Station and its adjoining area at Au Pui Wan Street and Lok King Street, Sha Tin which was zoned “Comprehensive Development Area (1)” (“CDA(1)”) on the Sha Tin Outline Zoning Plan. The review application was rejected by the TPB on 25.7.2008 for the following reasons:

- (a) the planning intention of the “CDA(1)” zone was for comprehensive development/redevelopment of the whole area. There was inadequate information in the applicant’s submission to demonstrate that the proposed phased development would not undermine the planning intention to develop the whole site in a comprehensive manner;

- (b) the design and layout of the proposed development was unsatisfactory. There was inadequate information in the applicant's submission to demonstrate that the proposed development would achieve best integration in terms of overall layout, access arrangement/pedestrian circulation and provision of GIC and transport facilities. The disposition of the residential towers was congested with excessive building bulk. There was inadequate information in the applicant's submission to demonstrate that the proposed development would not impose 'wall effect' in the area;
- (c) there was inadequate information in the applicant's submission to demonstrate that the proposed development would not adversely affect the operation of the East Rail Fo Tan Station and the adjoining rail tracks and freight yard;
- (d) there was insufficient information in the applicant's submission to demonstrate that the proposed development would not generate any adverse visual environmental, traffic, landscape and air ventilation impacts on the surrounding developments; and
- (e) the design and location of the proposed GIC and PTI facilities were not satisfactory. There was insufficient information in the applicant's submission to demonstrate that the proposed GIC and PTI facilities could be timely implemented as planned.

(ii) Appeal Statistics

3. The Secretary reported that as at 24.10.2008, a total of 14 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	14
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	275

(iii) Approval of Draft Plan

4. The Secretary reported that on 21.10.2008, the Chief Executive in Council approved the draft Yuen Long Outline Zoning Plan (to be renumbered as S/YL/18) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plan would be notified in the Gazette on 31.10.2008.

(iv) Reference Back of Approved Plan

5. The Secretary reported that on 21.10.2008, the Chief Executive in Council referred the approved Yau Ma Tei Outline Zoning Plan No. S/K2/20 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the plan would be notified in the Gazette on 31.10.2008.

**Sai Kung and Islands District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/SK-HC/1                Application for Amendment to the  
Approved Ho Chung Outline Zoning Plan No. S/SK-HC/9  
from “Road” to “Village Type Development” zone,  
Lots 774 RP(Part), 775RP(Part), 775S.ARP, 775S.Ass.2, 775S.Ass.3,  
775S.B(Part), 776S.A(Part), 776S.D(Part), 798S.H(Part), 799S.H(Part),  
799S.K, 800RP, 800S.A, 800S.D(Part), 802S.L, 805RP(Part),  
805S.E(Part), and 1950(Part) in DD 244 and Adjoining Government  
Land, Ho Chung, Sai Kung  
(RNTPC Paper No. Y/SK-HC/1)

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**Presentation and Question Sessions**

6.                Mr. Alfred Y.K. Lau, District Planning Officer/Sai Kung and Islands (DPO/SKIs),  
Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the  
following applicant’s representatives were invited to the meeting at this point :

Mr. S.K. Ngai                        )    applicant’s representatives  
Mr. P.K. Chung                       )

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

(a)                background to the application for amendment to the approved Ho Chung  
Outline Zoning Plan No. S/SK-HC/9;

- (b) proposed rezoning from “Road” to “Village Type Development” (“V”) zone;
- (c) the justifications put forth by the applicant in support of the application as detailed in paragraph 2 of the Paper;
- (d) characteristics of the application site and its surrounding areas as detailed in paragraph 7 of the Paper;
- (e) departmental comments were detailed in paragraph 9 of the Paper. The District Lands Officer/Sai Kung of Lands Department (DLO/SK of LandsD) had reservation on the application and advised that even if the rezoning application was approved, his office would not consider any Small House applications on the application site and the adjoining “V” zone (Site A) under the prevailing Small House Policy because these two sites were neither encircled by any Recognised Village nor related to any recognised Village Environs (“VE”) as observed. As such, previous small house applications in Site A (including the one submitted by the applicant) were rejected previously according to the prevailing Small House Policy. The Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD) raised objection to the application from the transport planning and traffic engineering perspectives as the rezoning was piecemeal and did not propose any alternative nor planned road scheme in a comprehensive manner in replacement of the existing one;
- (f) four public comments were received during the statutory publication period. Two raised strong objection to and two expressed reservation on the application. They were concerned that the existing access and steps in the application site used by villagers and members of the public would be affected;
- (g) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site and its adjacent areas were neither within any Recognised

Village boundaries nor related to any Village Environs of adjacent Recognised Villages. Even if the rezoning proposal was approved by the Town Planning Board, Small House applications at the application site and the adjoining “V” zone in its immediate north (Site A) would not be considered under the prevailing Small House Policy. There was no justification for rezoning the application site from ‘Road’ to “V” as sufficient buildable land was available within the “V” zone to meet the Small House demand. The planning intention for the ‘Road’ designation of the application site and the adjacent areas as shown on the Ho Chung OZP was to reserve sufficient land to facilitate the development and implementation of the access improvement to Ho Chung area. The rezoning proposal involved piecemeal rezoning of part of a planned road into village type development without addressing adequately the need for an acceptable alternative road scheme.

8. The Chairperson then invited the applicant’s representative to elaborate on the application. Mr. S.K. Ngai made the following main points :

- (a) the applicant had no intention to develop small house at the application site. The purpose of the rezoning was to resolve a technical problem caused by the Small House Policy. The small house application at the applicant’s land to the northwest of the planning application site currently zoned “V” (i.e. Site A) was rejected by DLO/SK under the prevailing Small House Policy because the subject “V” zone was not encircled by any Recognized Village nor related to any recognized Village Environs. The proposed rezoning was an attempt to comply with the Small House Policy by linking up two separate “V” zones;
- (b) given the existing topography and the multiple ownership of the application site, it would virtually be impossible to undertake small house development at the application site;
- (c) the rezoning would not affect the public and villagers in using the existing staircase within the application site for commuting between Mok Tse Che



and Hiram's Highway;

- (d) the four public comments received were not objecting to the rezoning but expressed concern about the loss of access at the application site which was a misunderstanding of the intention of the rezoning;
- (e) the rezoning would not affect TD's road improvement programme in the area as uses such as "Road", "Footpath" and "Staircases" were permitted in all zones; and
- (f) the rezoning was considered reasonable as there was no material loss to all the parties involved in that the villagers could continue to use the existing staircase; TD could undertake the road improvement programme in the area in future; and the "V" zone to the northwest of the application site could serve the purpose of future village expansion for the relevant recognized villages in the area.

9. In response to a Member's enquiry, Ms. Anna O.Y. Wong said that DLO/SK previously extended the 'VE' to cover Site B was in response to the villagers' request to compensate for the loss of their land for the then road improvement programme in Wo Mei Village. DLO/SK decided not to extend the 'VE' to cover Site A. In response to the follow-up enquiry, Mr. S.K. Ngai advised that the rezoning served to resolve the technical problem in linking up two separate "V" zones so that the enlarged "V" zone would be encircled by a 'VE' to satisfy DLO's requirement. Upon the Chairperson's request, Mr. Chris Mills confirmed that even if the rezoning was approved by the Committee, LandsD still could not process the small house application at the "V" zone covering Site A under the prevailing Small House Policy because the land in question was not covered by any recognized 'VE' notwithstanding the fact that the two "V" zones were connected.

10. Upon a Member's enquiry on the intention to designate the "V" zone at Site A, Mr. Alfred Lau advised that the "V" zone was to provide land for village expansion and reprovisioning of village houses affected by Government projects. Appropriate supporting facilities including road access would be included in "V" zone.

11. In response to an enquiry by a Member, Mr. S.K. Ngai reiterated that the purpose of the rezoning was not to extend the “V” zone to build more small houses but to seek a way out to better use the land reserved under the “V” zone at Site A, which was at present sterilized by the Small House Policy.

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

#### Deliberation Session

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

13. Members noted that there was a mis-match between the boundary of the ‘V’ zone and the boundary where small house could be processed under the Small House Policy. Members considered that as there was sufficient land zoned “V” for small house developments for Wo Mei, Heung Chung and Mok Tse Che, the proposed rezoning of ‘Road’ to “V” was not justified. The rezoning would also adversely affect the road improvement scheme for the area. Given the views of the DLO, accepting the rezoning request could not help solve the technical problem encountered by the applicant. As the “V” zone boundary did not match with the Village Environs, Members suggested PlanD should review the “V” zone boundary in the area.

