

**TOWN PLANNING BOARD**

**Minutes of 385th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 5.12.2008**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

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

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

Secretary

**Absent with Apologies**

Professor David Dudgeon

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Assistant Director (2), Home Affairs Department  
Mr. Andrew Y.T. Tsang

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 384th RNTPC Meeting held on 21.11.2008

[Open Meeting]

1. The draft minutes of the 384th RNTPC meeting held on 21.11.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 2.12.2008, the Chief Executive in Council (CE in C) approved the following three draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the plans would be notified in the Gazette on 12.12.2008:

- (a) Tsuen Wan Outline Zoning Plan (OZP) (to be renumbered as S/TW/26);
- (b) Shap Sz Heung OZP (to be renumbered as S/NE-SSH/9); and
- (c) The Peak Area OZP (to be renumbered as S/H14/9).

(ii) Reference of Approved Plan

3. The Secretary reported that on 2.12.2008, the CE in C referred the approved Aberdeen and Ap Lei Chau OZP to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference of the approved OZP would be notified in the Gazette on 12.12.2008.

**Sai Kung and Islands District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBN/5      Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/3 from “Residential (Group C)5” to “Residential (Group C)4”, Lot 208 and Extension in D.D. 229, Clear Water Bay Road, Sai Kung  
(RNTPC Paper No. Y/SK-CWBN/5)

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4.            Mr. Edmund Leung declared an interest in this item as he owned a property 2km from the application site. The Secretary reported that Ms. Anna Kwong had also declared an interest in this item as she had current business dealings with Planning Services International (Asia) Ltd. (PSI), which was a consultant for the application. The Committee noted that Mr. Leung had left the meeting and Ms. Kwong had not yet arrived.

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

[Mr. B.W. Chan and Dr. C.N. Ng arrived to join the meeting at this point.]

**Presentation and Question Sessions**

[The hearing was conducted in English and Cantonese.]

5.            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. Ian R.C. Cullen

Mr. Wagner Lam

Deliberation Session

6. The Chairperson extended a welcome and briefly explained the hearing procedures. She then invited the Planning Department's (PlanD) representatives to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Ann Wong presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning from "Residential (Group C)5" ("R(C)5") to "R(C)4" subject to a maximum plot ratio (PR) of 0.5, a maximum site coverage (SC) of 25% and a building height not exceeding 9m and 3 storeys including carport;
- (c) departmental comments – the District Lands Officer/Sai Kung, Lands Department commented that should the proposed development be approved by the Committee, lease modification/land exchange subject to payment of premium and administrative fee was required to effect the proposed development. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had difficulty supporting the proposed rezoning proposal as the cumulative traffic impacts on the nearby road network including Clear Water Bay Road had not been assessed. While the traffic impact arising from the proposed development was minimal, approval of the rezoning application could set an undesirable precedent for other similar applications in the "R(C)5" zone, and result in cumulative traffic impacts on the nearby road network. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposal and she considered that the need for rezoning was not justified;

- (d) during the statutory publication period, one public comment was received. The commenter, who resided in the adjoining lot, commented that she had no in-principle objection to the proposed rezoning but was concerned about the impacts arising from the proposed development on the nearby slope and the common access road. She suggested that the applicant should liaise with her to address her concerns; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in Paragraph 10 of the Paper. The development restrictions for the “R(C)5” zone were mainly to reflect the existing character and development intensity of the existing residential sites so that they could blend in with the surrounding natural environment and rural character, and not to overload the limited infrastructural facilities, particularly the transport network in the area. There was no strong justification to support the proposed rezoning application from “R(C)5” to “R(C)4” which involved an increase in plot ratio and site coverage from 0.4 to 0.5 and 20% to 25% respectively. The approval of the rezoning application without strong justifications would result in an undesirable precedent for similar applications in the area, the cumulative impacts of which would lead to adverse impacts on the existing character and the traffic conditions of the nearby road network.

7. The Chairperson then invited the applicant's representatives to elaborate on the application.

8. Mr. Ian Cullen produced a set of preliminary layout plans for the proposed development at the meeting for Members' reference. Mr. Cullen made the following main points:

- (a) the applicant was an Indian with a large family (three generations with 18 persons) whose culture was to have all family members living under one roof. The additional GFA of 140m<sup>2</sup> was small, and it was required to meet their accommodation needs. The applicant had searched for a property in the Sai Kung and Clear Water Bay area that could meet his

requirements and was not able to find one;

- (b) there would be planning gain arising from the proposed development. All trees would be preserved and the application site would be landscaped. The unsightly concrete slopes at the back of the application site would be upgraded. A nature trail leading to the hills nearby would also be improved for the use of the public and the applicant would pay for the improvement works. PlanD's view that there was no planning gain for the benefit of the public was not agreed;
- (c) the current land use pattern was the result of the British colonial system where lots were granted on a piecemeal basis since the 1950s. The development restrictions were not consistent among all the land lots in the area. When the OZP was first prepared to cover the area, it had the effect of freezing the existing scattered land grant pattern. This had resulted in different development restrictions on the OZP for land lots adjacent to each other without any apparent reasons. The Committee should therefore be flexible when considering the proposed rezoning application;
- (d) PlanD placed too much emphasis on the setting of a precedent. It should be noted that each application should be considered on its own merits. As the application site was the smallest of all "R(C)5" sites on the OZP, the relaxation of development restrictions for the application site would not set a precedent for other larger "R(C)5" sites as these other sites were already occupied by large houses. In addition, the other "R(C)5" sites were all well developed with good quality houses, there would not be enough economic incentives for redevelopment. It was therefore unlikely that the approval of the subject application would set a precedent for other applications at the "R(C)5" sites;

[Mr. Tony Kan arrived to join the meeting at this point.]

- (e) the AC for T/NT, TD had acknowledged that the traffic impact arising from the rezoning proposal for the application site was minimal. It was

unlikely that the application would result in cumulative traffic impacts as no other similar applications had been submitted so far. The Committee could also reject future applications if they would result in adverse traffic impacts; and

- (f) this was an uncontentious application. The commenter had actually no in-principle objection to the application.

9. A Member asked why the application would set an undesirable precedent. Mr. Alfred Lau replied that the approval of the rezoning application without strong justifications and a proper traffic assessment would result in an undesirable precedent. The cumulative impacts of the approval would generate adverse impact on the existing character and traffic conditions on the nearby road network. Mr. Ian Cullen said that there was currently an open car parking area for six cars. There would be no additional parking spaces in the proposal and there would be no additional traffic arising from the rezoning proposal.

10. In response to the same Member's query on whether the applicant considered his justifications strong, Mr. Cullen replied that the large number of people who were going to live in the proposed development should have provided more than enough justifications for the application.

11. As the applicant's representatives had no further comment to make and Members had no 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 and PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

12. The Chairperson said that Members would have to consider whether the personal reasons of the applicant should be taken as a planning justification for approving this application.



13. A Member commented that the increase in plot ratio from 0.4 to 0.5 was only minor and the traffic impacts arising from the proposed development would be negligible. He was sympathetic to the need of the applicant to have the extended family living under one roof.

14. The Chairperson said that though the rezoning of one site would not create adverse traffic impacts, the cumulative effect as a principle would be of concern.

15. Another Member commented that the development restrictions under the current zoning would not allow innovative design and the proposed increase in plot ratio would not generate much adverse impacts. Regarding the concerns on adverse cumulative traffic impacts, the Member considered that the applications could be rejected if later it proved to have a problem arising from cumulative impacts.

16. On the other hand, a few Members were concerned about the cumulative impacts, though they agreed that the site involved was small.

17. The Secretary reminded Members to consider if personal need for a larger house was a valid planning justification.

18. Mr. Chris Mills commented that should the application be approved, the applicant had to apply for a land exchange or lease modification. As the property was fully transferable, he considered that personal reasons were not relevant when considering the rezoning application.

19. A Member had reservation on the application as he worried that if justification on personal grounds was accepted by the Committee, other land owners would follow suit.