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

- (a) there was sufficient developable land reserved and zoned “Village Type Development” (“V”) for Wo Mei, Heung Chung and Mok Tse Che to meet the Small House demand in the area for the next ten years. The proposed rezoning of ‘Road’ to “V” was not fully justified; and

- (b) there was insufficient information in the submission to demonstrate that an alternative road scheme up to the Government standard was planned to replace the current planned road section.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TKL/1            Application for Amendment to the  
Approved Ping Che and Ta Kwu Ling  
Outline Zoning Plan No. S/NE-TKL/12  
from “Agriculture” to “Government, Institution or Community” zone,  
Various Lots in DD 76 and Adjoining Government Land,  
Ping Che, Fanling, New Territories  
(RNTPC Paper No. Y/NE-TKL/1)

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

15.            Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN),  
Ms. Stephanie P.H. Lai, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the  
following applicant’s representatives were invited to the meeting at this point :

Mr. Dickson Hui Chak Hung            )  
Ms. Winnie Wu Wan Yin            )    applicant’s representatives  
Ms. Tracy Wong Chung Huen            )

16. The Chairperson extended a welcome and briefly explained the hearing procedures. The Chairperson then invited Ms. Stephanie P.H. Lai, STP/STN, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Ms. Stephanie P.H. Lai presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/12;
- (b) proposed rezoning from “Agriculture” to “Government, Institution or Community” (“G/IC”) zone to facilitate a proposed private hospital cum ancillary facilities;
- (c) the justifications put forth by the applicant in support of the application as detailed in paragraph 2 of the Paper;
- (d) characteristics of the application site and its surrounding areas as detailed in paragraph 7 of the Paper;
- (e) departmental comments were detailed in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application from urban design and landscape perspectives. Environmental Protection Department (EPD) considered that the environmental assessment (EA) was inadequate to demonstrate that the application site was suitable for other sensitive uses under Column 1 of the “G/IC” zone. The Director of Health (D of Health) had reservation on the adequacy of space to accommodate for the various facilities in the proposed development as well as the sufficiency in the manpower of visiting doctors given the remote location. The Secretary for Food and Health (S for FH) had no objection in principle provided that the hospital project was a balanced development offering a good range of services/clinical specialties to serve the local population. The Commissioner for Tourism supported the application from tourism perspective;

- (f) twenty-two public comments were received during the statutory publication period. They all objected to the application mainly on environmental, traffic, psychological and health grounds. Local objections were also received through District Officer/North of Home Affairs Department on the grounds of affecting the livelihood of villagers engaged in agricultural activities, fung shui as well as environmental, psychological and health reasons;
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application was situated in an area where the surrounding land uses were not conducive to the proposed hospital development as it would not be compatible with the adjoining open storage yards and would have interface issue with the nearby village house development. The proposed development intensity was excessive and not compatible with the predominantly rural setting of the surrounding environment. The approval of the proposed zoning amendment would set an undesirable precedent for other similar applications for piecemeal and incompatible development.

17. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Dickson Hui Chak Hung made the following main points :

- (a) the location of the application site was convenient to serve the North District and address the shortfall of hospital beds in the District. With the development of the future 3-in-1 New Development Area (NDA) of Fanling North, Kwu Tung North and Ping Che, the proposed private hospital at the application site could serve a larger area in the North District and provide a choice for health care services;
- (b) the applicant sought a proposed rezoning of the application site from "Agriculture" ("AGR") to "Government, Institution or Community" ("G/IC") zone for the proposed private hospital. Nonetheless, the

applicant had no objection to rezone the site to “G/IC(1)” for stricter planning control on the site if the rezoning was approved by the Board. There was a precedent case (No. Z/NE-TKL/4) in which the Board agreed to rezone a site from “AGR” to “G/IC(1)” zone for religious use in the same OZP. The applicant sought the same treatment from the Board for the proposed private hospital;

- (c) the proposed hospital provided 120 beds. It was a resort type private hospital with massive greening. The proposed plot ratio was 0.6 and the building height was 3-storeys;
- (d) the proposed rezoning would address the escalating demand for quality health care service, relieve the pressure on health care service of the public sector, contribute to the sustainability of the health care system via a public-private-partnership, fill up the gap of lack of private hospital service in the North District, phase out incompatible open storage use in the area and promote medical tourism which was supported by the Tourism Commission; and
- (e) the various concerns raised by Government departments were technical ones which could be overcome. There were 3 outstanding comments, namely, land use compatibility, high development intensity and undesirable precedent. As regards land use compatibility, the proposal would help clearing the existing open storage use at the site with massive greening. The 3-storey low-rise hospital building would be compatible with the surrounding village environment. The interface issue could be resolved by mitigation measures and approval conditions at the s.16 application stage. As for the development intensity, the proposed hospital had made reference to the other worldwide low-rise resort type hospitals which normally adopted a plot ratio of 0.6 and a building height of 3 storeys, which would be compatible with the surrounding village environment. On undesirable precedent, the previous rezoning of “AGR” zone to “G/IC(1)” zone for religious use had set a valid precedent for this application.

18. A few Members supported the private initiatives for development of private medical care services. A Member was concerned that the application site might not be a suitable location for such use as the proposed hospital would be in proximity to the village houses and there were objections from the villagers due to various reasons. Another Member also enquired whether the consent from other owners of the site had been obtained for the hospital development. In response, Mr. Dickson Hui Chak Hung said that majority of the site was under the ownership of the applicant. Should the rezoning be approved, the applicant would proceed to acquire the remaining land. Mr. Hui said that there was no agricultural activity at the site and the villagers' objection might be due to the fact that they were not aware of the landscape treatment in the rezoning proposal which helped improve the overall environment. As for the villagers' concern about the spreading of disease, there would be adequate control and guidelines for disease control. The hospital was subject to licensing requirements and had to comply with statutory requirements in disease control.

19. In response to the enquiry on the availability of other "G/IC" sites of 1 to 2 ha for private hospital development in the North District, Mr. W.K. Hui advised that suitable sites on Government land might not be readily available in the North District. There were suitable sites under private ownership for consideration of hospital development.

20. In response to the Chairperson's enquiry about the Column 1 uses permitted as of right under the "Open Storage" ("OS") zone adjoining the "AGR" zone, Ms. Stephanie Lai advised that uses such as general storage and workshops were always permitted. The Chairperson advised that it was for Members' reference as to whether or not such uses were compatible with the proposed hospital use. Mr. W.K. Hui showed an extract plan highlighting that the distribution of "OS" zone in relation to the application site to the north and west at Ping Che Road.

21. In response to another Member's enquiry, Mr. W.K. Hui advised that the OZP was prepared in the mid 1990s and the "OS" zone was so designated in the OZP since then. Mr. W.K. Hui advised that the zoning was made at a time when the need for private hospital services was not keen. He said that the OZP was flexible in allowing private hospital to be developed through s.12A amendment to "G/IC" use.

22. In response to another Member's enquiry, Mr. Dickson Hui Chak Hung said that the proposed hospital was primarily to serve the local population of Hong Kong. Notwithstanding, as the proposed hospital was a low-rise resort type institution, it could also serve to promote medial tourism as supported by the Tourism Commission.

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

#### Deliberation Session

24. Members generally supported the private initiatives to provide private hospital facilities which would help diversify and improve on the service provision in the medical sector. A Member said that there could be certain planning gains from this proposal as the proposed hospital could help phase out the undesirable open storage uses in the area which were incompatible with the village housing in the vicinity.

25. The Chairperson said that there were two previous rezonings at the site for residential development with a plot ratio of 0.4 rejected by the Committee. The Committee needed to consider if a plot ratio of 0.6 was considered acceptable in the context.

26. A few Members were concerned whether the application site was a suitable choice of location for development of a private hospital. Some Members considered that the application site was surrounded by a large area of "Open Storage" zone on the OZP and thus the provision of a private hospital in this location was not appropriate from the land use compatibility point of view.

27. The Secretary advised Members that the Government had been proactive in site search to facilitate the private sector in developing private medical health care services. In connection with 2008-09 Policy Address, the Government had identified four sites at Wong



Chuk Hang, Tseung Kwan O, Tai Po and North Lantau to promote the development of private hospital. Members welcomed this policy initiatives.

28. A Member suggested Planning Department to provide information to the applicant to assist them to identify a more suitable site for private hospital development in the North District.

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

- (a) the application site was situated in an area where the surrounding land uses were not conducive to the proposed hospital development as it would not be compatible with the adjoining open storage yards and would have interface issue with the nearby village house development;
- (b) the proposed development intensity was considered excessive and was considered not compatible with the predominantly rural setting of the surrounding environment; and
- (c) the approval of the proposed zoning amendment would set an undesirable precedent for other similar applications for piecemeal and incompatible development.

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

### **Sai Kung and Islands District**

[Mr. Alfred Y.K. Lau, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/165          Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 509 S.A ss.1 in D.D. 244,  
Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/165)

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**Presentation and Question Sessions**

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

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

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – Water Supplies Department (WSD) objected to the application as the application site encroached upon WSD’s Lower Indirect Water Gathering Grounds and was in close vicinity to a streamcourse and the proposed development would likely increase the pollution risks to the water quality within the water gathering ground. Environmental Protection Department (EPD) objected to application as the site was located within water gathering ground where no public sewer was available. Electrical and Mechanical Services Department (EMSD) objected to the application unless the applicant requested CLP Power Hong

Kong Limited (CLP Power) to divert the 11kV high voltage overhead lines away from the vicinity of the site or replaced them by underground cables; and CLP Power's diversion or replacement works had to be completed before approval was granted to the applicant;

- (d) one public comment was received during the statutory publication period. The commenter expressed concern about the provision of access for villagers and its possible cumulative impacts on Ho Chung Lowland Pumping Station; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site encroached upon WSD's Lower Indirect Water Gathering Grounds and would likely increase the pollution risks to the water quality within the water gathering ground. The proposed small house development would have electrical safety and electricity supply reliability problems.