20. In response to a question from the Chairperson on the number of previous planning applications which had taken into account personal circumstances, the Secretary replied that no applications had been approved on grounds of personal considerations, except for cases which involved personal hardship.

21. A Member referred to paragraph 10.3 of the Paper and asked if the case quoted

by the applicant (No. A/DPA/SK-TLS/6) was a relevant consideration. The Secretary replied that the Board approved the application with conditions upon review as the building plans for the redevelopment proposal had been approved by the Building Authority prior to the gazetting of the draft Tseng Lan Shue Development Permission Area Plan. The case was therefore different from the subject application.

22. The same Member said that although he had sympathetic consideration to the application, he agreed with Mr. Mills that the need for a larger house should not be taken as a relevant consideration.

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

23. The Chairperson said that even though the impacts arising from the proposed zoning amendment might not be significant, the need for a larger house, which was a personal reason, to be taken as a planning consideration would have a wide implication.

24. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) there was no strong justification to support the proposed rezoning application from “Residential (Group C)5” (“R(C)5”) to “R(C)4” which involved an increase in plot ratio and site coverage from 0.4 to 0.5 and 20% to 25% respectively; and
- (b) the approval of the rezoning application would result in an undesirable precedent, the cumulative impact of which would lead to adverse impacts on the existing character and the traffic condition of the road network nearby.

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

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

**Agenda Item 4**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/7                      Proposed Restaurant (3 Storeys) in “Village Type Development” zone,  
Lot 749 in D.D. Cheung Chau, Cheung Chau  
(RNTPC Paper No. A/I-CC/7)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed restaurant (3 storeys);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One of them supported the application and considered that the restaurant should be restarted as soon as possible to provide job opportunities to the local residents. The other commenter objected to the application and considered that the site should be used for road widening to meet the needs of the residents and tourists. As there were other restaurants in Cheung Chau, there was no need for another restaurant at this site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. Compared with the previous planning approval, the current application involved an additional storey without increasing the absolute building height. The proposed development was considered compatible with the general commercial cum residential uses of the neighbourhood, in particular the developments along San Hing Praya Street near the Cheung

Chau Ferry Pier. The proposed building height of 3 storeys was also compatible with the village houses in the vicinity which were mostly 3 storeys (8.23m) in height. Given the scale and nature of the proposal, it was considered that the redevelopment would not have any significant adverse environmental, drainage or visual impacts on the surrounding areas. Regarding the public comments objecting the application, AC for T/NT, TD commented that the relevant section of the road was not particularly narrow and there was no plan for road widening in the vicinity of the site.

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

26. Members had no question on the application.

#### Deliberation Session

27. The Chairperson said that the location of the application site was suitable for the restaurant use.

28. Mr. Y.M. Lee suggested that the applicant should be advised that the roads fronting the site, i.e. San Hing Praya Street and Tung Wan Road, had been planned as emergency vehicular accesses. Members agreed.

29. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the submission of fire service installations and fire fighting water supplies to the satisfaction of Director of Fire Services or of the TPB.

30. The Committee also agreed to advise the applicant :

- (a) to apply to District Lands Officer/Islands with details of redevelopment proposal for the proposed development;

- (b) that the proposed development should make proper sewer connection to the public sewerage system for discharging the wastewater generated from the lot;
- (c) that the provisions of fire service installations should be in accordance with paragraph 4.14 “Commercial Buildings – Low Rise” of the latest version of the Codes of Practice for Minimum Fire Service Installations (FSIs) and Equipment. The requirements of major FSIs might include a sprinkler system to cover all parts of the building including staircases, common corridors and toilets;
- (d) that San Hing Praya Street and Tung Wan Road had been planned as emergency vehicular accesses; and
- (e) that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department.

[The Chairperson thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members’ enquires. Miss Wong left the meeting at this point.]

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

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

**Agenda Item 5**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-KLH/2            Application for Amendment to the Approved Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/11 from “Agriculture” and “Green Belt” to “Village Type Development” zone, Lots 25 S.N (Part), 25 S.O, 25 R.P (Part), 29 R.P, 30 S.A, 30 S.B, 30 S.C, 30 S.D (Part), 30 S.E (Part), 30 S.F (Part), 30 S.N, 30 S.O, 30 S.P, 30 S.R, 52 (Part), 53 (Part), 54 (Part), 56 (Part), 152 S.B, 153 S.B, 154, 161, 169, 615 (Part), 618, 621 in D.D. 7 and Adjoining Government Land, Tai Hang, Tai Po  
(RNTPC Paper No. Y/NE-KLH/2)

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**Presentation and Question Sessions**

31.            The Chairperson said that reasonable notice had been given to the applicant but the applicant informed the Secretariat that he would not attend or be represented at the hearing. The hearing should proceed in the absence of the applicant.

32.            Ms. Lisa L.S. Cheng, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.

33.            The Chairperson extended a welcome and invited Ms. Lisa Cheng to brief Members on the background to the application. Mrs. Lisa Cheng presented the application with the aid of a Powerpoint presentation and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning from “Agriculture” and “Green Belt” to “Village Type Development” zone;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department had no objection to the application if the amount of land available was insufficient to meet the estimated future Small House

demand. He commented that as Sites A, B and C were adjoining the existing “V” zone, consideration would be given to applications for Small House development should the rezoning application be approved by the Committee. However, as Site D was separated from the existing “V” zone, consideration would not be given for Small House applications. The Director of Environmental Protection (DEP) did not support and the Chief Engineer/Development (2), Water Supplies Department objected to the application as the sites were located within the upper indirect water gathering ground (WGG). The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the rezoning of Sites A, C and D and had reservation on Site B. She considered that the irregular shapes of Sites A, C and D did not merge well with the existing “V” zone boundary, while Site B could integrate better with the existing “V” zone. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the rezoning of Sites A3, B, C and D as the sites had high potential for agricultural rehabilitation, but he had no objection to the proposed rezoning of Site A2 and the majority portion of Site A1;

- (d) during the statutory publication period, one public comment from the local villagers of Tai Hang was received objecting to the application on the ground that the applicants had already owned their Small Houses. The District Officer(Tai Po) had consulted the two members of the Tai Po District Council (TPDC) as well as the village representatives (VRs) of Tai Hang and Tai Wo Villages. While no adverse comment was received from the two TPDC members and the VRs of Tai Hang, the village representative of Tai Wo Village objected to the application as Site D was within the jurisdiction of Tai Wo Village; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The total number of outstanding Small House applications for Tai Hang Village was 54 while the 10-year Small House demand forecast was 250. It was estimated that about 7.26ha (or equivalent to about 217 Small House sites) of land was

available within the “V” zone of Tai Hang Village. Although the land could not fully meet the future Small House demand, there were still undeveloped land available within the existing “V” zone for Small House development. Development of Small Houses should be concentrated in the “V” zone and the land currently available within the “V” zone should be exhausted first before consideration of future expansion. The sites were also located within the upper indirect WGGs. There was insufficient information to demonstrate that the proposed developments would not cause adverse impacts on the water quality. The application sites were of irregular shape and located outside the ‘VE’ of any recognized villages. The application was not in line with the planning intention of the “AGR” zone and would undermine the planning intention of the “V” zone for an orderly village type development pattern.

34. As Members had no question to raise, the Chairperson thanked Ms. Lisa Cheng for attending the meeting. She left the meeting at this point.

#### Deliberation Session

35. The Chairperson commented that the rezoning proposal was piecemeal and could not be supported. Members agreed.

36. After further deliberation, the Committee decided not to agree to the application for the following reasons:

- (a) although the land available within the “Village Type Development” (“V”) zone of the Tai Hang Village could not fully meet the total future Small House demand, about 7.26 ha of land (or equivalent to about 217 Small House sites) was still available within the “V” zone of the village. In order to concentrate village type development within the “V” zone, land currently available within the “V” zone should firstly be developed before considering further expansion;
- (b) the application sites were of irregular shape and located outside the village



‘environs’ of any recognized villages;

- (c) there was insufficient information in the submission to demonstrate that the proposed development located within the Water Gathering Grounds (WGGs) would not cause adverse impact on the water quality in the area; and
- (d) the approval of the rezoning application would set an undesirable precedent for other similar proposals in the area. The cumulative effect of approving such applications would result in serious deterioration of the water quality of the WGG, further encroachment of agricultural land by building development and a general degradation of the natural environment in the area.

[Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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

37.            The Committee noted that on 27.11.2008, the applicant requested for deferment of the consideration of the application for 2 months so that the applicant could seek further clarifications/information with the Lands Department on the lease entitlements of the application site.

#### **Deliberation Session**

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

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/376      Government Refuse Collection Point in “Agriculture” zone,  
Government Land in D.D. 9, Kiu Tau, Tai Po  
(RNTPC Paper No. A/NE-KLH/376)

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

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

- (a) background to the application;
- (b) the Government refuse collection point (RCP);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application was for the reprovisioning of a RCP to serve the local

community and improve the public hygiene in the area. The RCP was considered not incompatible with the surrounding rural setting. In view of the small scale of the works, it was unlikely that there would be any adverse impacts on the area.

40. Members had no question on the application.

#### Deliberation Session

41. 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 5.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

42. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 9.1.2 of the Paper; and
- (b) to note the Director of Electrical and Mechanical Services's comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out

works in the vicinity of the electricity supply lines. The roof of the Refuse Collection Point should be inaccessible by climbing to avoid potential electric danger of touching the live overhead lines above. Any structure erected below the 11kV high voltage overhead lines should have a minimum clearance of 2.9m from the overhead lines and pole.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/391            Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 699 S.C in D.D.19, She Shan Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/391)

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

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

(a)    background to the application;

[Dr. C.N. Ng returned to join the meeting at this point.]

(b)    the proposed house (New Territories Exempted House (NTEH)- Small House);

(c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. While the site was an abandoned field, active agricultural activities were found in the vicinity of the site;

(d)    no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer (Tai Po);  
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 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 partly within the “V” zone and entirely within the ‘VE’, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of She Shan Tsuen. While the application site fell within water gathering grounds, the proposed Small House was able to be connected to the planned sewerage system.

44. Members had no question on the application.

#### Deliberation Session

45. The Chairperson noted that similar planning permissions had been granted near the application site along the fringe of the subject “V” zone.

46. 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 5.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

of the Director of Drainage Services or of the TPB;

- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (f) the carrying out of an archaeological investigation prior to any construction works on site and the implementation of the appropriate mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office of the Leisure and Cultural Services Department or of the TPB.

47. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) to note the Director of Environmental Protection's comments that the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within "V" zone;
- (d) to note the Drainage Services Department's comments in paragraph 3 of Appendix IV of the Paper;
- (e) that 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 the Water Supplies Department's standards; and

- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply 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 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/384      Proposed Temporary Public Vehicle Park for Private Cars  
for a Period of 2 Years in "Agriculture" zone,  
Lots 1846 S.A, 1846 RP(part), 1850(part) and 1851 in D.D.76 and  
Adjoining Government Land, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/384)

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

48.            The Committee noted that on 27.11.2008, the applicant requested for deferment of the consideration of the application for two months as the applicant needed more time to consult other relevant Government departments and to prepare supplementary information to address the departmental concerns.

#### **Deliberation Session**

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

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/385      Proposed Temporary Convenience Store and Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lot 1422 RP (Part) in D.D. 83 and adjoining Government Land, San Uk Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/385)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary convenience store and public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the close proximity to a number of village houses and the access road from the application site and the operation of the proposed vehicle park was expected to cause a significant noise nuisance to the nearby sensitive receivers;
- (d) during the statutory publication period, five public comments were received. One stated “no comment” while the other four objected to the application on the grounds that the proposed development was not compatible with the planning intention of the “V” zone and there was no need for the provision