31. In response to the Chairperson's enquiry, Ms. Ann O.Y. Wong advised that the small house applications that were approved in the vicinity of the application site were all outside the water gathering ground. Water Supplies Department (WSD) had not raised objection to these applications. Nonetheless, WSD raised objection to this application as the application site had encroached upon the water gathering ground which would likely increase the pollution risks to the water quality therein.

#### Deliberation Session

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

- (a) the proposed development was located within the water gathering ground and was close to a streamcourse. There was insufficient information in the submission to demonstrate that the proposed sewage disposal system would not pollute the water gathering ground and the streamcourse; and

- (b) 11kV high voltage overhead lines were located within the application site. There was insufficient information in the submission to demonstrate that the proposed development would not have electrical safety and electricity supply reliability problems.

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/1            Proposed Comprehensive Residential Development  
in “Comprehensive Development Area (1)” zone,  
Various Lots and Adjoining Government Land in DD 221,  
Sha Ha, Sai Kung  
(RNTPC Paper No. A/SK-SKT/1)

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33.            The Secretary reported that Dr. James C.W. Lau had current business dealings with Hyder Consulting Ltd. (Hyder), who was a member of the consultancy team for the applicant. Dr Lau only had general business contacts with Hyder who was not his employer. As the interest was indirect, the Committee agreed that Dr. Lau could stay in the meeting for the item.

**Presentation and Question Sessions**

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

34.            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 comprehensive residential development;
- (c) departmental comments – majority of the Government departments, including District Lands Officer/Sai Kung (DLO/SK), Chief Highway Engineer/New Territories East of Highways Department (CHE/NTE of HyD), Assistant Commissioner for Transport/New Territories (AC for T/NT), Chief Architect/Central Management Branch of Architectural Services Department (CA/CMB of ArchSD), Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) and Director of Environmental Protection (DEP), raised concerns on the layout and design of the submitted Master Layout Plan (MLP) which was not considered satisfactory as compared with the fundamental requirements stipulated in the planning brief (PB) for the application site from the traffic, visual, urban design, landscaping, building design and environmental points of view. District Officer/Sai Kung (DO/SK) advised that the application had attracted a lot of objections amongst the expatriate community in Sai Kung, who were concerned about the traffic and infrastructural impacts of the proposed development on the local area;
- (d) 216 public comments were received during the statutory publication period. One of them had no comment on the application while the vast majority (215 or 99.5%) objected to the application. The public commenters were mainly concerned about the adverse traffic impacts on the road network; the adverse impacts on the existing environment and the existing infrastructure capacity in the area; the excessive development intensity and scale and excessive building height of the proposed development. 26 of the public comments suggested that the site should be used for recreational and/or sports venue, parks and facilities for the elderly or community centres; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 13 of the Paper in that the design and layout of the proposed development did not accord with the design principles and technical requirements of the PB. The proposed

building heights did not create a pronounced ‘stepped height’ profile. The proposed buildings along Tai Mong Tsai Road (TMT Road) and Mei Yuen Street were visually intrusive and there were inadequate gaps between buildings to allow visual permeability to the waterfront and the future town square. The proposed buildings and villas would be erected on podiums and contravene the ‘no podium’ design requirement as stipulated in the PB. There was no provision for the 15m wide Green Buffer Zone (GBZ) and the 6m wide public passenger walkway as stipulated in the PB. The Air Ventilation Assessment (AVA) and chimney emission impact assessment had not been submitted. Furthermore, the submitted Visual Impact Assessment (VIA), Landscape Master Plan (LMP), tree preservation and replanting proposals, Traffic Impact Assessment (TIA) and Environmental Assessment (EA) were not satisfactory.

35. Members had no question on the application.

#### Deliberation Session

36. Members agreed that the MLP submitted by the applicant did not comply with the requirements stipulated in the PB for development of the site. The Committee could not give support to the application.

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

- (a) the submitted Master Layout Plan was not acceptable as it did not fully meet the requirements of the endorsed planning brief for the “Comprehensive Development Area (1)” site in terms of the design and layout of the proposed building blocks which failed to create a ‘stepped height building profile’, poor visual permeability for proposed buildings along Tai Mong Tsai Road and Mei Yuen Street, the inclusion of podium structures, the lack of provision for a 15m wide green buffer zone and a 6m wide public passenger walkway;

- (b) the submitted Visual Impact Assessment, tree preservation and replanting proposal were not acceptable as there was insufficient information in the submission to demonstrate that the proposed development would not have any adverse visual and landscape impacts on the surrounding areas and was in keeping with the rural character of the surrounding area;
- (c) there were insufficient information in the Traffic Impact Assessment and the Environmental Assessment to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding area; and
- (d) no Air Ventilation Assessment and Chimney Emission Impact Assessment had been submitted to ensure that the impacts of air ventilation and air quality were acceptable.

[The Chairperson thanked Mr. Alfred Y.K. Lau, DPO/SKIs, and Ms. Ann O.Y. Wong, STP/SKIs, for their attendance to answer Members' enquiries. Mr. Lau and Ms. Wong left the meeting at this point.]

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

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/268      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone,  
Government Land in Tong Kung Leng,  
Sheung Shui, New Territories  

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(RNTPC Paper No. A/NE-KTS/268)

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – Assistant Commissioner for Transport/North Territories of Transport Department (AC for T/NT of TD) had reservation on the application and considered that NTEH should be confined to “V” zone. Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application from the landscape point of view, whereas Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application. Other departments had no objection to or no comment on the application;
- (d) two public comment was received during the statutory publication period. One was in support while the other indicated “no comment” on the application. There was local support from the Chairman of Sheung Shui District Rural Committee (SSDRC) received by the District Officer; and



- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprint of the proposed Small House fell entirely within the 'VE' of Tong Kung Leng Village, and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same village. The application site, which fell entirely within the "GB" zone, was on Government land currently covered with climbers, shrubs and young trees of common species with no mature trees. DAFC had no strong view on the application from a nature conservation point of view. It should be noted that the application site was located to the immediate east of the "V" zone of Tong Kung Leng Village and fell entirely within its 'VE'. Besides, 3 similar applications (Nos. A/NE-KTS/241 to 243) for 3 proposed Small Houses in the "GB" zone had been approved on review by the Board previously. Sympathetic consideration could be given to this application.

39. Members had no question on the application.

#### Deliberation Session

40. 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 24.10.2012, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the design and provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
  - (i) the application site was within WSD flood pumping gathering ground associated with River Indus and River Ganges pumping stations;
  - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) 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 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/383      Renewal of Planning Approval of  
Temporary Private Lorry/Container Vehicle Depot  
under Application No. A/NE-LYT/353 for a Period of 3 Years  
in “Recreation” zone, Various Lots in D.D. 51  
and Adjoining Government Land,  
Tong Hang, Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/383)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the renewal of planning approval for temporary private lorry/container vehicle depot under Application No. A/NE-LYT/353;
- (c)    departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the newly built 3-storey village houses to the east of the application site and the potential environmental nuisance from the development on these sensitive users. Other departments had no objection to the application;
- (d)    no public comment was received during the statutory publication period. The District Officer advised that the Residents’ Representative (RR) of Tong Hang (Upper) supported the application; whereas the RR of Tong Hang (Lower) objected to the application due to the noise, traffic problem and environmental nuisances from the lorry/container vehicle depot on the site; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application site fell within Category 2 under the revised TPB PG-No.13E promulgated on 17.10.2008 in which planning permission could be granted on a temporary basis up to a maximum period of 3 years for Category 2 areas subject to no adverse departmental comments and local objections, or the concerns being addressed through the implementation of approval conditions. The development was in line with TPB PG-No. 13E in that there were 7 previous approvals granted on the site for the same use with conditions, with the latest application No. A/NE-LYT/353 approved by the Board on 27.4.2007. The use under application was considered not incompatible with the surrounding environment predominantly used for container trailer and tractor park, open storage yards and temporary structures. With the provision of sufficient tree planting for greening and screening effect, significant changes to the existing landscape character arising from the development was not anticipated. In view of DEP's reservation on the application and the local concerns on traffic safety and environmental nuisances to the newly built small houses to the east of the site, should the application be approved, the approval period should be limited to 18 months to further monitor the situation. Approval conditions restricting the operation hours and stacking height of the materials stored, and on the submission and implementation of drainage and landscaping proposals were also suggested for inclusion.

43. Members had no question on the application.

#### Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months up to 7.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2009;
- (e) in relation to (d) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.4.2009;
- (f) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.1.2009;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.4.2009;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e) (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to

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

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

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

- (a) a shorter approval period of 18 months was given to monitor the situation;
- (b) to resolve any land issues relating to the development with the concerned owner of the application site;
- (c) to liaise with the District Lands Officer/North, Lands Department regarding the Short Term Wavier on the application site;
- (d) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the Chief Engineer/Development(2), Water Supplies Department's comments:
  - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
  - (ii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River

Ganges pumping stations; and

- (f) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) if containers were used as offices, they were considered as temporary structures and were subject to control under Part VII of Building (Planning) Regulation (B(P)R);
  - (ii) formal submission of any proposed new works for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
  - (iii) the provision of emergency vehicular access.

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/265      Temporary Barbecue Site and Ancillary Car Park  
for a Period of 3 Years in “Agriculture” and “Open Space” zones,  
Various Lots in D.D. 17,  
Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/265)

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### Presentation and Question Sessions

47. The Committee noted that on 10.10.2008, the applicant requested for deferment of the consideration of the application until the meeting on 7.11.2008 for his submission of supplementary information, which was submitted on 14.10.2008.

### Deliberation Session

48. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant and if there was sufficient time to process the supplementary information submitted by the applicant, the application would be submitted to the Committee for consideration at its meeting on 7.11.2008. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

### **Agenda Item 10**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/412                      Proposed House (New Territories Exempted House - Small House)  
   in “Green Belt” and “Village Type Development” zones,  
   Lot 515 in D.D.22,  
   Cheung Uk Tei Village, Tai Po  
   (RNTPC Paper No. A/TP/412)

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### Presentation and Question Sessions

49. 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 House (New Territories Exempted House (NTEH) – Small



House);

- (c) departmental comments – concerned Government departments, including Director of Environmental Protection (DEP), Director of Agriculture, Fisheries and Conservation (DAFC), Drainage Services Department (DSD) and Water Supplies Department (WSD), had no objection to or no comment on the application;
- (d) one public comment was received during the statutory publication period from Kadoorie Farm and Botanical Garden Corporation objecting to the application on environmental grounds, whereas no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed NTEH/Small House development complied with the assessment criteria for NTEH/Small House development in that the application site fell entirely within the Village Environs (“VE”) and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village concerned. The proposed NTEH/Small House was compatible with the surrounding rural environment and was not envisaged to impose significant impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. On the concerns raised in the public comment, DSD advised that septic tank was not required in this case as public sewerage connection was available for the site;

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2012, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of landscape proposals with compensatory planting of two numbers of heavy standard size trees to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject 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 a failure of the systems;
- (c) the applicant should connect sewers to the public sewerage system and keep a clearance of 3.5m between the Small House development and any existing streamcourse; and
- (d) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

**Agenda Item 11**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/61-7            Comprehensive Residential Development with Commercial  
and Government, Institution or Community Facilities  
– (Proposed Amendments to Approved Scheme)  
in “Comprehensive Development Area (1)” zone,  
Various Lots in D.D. 206 and Adjoining Government Land,  
Area near Lok Wo Sha, Ma On Shan  
  
(RNTPC Paper No. A/MOS/61-7)

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53.            The Secretary reported that the subject application was submitted by the subsidiaries of Henderson Land Development Co. Ltd. (HLD). Mr. Alfred Donald Yap had declared an interest in the item as he had current business dealings with HLD.

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

**Presentation and Question Sessions**

54.            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 minor amendments to the comprehensive residential development with commercial and Government, Institution or Community facilities;
- (c) departmental comments – concerned Government departments had no objection to or no comment on the application, except that Chief Town Planner/ Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) and Director of Agriculture, Fisheries and

Conservation (DAFC) suggested the applicant to make more effort to preserve / transplant more trees;

- (d) one comment was received from the District Officer/Sha Tin (DO/ST) from the Vice-Chairman of the Owners' Committee (OC) of Monte Vista objecting to the development mainly on the grounds of excessive development intensity; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. The proposed amendments had been mostly approved in the previous approved application No. A/MOS/61-6. All the proposed amendments in the current application were considered minor in nature. They included mainly a change in tree felling proposal arising from the Government's requirement of a maintenance access along the boundary of the site. CTP/UD&L, Plan D and DAFC's concerns on the tree felling proposal and landscape master plan with a view to preserving more trees could be addressed by imposing relevant approval condition. The changes in the layout of the emergency vehicular access, design of the driveway at the main entrance, location of the bicycle parking spaces, the internal traffic circulation for the car park and an increase in motorcycle parking spaces were considered minor and acceptable and TD's concerns about the provision of vehicular access, pedestrian circulation and parking arrangement and loading/unloading facilities could be addressed by imposing relevant approval conditions. There was no change to the overall gross floor area and height profile of the proposed development and it had not significantly affected the overall layout of the development. Other relevant departments had no adverse comment on the changes. The local objection mentioned by the OC of Monte Vista was basically the same as that lodged against the approved application (No. A/MOS/61) and the previous amendment schemes. On 19.3.2008, representatives from PlanD, DO/ST and applicants met the OC to discuss their concerns on pedestrian and cyclists safety, detailed use of public pedestrian walkway, environmental requirements, number of parking spaces and traffic impacts

on this application. Both the Board and the Committee had considered the grounds of objection before.

55. Members had no question on the application.

#### Deliberation Session

56. 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 20.5.2009, 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 (MLP) taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the Town Planning Board;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the implementation of the noise mitigation measures identified in the revised noise impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase

mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, entrance and exit points to car parks, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) the submission of a revised traffic impact assessment and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the Town Planning Board;
- (k) the implementation of the recommendations identified in the revised cultural heritage impact assessment (January 2007), including an archaeological survey and a historical survey to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (l) the submission of a revised drainage impact assessment and the implementation of the drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (m) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (n) the implementation of the sewerage facilities identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (o) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (p) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the proposed new roads leading to the proposed development required under the Buildings Ordinance (BO) should be completed prior to application for occupation permit;
- (c) liaison should be made with CLP Power Hong Kong Ltd. to ensure that additional electricity demand for the proposed development can be supplied

from the existing electricity network;

- (d) each phase of the proposed development should be self-sustainable in every aspect under the BO including plot ratio, site coverage, means of escape, means of access for firefighting and rescue, fire resisting construction, collection of refuse and segregation of vehicular and pedestrian traffic as well as provision of clubhouse facilities. Each phase of the development should have its self-contained clubhouse of which the gross floor area (GFA) of such facilities would not exceed 5% of the total domestic GFA of the phase;
- (e) two existing water mains at the north-eastern part of the site would be replaced/rehabilitated. Liaison with the Consultants Management Division of the Water Supplies Department (WSD) was required should diversion of these water mains be required. WSD was planning to lay fresh water main and salt water main along the planned Road A and planned Road B. The main laying works would likely be carried out in conjunction with the developer's roadwork. The developer should take this into consideration in the planning and construction of the proposed roadworks and approach WSD during their detailed design stage to sort out the interfacing issue between the two projects. The cost of any necessary diversion of existing water mains affected by the development should be borne by the development project. Right of Way should also be provided to WSD for their staff and contractor to carry out inspection and maintenance of waterworks installations at the north-eastern corner of the development site;
- (f) observation of the Code of Practice for Means of Access for Firefighting and Rescue during General Building Plan submission stage;
- (g) if a boundary wall near the Government retaining walls along Road A and Road B was to be constructed, the design and construction details should be agreed by Highways Department to avoid the creation of a narrow and long trough between the boundary/retaining walls;



- (h) filling up the gap between the Government retaining wall and the boundary fence wall would not be carried out until the retaining wall had been handed over from Civil Engineering and Development Department to Highways Department; and
- (i) effort should be made to preserve the existing large trees in-situ, in particular Tree Nos. T1042, T1046 and T1125. Vertical landscaping or greening design should be incorporated so as to visually soften the outlook of the high-rise buildings.

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

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

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

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

58. While awaiting the computer set-up for Agenda Item 12, the Committee agreed to deal with Agenda Item 13 first.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376                      Proposed Comprehensive Residential Development  
(with Minor Relaxation of the Site Coverage Restrictions  
for Permitted Podium Site Coverage of below 40%  
and Minor Relaxation of Building Height Restrictions  
for Permitted Building Height of 10 Storeys  
above a Landscaped Recreational and Carpark Podium  
with E/M and other Ancillary Facilities)  
in “Comprehensive Development Area” zone,  
Various Lots in DD 374 and 375  
and Adjoining Government Land, Area 56,  
So Kwun Wat, Tuen Mun  
(RNTPC Paper No. A/TM/376)

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59.                      The Secretary reported that the subject application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd. (SHK) and Hanison Construction Holdings Ltd.. The Committee noted that Mr. Alfred Donald Yap and Mr. Y. K. Cheng had declared interests in the item as they had current business dealings with SHK. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap and Mr. Cheng could stay at the meeting.

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

60.                      The Committee noted that on 2.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to prepare supplementary information to address the departmental comments on urban design and landscape issues.

#### **Deliberation Session**

61.                      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The

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

### **Agenda Item 12**

[Open Meeting (Presentation and Question Sessions Only)]

Draft Planning Briefs for “Comprehensive Development Area” Sites in Areas 112 and 115 on Approved Tin Shui Wai Outline Zoning Plan No. S/TSW/12  
(RNTPC Paper No. 15/08)

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62. The Committee noted that the Director of Planning, the Director of Lands and Mr. Mr. Timothy K.W. Ma were members of the Supervisory Board of the Hong Kong Housing Society (HKHS), who was the allocatee of the “Comprehensive Development Area” (“CDA”) Site in Area 115, Tin Shui Wai under this item. In this connection, the Chairperson, Mr. Chris Mills and Mr. Timothy K.W. Ma declared interests in this item. Mr. Alfred Donald Yap chaired the meeting for this item at this point.

[Mrs. Ava S.Y. Ng, Mr. Chris Mills and Mr Timothy K.W. Ma left the meeting temporarily at this point.]

### **Presentation and Question Sessions**

63. With the aid of a Powerpoint presentation, Mr. W.M. Lam, STP/TMYL, presented the draft planning briefs for the two “Comprehensive Development Area” (“CDA”) sites in Areas 112 and 115 on the approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/12 as detailed in the Paper :

- (a) on 5.10.2008, the Secretary for Development (SDEV) announced that the Government had agreed in-principle to allocate the “CDA” site in Area 115 to Hong Kong Housing Society for an “Integrated Elderly Community

Project”, which comprised elderly flats, a Wellness Centre, hotel/guesthouse accommodation, day nursery and kindergarten and comprehensive recreational, educational and training facilities;

- (b) for Area 112, the Government had decided to temporarily allocate a site of about 10,000m<sup>2</sup> for a Construction Industry Council Training Academy’s training centre for five years. The remaining part of about 30,000m<sup>2</sup> in site area, would be let out by way of Short Term Tenancy for a fixed term of 5 years to seek innovative ideas from interested parties for achieving social objectives to create jobs and bring economic activities to Tin Shui Wai. Interested parties were invited to submit Expression of Interest by 12 December 2008. However, the long-term use of this site was yet to be determined.
- (c) planning brief setting out the broad design principles were prepared to provide guidance for prospective developers in preparation of the Master Layout Plan (MLP) for permanent development of the two sites. The broad design principles would also be applicable for short-term use of the sites as appropriate; and
- (d) being two major pieces of Government land at the northern fringe of Tin Shui Wai New Town, proper guidance were required for future developments on the two sites bearing in mind their close proximity to the Hong Kong Wetland Park. The Planning Briefs highlighted the site layout, building design principles and criteria to be adopted by the “CDA” developments having due regard to the basic development parameters and technical requirements specified under the Tin Shui Wai OZP. Guiding principles on key aspects like urban design, air ventilation, greening opportunities, traffic noise amelioration and pedestrian connection were highlighted. The requirements set in the planning brief would need to be taken into account in future Master Layout Plan submission.

64. Members had no question on the draft planning briefs.

65. After deliberation, the Committee :
- (a) endorsed the draft Planning Briefs for the two “CDA” sites in Area 112 and 115 for guiding the future developments on both sites; and
  - (b) agreed that the draft Planning Briefs were suitable for submission to the Yuen Long District Council for consultation. Views collected would be reported to the Committee for consideration prior to promulgation of the Planning Briefs.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/288          Temporary Vehicle Park for Private Car and Light Goods Vehicle  
with Ancillary Office and Storeroom for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots 2428 RP (Part) and 2429 RP in D.D. 124,  
and adjoining Government Land,  
Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/288)

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[Mr. Chris Mills left the meeting at this point.]

**Presentation and Question Sessions**

66. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :
- (a) background to the application;
  - (b) the temporary vehicle park;

- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. There was no immediate development proposed for the “CDA” zone. The vehicle park involving parking facilities of private car and light goods vehicle for the applicant’s company delivery vehicles was considered not incompatible with the surrounding land uses which were mainly vacant sites, open storage yards and Light Rail facilities. The proposed temporary use would not frustrate the implementation of the planned use in the long term. The site was the subject of two previous applications (No. A/YL-PS/267 and 277) for the similar temporary use approved by the Committee. With imposition of relevant planning conditions, it was unlikely that the development would create significant adverse environmental, drainage, landscape and visual impacts on the surrounding areas.

67. Members had no question on the application.

#### Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, 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 dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;

- (c) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (e) the existing landscape planting on the site on the site should be maintained at all times during the approval period;
- (f) the drainage facilities implemented under Application No. A/YL-PS/277 should be maintained at all times during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2009;
- (h) 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 Town Planning Board by 24.1.2009;
- (i) in relation to (h) 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 Town Planning Board by 24.4.2009;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with

by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions;;
- (c) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note District Lands Officer/Yuen Long (DLO/YL)'s comments that the applicant should be reminded to apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on the site;
- (f) note Director of Fire Services (D of FS)'s comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his approval. In formulating FSIs proposal for the proposed structure, reference should be made to the following requirements:
  - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS5266; Part 1 and BS EN 1838;



- (ii) sufficient directional and exit sign should be provided in accordance with BS5266: Part 1 and FSD Circular Letter 5/2008;
- (iii) fire alarm system should be provided throughout the entire building in accordance with BS5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. The actuation point should include facilities for fire pump start and audio/visual warning device initiation;
- (iv) a modified hose reel system supplied by a 2m<sup>3</sup> FS water tank should be provided. There should be sufficient hosed reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose should be clearly marked on plans; and
- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans.

Justifications were required for application on exemption from the provision of the certain FSI above. The applicant should also approach the Dangerous Goods Division for advice on licensing for storage of tyre where necessary. Advice on detailed fire safety requirements could be sought from their New Project Division.

- (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 Environmental Protection Department to minimise any possible environmental nuisances;
- (h) note Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD)’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 this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly; and

- (i) note Chief Engineer/New Territories West of Highways Department (CHE/NTW of HyD)'s comment that the applicant should submit the access proposal to the site to TD for approval. If the access proposal was approved by TD, the applicant should construct the run in/out at the access point in accordance with HyD's standard drawing H1113 and H1114 or H5115 and H5116, to match with the existing pavement condition. The applicant should also construct an intercept channel at the site entrance to prevent surface water running out from the site to public roads/drains. HyD should not be responsible for the maintenance of any vehicular access between the site and Hung Yuen Road.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/289          Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in "Undetermined" and "Village Type Development" zones, Lots 39RP(part), 40RP, 42(part), 43 S.B(part), 43 S.C(part), 43 S.D(part), 43 S.E(part), 43 S.F(part) and 43 S.G(part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/289)

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

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

- (a) background to the application;
- (b) the renewal of planning permission for temporary public vehicle park;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The site was the subject of two previous applications No. A/YL-PS/187 and 254 approved by the Board on review and the Committee for the current applied use for two years. As there was no change in planning circumstances since last approval that warranted a departure from previous decision, consideration could be given to allow the development to be continued on the site. However, since there were Small House applications on part of the “V” zone (at Lots 43SB to 43SG which formed the part of the application site), a further period of 2 years instead of 3 years as requested by the applicant should be given in order to continue monitor the situation and not to jeopardize the planning intention of the “V” zone for Small House development. Similar public vehicle parks had previously been approved within the same “V” zone (No. A/YL-PS/213 and 216) and within the same “U” zone (No. A/YL-PS/55, 80, 148 and 206).

71. In response to the Chairperson’s enquiry, Mr. W.M. Lam said that approving the application for 2 years, it would not affect the processing and programme of the on-going small house applications within the application site, and the operation of the public vehicle park could be monitored more closely.

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 17.11.2010 instead of 3 years sought to monitor the situation, 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 dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;
- (c) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all time during the approval period;
- (e) the drainage facilities implemented under planning application No. A/YL-PS/254 should be maintained at all time during the approval period;
- (f) the submission of the 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 Town Planning Board by 24.4.2009;
- (g) 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 Town Planning Board by 24.4.2009;
- (h) in relation to (g) 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 Town Planning Board by 24.7.2009;

- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) shorter approval period was granted to closely monitor the situation on the site;
- (c) note District Lands Officer/Yuen Long (DLO/YL)'s comments that the applicant should be reminded to apply for Short Term Tenancy to regularise the irregularities on the site;
- (d) note Director of Fire Services (D of FS)'s comments that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed fire service installations should be marked clearly on the plans;
- (e) note Chief Building Surveyor/New Territories West of Buildings Department (CBS/NTW of BD)'s comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any

proposed new work, including any temporary structure for approval under the BO was required; and;

- (f) to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department.

## **Agenda Item 16**

### **Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/72-2      Proposed Comprehensive Commercial/Residential Development with Public Transport Interchange  
[Class B Amendments to the Approved Scheme to Delete G/IC Facilities (Category 10)]  
in “Comprehensive Development Area” zone,  
Government Land covering the Public Transport Interchange Associated with the West Rail Tin Shui Wai Station  
at the Junction of Ping Ha Road (West) and  
Ping Ha Road (South), Yuen Long  
(RNTPC Paper No. A/YL-PS/72-2)

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74.            The Secretary reported that the subject application was submitted by the MTR Corporation Ltd. The Committee noted that the Secretary for Transport and Housing was the non-executive Director of the MTR Corporation Ltd. Mr. Y.M. Lee had therefore declared an interest in this item.

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

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the Class B Amendments to delete Government, Institution or Community facilities for the Approved Comprehensive Commercial/Residential Development with Public Transport Interchange;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application. Director of Social Welfare (DSW) advised that from the service planning perspective, he preferred to set up the Residential Care Home for the Elderly (RCHE) in public rental housing estate rather than any other type of development with a view to meeting the social needs of elders in the community. DSW confirmed his withdrawal of the bid for a RCHE from the subject development scheme. District Officer/Yuen Long (DO/YL) had repeatedly confirmed with the applicant that the Public Enquiry Service Centre (PESC) was no longer required;
- (d) DO/YL advised that a Member of the Yuen Long District Council (YLDC) had commented that villagers were still very concerned about the height of the development and strongly requested for a Fung Shui line between Tang Ancestral Hall and the development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 4 of the Paper. The proposed deletion of the two G/IC facilities (a RCHE and a PESC) within the podium of the development was initiated by DSW and DO/YL. Both departments had confirmed that they no longer required the proposed facilities in the development. Compared with the previously approved scheme under Application No. A/YL-PS/72, there was no change in the intensity of the proposed development. There would be no increase in the

accountable gross floor area (GFA). The floor area of the deleted G/IC facilities would be absorbed by the clubhouse facilities of the residential development, which was about 3.8% of the domestic GFA of the development scheme. The proposed amendments to the approved scheme were considered acceptable and no adverse traffic, environmental, drainage, visual impacts on the surrounding area were anticipated.

76. Members had no question on the application.

### Deliberation Session

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.2.2009, 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 (d) and (e) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the implementation of a Master Landscape Plan, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to all residential blocks to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the provision of a footbridge across Ping Ha Road (South), connecting the



subject proposed development with the West Rail Tin Shui Wai Station concourse, to the satisfaction of the Director of Highways or of the Town Planning Board;

- (f) the diversion of the existing water mains affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (g) the submission of a drainage impact assessment and the implementation of flood mitigation measures and any stormwater drainage facilities proposed therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (h) the submission of a sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) to revise the Master Layout Plan to take into account the conditions of approval imposed by the Board. The approved Master Layout Plan, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as practicable; and
- (b) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35 and 36 should be referred to for details.

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

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

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/574      Temporary Open Storage of Scrap Metals for a Period of 3 Years  
in "Open Space" zone,  
Lots 351 (Part) and 482 in D.D.124,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/574)

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

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

- (a) background to the application;
- (b) the temporary open storage of scarp metals;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected. Other Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB PG-No. 13E in which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The site had been the subject of 3 previous applications No. A/YL-HT/74, 245 and 406, all approved by the Committee since 1999. Although the applied use was not in line with the planning intention of “O” zone which was to provide outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public, there was no immediate development proposal for the site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “O” zone on the OZP. There was however no environmental complaint pertaining to the site received in the past three years. To address EPD's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours, the types of activity, and the stacking height of materials stored on site had been proposed.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, 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 7:00pm to 9:00am, as proposed by the applicant, 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) no cutting, dismantling, melting, cleansing, repairing and other workshop activity was allowed on the site at any time during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site, as proposed by the applicant, should not exceed the height of the boundary fence during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/406 should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/406 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.4.2009;
- (g) the submission of revised landscape proposals, with indication of existing trees and proposed additional trees, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.4.2009;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.7.2009;
- (i) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.4.2009;
- (j) in relation to (i) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.7.2009;

- (k) 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 Town Planning Board by 24.4.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time 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 (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 Town Planning Board.

82. 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) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Director of Environmental Protection;
- (d) note District Lands Officer/Yuen Long (DLO/YL)’s comments that the site situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, to clarify the discrepancy between

the existing occupation area with that under application and to apply for Short Term Waiver to regularize the irregularities on site. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;

- (e) note Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD)'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;
- (f) note Chief Highway Engineer/New Territories of Highway Department (CHE/NTW of HyD)'s comments to construct a run in/out at the access point in accordance with the HyD's standard drawing H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. At present, there was no run in/out with HyD standard on site. HyD should not be responsible for the maintenance of any vehicular access connecting the site and Hung Tin Road; and
- (g) note Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2) of 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 with the private lots to WSD's standards.

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

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/575            Temporary Logistics Centre and Open Storage of Containers  
for a Period of 3 Years in “Open Storage” zone,  
Lots 1466(Part), 1467 S.D(Part), 1467 RP(Part), 1469(Part),  
1470(Part), 1471(Part), 1472(Part), 1473(Part), 1474(Part) and  
1475 RP(Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
  
(RNTPC Paper No. A/YL-HT/575)

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

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

**Presentation and Question Sessions**

83.            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 and open storage of containers;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. There were no adverse comments from other Government departments;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB PG-No. 13E in which favourable consideration would normally be given to applications within these areas. The site fell within the “OS” zone of the extant Ha Tsuen OZP, which had already been occupied by a number of logistics centres, workshops, open storage yards of containers, construction materials and recycling materials. To address DEP's concern and mitigate any potential environmental impacts, approval conditions, including no night-time operation and no operation on Sundays and public holidays, and restrictions on stacking of containers/materials and workshop activity on site, were recommended. The Committee approved the previous application No. A/YL-HT/505 for the same use on the same site on 14.12.2007. Since the last approval, areas on both sides of Ha Tsuen Road in which the site was located had been rezoned from “REC” to “OS” and “OS(1)” to regularize the already haphazard proliferation of open storage uses. Although the planning permission was revoked on 14.6.2008 due to non-compliance with the approval condition on the provision of drainage facilities, the applicant had actually complied with the other approval conditions on the submission of drainage proposals, as well as the submission and implementation of landscape proposals. To monitor the fulfilment of conditions, shorter compliance periods had been recommended.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, 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 7:00p.m. to 8:00a.m. was allowed on the site during the planning approval period;



- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing and other workshop activity should be carried out on the site at any time during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence 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) no stacking of containers within 5m from the peripheral fencing of the site at any time during the planning approval period;
- (g) the existing trees on the site should be maintained at all times during the planning approval period;
- (h) the implementation of the accepted drainage proposal under Application No. A/YL-HT/505 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2009;
- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 24.1.2009;
- (j) in relation to (i), the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 24.4.2009;

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

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

- (a) shorter compliance periods were granted in order to monitor the fulfilment of approval condition. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note 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 Waiver (STW) to regularize the unauthorized structures on site. Should no STW 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 programme;
- (d) note Assistance Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD)'s comments to clarify the land status and management/ maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;

- (e) note Chief Building Surveyor/New Territories West of Buildings Department (CBS/NTW of BD)'s comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure, for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and detailed comments on the plot ratio and site coverage would be offered upon formal submission of building plans to his department;
- (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 Director of Fire Services' comments that if roofed structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would be required for the structures. In such circumstances, the applicant was required to submit relevant layout plans incorporated with the proposed FSIs to this Department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/578      Temporary Storage of Construction Machinery,  
Recyclable Materials (Plastic, Metal and Paper)  
with Cargo Handling and Forwarding Facility for a Period of 3 Years  
in “Open Storage (Group 1)” zone,  
Lots 6(Part), 7(Part), 8(Part), 9 RP(Part), 10, 11, 12(Part),  
42(Part), 43(Part), 44(Part), 45(Part), 46 S.B(Part), 46 RP(Part),  
47(Part) and 50(Part) in D.D. 124,  
Lots 1498 S.A RP(Part), 1498 S.B RP(Part)  
and 1556 RP(Part) in D.D. 125 and Adjoining Government land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/578)

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**Presentation and Question Sessions**

87.            The Committee noted that on 15.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to address the comments of various Government departments.

**Deliberation Session**

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/579          Temporary Container Vehicle Repair Yard  
with Ancillary Office for a Period of 3 Years  
in “Open Storage” zone,  
Lots 1188 RP (Part), 1333 (Part), 1334 (Part),  
1335 (Part) and 1336 (Part) in D.D. 125,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/579)

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[Mr. C.W. Tse left the meeting temporarily at this point.]

**Presentation and Question Sessions**

89.          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 container vehicle repair yard with ancillary office;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. There were no adverse comments from other Government departments;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

The site fell within Category 1 areas under the TPB PG-No. 13E in which favourable consideration would normally be given to applications within these areas. The development was generally in line with the planning intention of “OS” zone which was primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions, including no night-time operation and no operation on Sundays and public holidays, had been recommended. The Committee approved the previous applications No. A/YL-HT/113 and 473 for the similar open storage/port back-up use at the site on 5.11.1999 and 9.3.2007 respectively. Since the last approval, area on both sides of Ha Tsuen Road in which the site was located had been rezoned from “REC” to “OS” and “OS(1)” to regularize the already haphazard proliferation of open storage uses. However, as the previous approvals were revoked because of non-compliance of approval conditions, shorter compliance periods had been recommended to closely monitor the fulfillment of approval conditions.

90. Members had no question on the application.

#### Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, 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 7:00p.m. to 8:00a.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) 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 Town Planning Board by 24.1.2009;

- (d) in relation to (c) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.4.2009;
- (e) the submission of landscape proposals, with indication of relevant information of existing and proposed trees, within 3 months from the date of planning approval to the satisfaction of Director of Planning or of the Town Planning Board by 24.1.2009;
- (f) in relation to (e) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the Town Planning Board by 24.4.2009;
- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 24.1.2009;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 24.4.2009;
- (i) 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 Town Planning Board by 24.1.2009;
- (j) if any of the above planning conditions (a) or (b) 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;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were granted in order to monitor the fulfilment of approval conditions;
- (c) no favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (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 to his Office for Short Term Waiver (STW) to regularize the unauthorized structures on site. Should no STW 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 programme;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal as follows:
  - (i) the applicant was required to ensure that the existing channel into which the runoff collected by the subject site would be discharged was adequate to discharge the additional flow from the subject site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside



subject lot;

- (ii) all proposed drainage facilities should be constructed and maintained by the applicant at his own costs;
  - (iii) the applicant was required to properly maintain their drainage facilities and rectify those facilities if they found inadequate/ineffective during operation. The application 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;
  - (iv) the gradient of the proposed 350mm UC should be shown in the drainage proposal for his consideration;
  - (v) the connection details (gradient) from the catchpit to the existing channel at the discharge points should be given for his comments;  
and
  - (vi) the details 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.
- (g) note the Chief Highways Engineer/New Territories West of Highways Department (CHE/NTW of HyD)'s comments that HyD should not be responsible for the maintenance of any vehicular access connecting the site and Ha Tsuen Road;
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied

regulations; actions appropriate under the BO or other enactment may be taken if contravention was found; formal submission of any proposed new works, including any temporary structure, for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and detailed comments on the plot ratio and site coverage would be offered upon formal submission of building plans to his department;

- (i) 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
- (j) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. As layout plans showing the details of the proposed structures erected within the site were not provided, his Department was unable to formulate detailed fire safety requirements at the moment. Therefore, the applicant was required to submit relevant layout plans incorporated with the proposed FSIs to this Department for consideration and approval. In this connection, the applicant should also be advised on the following points:
  - (i) The layout plans should be drawn to scale and depicted with dimensions, cubical extent and nature of occupancy; and
  - (ii) The location of where the proposed FSI to be installed should be clearly marked on the building plans and stated in notes form.

Moreover, 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 site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the

above purposes where necessary.

[Mr. C.W. Tse returned to join the meeting at this point.]

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/580      Temporary Storage of Recyclable Materials  
(Plastic, Metal and Paper) with Cargo Handling and  
Forwarding Facility for a Period of 3 Years  
in “Open Storage (Group 1)” zone,  
Lots 4 (Part), 5 (Part), 6 (Part), 7 (Part), 45 (Part), 46 S.A (Part),  
46 S.B (Part), 46 RP (Part), 47 (Part), 49 (Part) and 57 (Part) in D.D. 124  
and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/580)

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

93.            The Committee noted that on 14.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to address the comments of various Government departments.

#### **Deliberation Session**

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/170      Proposed Filling of Existing Ponds, House  
(Low-rise, Low-density Residential) Development and  
Minor Relaxation of Building Height Restriction from 6m to 6.6m  
in “Residential (Group D)” zone,  
Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP,  
3225 RP, 3225 S.C RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP,  
3250 S.B ss.33 S.B, 3250 S.B ss.21 RP, 3250 S.B ss.40 (Part)  
and 4658 (Part) in D.D. 104, and Adjoining Government Land,  
Mai Po, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-MP/170)

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95.            The Secretary reported that the subject application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). The Committee noted that Mr. Alfred Donald Yap, and Dr. James C.W. Lau had declared interests in the item. Mr. Yap had current business dealings with HLD and Dr. Lau had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap and Dr. Lau could stay at the meeting.

**Presentation and Question Sessions**

96.            The Committee noted that on 8.10.2008, the applicant requested for deferment of the consideration of the application to allow time to address the comments of relevant Government departments. The applicant also advised that the further information would be ready for submission within 3 weeks.

**Deliberation Session**

97.            After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that three weeks, i.e. up to 14.11.2008, were allowed for preparation of the submission of the further information.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/180 Proposed Comprehensive Residential Development  
in “Undetermined” and “Government, Institution or Community” zones,  
Lots 879(Part), 880S.Ass.1, 880S.Bss.1, 881, 882, 883, 884,  
885, 889RP(Part), 891(Part), 1318, 1326 and 1344(Part) in DD 115,  
and Adjoining Government Land, Au Tau, Yuen Long  
(RNTPC Paper No. A/YL-NSW/180)

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

98. The Committee noted that on 15.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to prepare further information to address the concerns of Antiquities and Monuments Office.

#### **Deliberation Session**

99. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a total of 6 months since the application was deferred by the Committee on 18.4.2008 for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/230      Temporary Container Tractor/ Trailer Park  
with Ancillary Repair Areas for a Period of 3 Years  
in “Open Storage” zone,  
Lots 2583(Part), 2584 (Part), 2585 (Part), 2615 (Part), 2616 (Part),  
2617 (Part), 2618 (Part), 2619, 2620, 2621 S.A, 2621 S.B,  
2626 (Part), 2627, 2628, 2629, 2630, 2632, 2633, 2634 (Part)  
and 2635 (Part) in D.D. 102, and Adjoining Government Land,  
Ngau Tam Mei, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-NTM/230)

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**Presentation and Question Sessions**

100.            The Committee noted that on 14.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to clarify the issues with Transport Department.

**Deliberation Session**

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

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lee left the meeting at this point.]

## Agenda Item 25

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/299 Proposed Filling of Pond for  
New Territories Exempted Houses — (Small Houses)  
in “Village Type Development” zone,  
Lots 754S.A to S.Q, 754R(Part), 754S.S(Part),  
754S.T(Part), 754S.U(Part), 754S.V(Part), 754S.W(Part),  
754S.X(Part), 754S.Y, 754S.Z, 754S.AA to S.AG, in DD 109,  
Shui Mei Tsuen, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/299)

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102. The Secretary reported that Dr. James C.W. Lau had declared interest on the item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, Members agreed that Dr. Lau could stay at the meeting.

### Presentation and Question Sessions

103. The Committee noted that on 14.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to prepare further supplementary information to address the outstanding technical concerns of relevant departments.

### Deliberation Session

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

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

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/300 Proposed Houses  
in “Other Specified Uses” annotated  
“Comprehensive Development and Wetland Enhancement Area” zone,  
Lots 111RP, 112RP, 114RP, 115RP, 116RP, 120RP, 260RP(Part),  
261RP, 264(S.A to D)RP, 264 S(E to H)RP, 266S.BRP,  
268(S.A to B)(Part), 268S.CRP and 269S.B(Part) in DD 109  
and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/300)

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105. The Secretary reported that Dr. James C.W. Lau had declared interest on the item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, Members agreed that Dr. Lau could stay at the meeting.

### **Presentation and Question Sessions**

106. The Committee noted that on 3.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to prepare supplementary information in coordination with relevant department.

### **Deliberation Session**

107. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee agreed that the application should be submitted to the Committee for



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

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/442      Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Village Type Development” and “Agriculture” zones,  
Lot 1054 (Part) in D.D. 113,  
Kam Ho Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/442)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view and suggested that the site could be rehabilitated for agricultural purpose such as indoor cultivation. Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application from the landscape

planning point of view, considering that the proposed open storage of construction materials was not compatible with the existing rural landscape character;

- (d) one public comment was received during the statutory publication period which was the same as the one submitted by a member of the Yuen Long District Council to the District Officer. The commenter stated that the Board should respect the opinion of the village representative, and to fully consider the condition of the road serving the site and to assess the environmental impact arising from the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It was also not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose respectively and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The application did not comply with the TPB PG-No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones;

109. Members had no question on the application.

Deliberation Session

110. 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” (“V”) zone which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It was also not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose respectively and 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 to justify for a departure from the planning intentions, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration. The development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated/fallow agricultural land and residential dwellings; there was no previous approval granted at the site and there were adverse departmental comments on the application;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/444 Proposed Temporary Open Storage of Vehicles and Vehicle Parts  
for a Period of 3 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 579 S.B and 579 RP in D.D. 106,  
Kam Sheung Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/444)

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**Presentation and Question Sessions**

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

111. 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 temporary open storage of vehicles and vehicle parts;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned Government departments had no objection to the application.;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the open storage uses/warehouses operated nearby and on the opposite side of Kam Sheung

Road. There was no known development programme for the “Other Specified Use” annotated “Rural Use” (“OU(RU)”) site. The development was generally in line with TPB PG-No. 13E in that it was related to an application to continue a similar use approved under previous application No. A/YL-KTS/345. All the planning conditions under the previous approval had been complied with. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting operation hours, vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities and prohibiting medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) or container trailers/tractors were recommended as approval conditions.

112. Members had no question on the application.

#### Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 10:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval

period;

- (e) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (f) the landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the implementation of replacement of tree planting within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.4.2009;
- (h) 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 Town Planning Board by 24.4.2009;
- (i) in relation to (h) 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 Town Planning Board by 24.7.2009;
- (j) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.4.2009;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.7.2009;
- (l) if the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) 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;
- (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 Town Planning Board.

114. 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 applicant should be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L of PlanD)'s comments that one *Dimocarpus longan* (龍眼) had died whilst the rest of the existing trees (except the *Mangifera indica* (杧果)) appeared to be under stress. The dead tree should be replaced by 1 no. of *Dimocarpus longan* at heavy standard size. In order to improve the condition of the existing trees, the applicant was strongly advised to remove all the storage materials away from the trees and loosen the compacted soil around the trees to promote aeration in the soil;
- (e) note Chief Engineer/New Territories West of Highways Department (CHE/NTW of HyD)'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;

- (f) 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 Director of Environmental Protection (DEP) to minimise any potential environmental nuisances;
- (g) note Chief Building Surveyor/New Territories West of Buildings Department (CBS/NTW of BD)’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works;
- (h) note Director of Fire Services (D of FS)’s comments that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans, and the requirements on emergency lighting, directional sign and exit, fire alarm and hose reel systems and portable hand-operated approved appliances in formulating the fire service installations proposal should be observed. Besides, the applicant should submit the relevant layout plans incorporated with the proposed fire service installations proposal to his department for approval. If the applicant wished to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration; and
- (i) note Director of Electrical and Mechanical Services (DEMS)’ comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited (CLP Power), and if necessary, ask CLP Power to divert the high voltage (11kV) underground cables and/or low voltage overhead lines 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 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/229            Temporary Public Vehicle Park (Private Cars and Lorries)  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 124 S.A, 124 RP, 125 S.A ss.1, 125 S.A RP, 126 S.A ss.1, 134,  
302 S.A ss.2, 302 S.A RP and 303 RP in D.D. 117  
and Adjoining Government Land,  
Shui Tsiu San Tsuen, Tai Tong Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/229)

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**Presentation and Question Sessions**

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

115.            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;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were residential dwellings located immediately next to the site and environmental nuisance was expected. Other Government departments had no objection to the application;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although the development was not entirely in line with the planning intention of the “V” zone, it could satisfy some of the local parking demand and was functionally supporting the residential developments in the surrounding areas. There were 2 small house applications on the site pending further processing. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The site was the subject of a previous planning approval No. A/YL-TT/185 granted for the similar use by the Committee on 9.9.2005. The development was not incompatible with the residential character of the areas as it was intended to serve the parking need of the local residents. To address DEP's concern and to minimize the potential environmental nuisance, approval conditions prohibiting medium or heavy goods vehicles and the types of activities on site were suggested to impose.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.10.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the

planning approval period;

- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the submission of access proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.4.2009;
- (e) in relation to (d) above, the implementation of access proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.7.2009;
- (f) 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 Town Planning Board by 24.4.2009;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.7.2009;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.4.2009;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.7.2009;
- (j) 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

Town Planning Board by 24.4.2009;

- (k) 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;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) resolve any land issue relating to the development with other concerned owners of the application site;
- (c) note District Lands Officer/Yuen Long (DLO/YL)'s comments that no structure was allowed to be erected without prior approval from his office. The Government land within the site was occupied without approval from his office. In this connection, his office reserved the right to take control action against these irregularities. Furthermore, the existing occupation area was found to be different with that under application. As such, the applicant should clarify the discrepancy. The applicant should apply for Short Term Tenancy (STT) to regularize the irregularities on site. Should no STT application be received/approved, his office, on review of the situation, would resume or take new action as appropriate according to the land

control programme;

- (d) note Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD)'s comments that the proposed temporary run-in at Tai Tong Road should be no more than 7.3m wide for road safety sake unless otherwise approved. It should be constructed in accordance with the relevant government standards and subject to the satisfaction of Highways Department (HyD) and TD (for those section on public road) and DLO (for those section on unallocated government land). The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note Chief Highway Engineer/New Territories West of HyD (CHE/NTW of HyD)'s comments that the applicant should construct the run in/out at the access point in accordance with HyD's standard drawings H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. An interception channel should be constructed at the entrance of the site to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any vehicular access between the site and Tai Tong Road;
- (f) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to adopt environmental mitigation measures to minimise any possible environmental nuisances; and
- (g) note Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L of PlanD)'s comments that there should be tree planting along the southern site boundary of the site.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/231          Proposed Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Agriculture” zone,  
Lot 489 RP (Part) in D.D. 117,  
Tai Tong, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/231)

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**Presentation and Question Sessions**

119.          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 temporary open storage of construction materials;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were several sensitive receivers adjoining the site and along the access road leading from Tai Tong Road and environmental nuisance were expected. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view and considered that it was very suitable for conversion into greenhouse farming or nursery garden considering its good accessibility. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape point of view;
- (d) one public comment was received during the statutory publication period from two Yuen Long District Council Members against the application as the site was close to residential dwellings and the noise and dust generated

by the heavy vehicles passing would cause nuisances to the residents nearby. No local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development was incompatible with the surroundings which was generally rural in character. The proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments and local objection on the impacts brought about by the proposed development. There was no information in the submission to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts on the surrounding area. Two areas were zoned “OS” on the Tai Tong Outline Zoning Plan to cater for the use under application. Approval of the application would set an undesirable precedent for similar applications to proliferate within the subject “AGR” zone.

120. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was 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. The proposed development was incompatible with the surroundings which was generally rural in character. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and

- (b) the proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments and local objection on the impacts brought about by the proposed development;
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts on the surrounding area;
- (d) two areas were zoned “OS” on the Tai Tong Outline Zoning Plan to cater for the use under application. There was no information in the submission to demonstrate why suitable sites within these “Open Storage” zones could not be made available for the proposed development; and
- (e) the approval of the application would set an undesirable precedent for similar applications to proliferate within the subject “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.



**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/233          Renewal of Planning Approval for  
Temporary “Private Swimming Pool”  
under Application No. A/YL-77/188 for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3314 S.A and 3314 RP in D.D.120,  
Sham Chung Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/233)

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**Presentation and Question Sessions**

122.          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 renewal of planning approval for temporary private swimming pool;
- (c) departmental comments – concerned Government departments had no objection to or no comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was a renewal of the planning permission for temporary private swimming pool previously granted under Application No. A/YL-TT/188. The private swimming pool was for the recreational use of the residents of the two NTEHs at the northern portion of the site. There were no material changes in the planning circumstances since the previous

temporary approval of the Application No. A/YL-TT/188 was granted. The size and scale of the swimming pool was not substantial and the facility only involved open-air ground level structure, it would not adversely affect the village character of the area.

123. Members had no question on the application.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities on the application site should be maintained at any time during the planning approval period;
- (b) the landscape trees on the application site should be maintained at any time during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) resolve any land issue relating to the development with other concerned owners of the application site;
- (b) note District Lands Officer/Yuen Long (DLO/YL)'s comments that his office reserved the right to take appropriate action should any breach of the conditions of the Short Term Waivers (STWs) be found;

- (c) note Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT of TD)'s comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note Chief Highway Engineer/New Territories West of Highways Department (CHE/NTW of HyD)'s comments that HyD should not be responsible for any vehicular access connecting the site and Tai Tong Road as well as Sham Chung Road;
- (e) note Director of Environmental Protection (DEP)'s comments that regarding the sewerage arrangement of the use, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance;
- (f) note Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2) of WSD)'s comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the development; and
- (g) note Director of Electrical and Mechanical (DEMS)' comments that based on the information provided by CLP Power Hong Kong Limited (CLP Power), there were low voltage ducted cables within the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power to divert the existing low voltage ducted lines away from the vicinity of the development.

## Agenda Item 32

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/409 Temporary Warehouse for Storage of Sanitary Ware and Metal Ware for a Period of 3 Years  
in “Undetermined” and “Residential (Group C)” zones,  
Lots 1265 (Part), 1266 (Part), 1271 (Part), 1272, 1273 (Part),  
1275 (Part), 1276 (Part), 1277 S.A, 1277 RP (Part),  
1279 S.B (Part) and 1279 S.B ss.1 (Part) in D.D. 119  
and Adjoining Government Land,  
Pak Sha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/409)

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### Presentation and Question Sessions

126. The Committee noted that on 13.10.2008, the applicant requested for deferment of the consideration of the application for 2 months to allow time to prepare supplementary information to respond to the comments of Drainage Services Department and the Landscape Unit of Planning Department.

### Deliberation Session

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

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL, for her attendance to answer Members’ enquiries. Miss Kwan left the meeting at this point.]

**Agenda Item 33**

Any Other Business

128.        There being no other business, the meeting was closed at 5:30 p.m.