of a large-scale vehicle park, shops or convenience shops in San Uk Tsuen. The vehicular access to the application site was a single-way village road for two-way traffic, which could not accommodate a large vehicular flow. The application would adversely affect the “ming tong”, the open area in front of the ancestral hall of San Uk Tsuen which had been used by fellow clansmen for worshipping, gathering and holding casserole feasts. The District Officer(North) stated that the concerned North District Council member had no comment on the application. The Chairperson of the Fanling District Rural Committee, the village representatives of Lung Yeuk Tau raised objection to the application on the grounds that the proposed car park was not compatible with the village environment and would cause air pollution and traffic congestion; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. There was a previous permission (No. A/NE-LYT/270) for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years at the application site and the applicant had complied with all the approval conditions. As there had been no significant change in the planning circumstances since the last planning approval, approval of the subject application was in line with the Committee’s previous decision. The convenience store proposed in the subject application was small in scale and was not incompatible with the surrounding land uses. Although DEP maintained his objection to the application, the applicant had complied with all the approval conditions under the previous application and DEP had not received any complaints in the past three years. Regarding the local traffic concerns, the Assistant Commissioner for Transport/New Territories, Transport Department commented that only private cars and vehicles of gross weight not exceeding 5.5 tonnes were allowed, and a maximum of 25 parking spaces would be permitted in the application site. Relevant approval conditions would be imposed to ensure that the applicant would observe these restrictions.

51. Members had no question on the application.

Deliberation Session

52. The Chairperson commented that the convenience store newly proposed in the subject application, with only about 65m<sup>2</sup> in GFA, was small in scale and was acceptable.

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no more than 25 car parking spaces should be provided within the application site;
- (b) no vehicles other than private cars and light goods vehicles were allowed to be parked within the application site;
- (c) no vehicles without valid license issued under the Road Traffic Ordinance were allowed to be parked/stored within the application site;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2009;
- (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 TPB by 5.6.2009;
- (f) the submission of proposals for firefighting access, water supplies and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2009;
- (g) in relation to (f) above, the provision of firefighting access, water supplies and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by

5.6.2009;

- (h) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (i) in relation to (h) 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 TPB by 5.6.2009;
- (j) 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;
- (k) if any of the above planning conditions (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; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

54. The Committee also agreed to advise the applicant :

- (a) 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;
- (b) to apply to the District Land Office/North for a Short Term Tenancy for the regularization of the occupation of Government land; and
- (c) the permission was only given to the use/development under application.

It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/311      Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/NE-TKL/277 for a Period of 3 Years until 9.12.2011 in “Agriculture” and “Village Type Development” zones, Lots 1507 S.B RP(part), 2022 S.B RP(part), 2036(part), 2037-2039, 2040(part), 2041(part) and 2042(part) in D.D. 76 and Adjoining Government Land, Leng Tsai, Sha Tau Kok Road, Fanling (RNTPC Paper No. A/NE-TKL/311)

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**Presentation and Question Sessions**

55.      Ms. Stephanie 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 open storage of construction materials under application No. A/NE-TKL/277 for a period of 3 years until 9.12.2011;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment stating “no comment” was received. Comments had been received by the District Officer (North) from the Chairman of the Fanling District Rural Committee

and the village representatives of Leng Tsai. They all supported the application except the Indigenous Inhabitants Representatives of Leng Tsai, who had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary open storage could be tolerated for a period for 3 years based on the assessments given in paragraph 12 of the Paper. The application site fell mainly within Category 2 areas and slightly within Category 4 areas under the TPB PG-No. 13E. The application complied with the TPB PG No. 13E as there were no adverse departmental comments and local objections against the application, and the applicant had demonstrated genuine effects in complying with the approval conditions of the previous planning applications.

56. Members had no question on the application.

#### Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.12.2011, 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 application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the stacking height of the materials stored within five metres of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the peripheral fencing and paving of the application site should be

maintained during the planning approval period;

- (e) the submission of a layout plan showing vehicular access, parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.6.2009;
- (f) in relation to (e) above, the provision of vehicular access, parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.9.2009;
- (g) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2009;
- (h) in relation to (g) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (i) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (j) in relation to (i) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (k) the submission of proposals on fire-fighting access, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.6.2009;
- (l) in relation to (k) above, the provision of fire-fighting access, water supplies

for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;

- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) 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.

58. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver and a Short Term Tenancy for the regularization of structures erected on the application site;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. An Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that Drainage Projects Division was carrying out drainage improvement works on the stream course adjacent to the

application site and the proposed development should not encroach upon the works limit of the drainage improvement project; and

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

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

### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – according to the District Lands Officer/Tai Po’s records, the total number of outstanding Small House applications for Ha Wong Yi Au Village was 67 while the 10-year Small House demand forecast for the same village was 35. It was estimated that about 0.84ha (or about 25 Small House sites) of land was available within the “V” zone. There was insufficient land in the “V” zone to meet the Small House demand. The Chief Town Planner/Urban Design & Landscape, Planning



Department (CTP/UD&L, PlanD) had no objection to the application as in-situ retention of the native tree (*Pygeun topengii*) in the vicinity of the site was considered feasible and she recommended an approval condition on landscaping should be imposed. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as he considered that NTEH developments should be confined within the “V” zone as far as possible;

- (d) during the statutory publication period, two public comments were received from green groups. They objected to the application for the reasons that the application was not in line with the planning intention of the “Green Belt” zone and there were several fig trees and a seasonal stream within the application site. Tree felling would be likely when the applicant started to construct a new access road to the application site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” as more than 50% of the proposed Small House footprint fell within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. As for the public comments objecting the application, sympathetic considerations could be given to the application as it met the criteria for NTEH/Small House development. The proposed Small House footprint fell largely within the ‘VE’ and no significant landscape impact was anticipated. Further encroachment of the “GB” zone by similar developments was unlikely as most of the undeveloped “GB” zone in the vicinity was outside the ‘VE’ boundary.

60. Members had no question on the application.

Deliberation Session

61. The Chairperson commented that the application could be approved as the existing native tree (*Pygeum topengii*) could be preserved in the current proposal and an approval condition on landscaping had been recommended.

62. 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 5.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

63. The Committee also agreed to advise the applicant :

- (a) that site formation submissions covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed development should be submitted to the Building Authority for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the development;
- (b) that the water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) that the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the site;

- (d) that detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department; and
- (e) that the submission of tree preservation proposal should include detailed tree protection method statement and implementation programme of the tree works.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/414                      Proposed Public Utility Installation (Water Tank) in “Green Belt” zone,  
Government Land adjacent to Lot 749 in D.D.20, Tai Po  
(RNTPC Paper No. A/TP/414)

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

64.            The Committee noted that on 19.11.2008, the applicant requested for deferment of the consideration of the application to another meeting on 9.1.2009 to allow time to address comments of the relevant Government departments.

#### **Deliberation Session**

65.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The application would be submitted to the Committee for consideration on 9.1.2009. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

**Agenda Item 14**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/415                      Proposed Public Utility Installation (Pump House) in “Green Belt”  
zone, Government Land adjacent to Lot 201 S. B in D.D.21, Tai Po  
(RNTPC Paper No. A/TP/415)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (pump house);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment expressing concerns on the affected trees and the possible impacts of new pipeline installations was received. The District Officer (Tai Po) had also consulted the representatives of San Uk Ka and Ta Tit Yan and they had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed pump house was a utility installation required for the provision of water supply to Ta Tit Yan village. The development was small in scale and was not incompatible with the surrounding landscape and rural setting. As for the concerns of the public commenter, the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) noted that only tree pruning would be required and proper tree preservation measures could be put in place by imposing

relevant approval conditions. She anticipated no significant landscape impacts arising from the proposed pump house.

67. Members had no question on the application.

#### Deliberation Session

68. 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 5.12.2012, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape and tree preservation proposals including method statements for the tree works to the satisfaction of the Director of Planning or of the TPB.

69. The Committee also agreed to advise the applicant :

- (a) that there were no existing public stormwater drains maintained by the Drainage Services Department 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;
- (b) that the Environmental Protection Department should be consulted regarding the preferred sewerage treatment/disposal method for the

proposed development;

- (c) that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department;
- (d) that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (e) that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines should be observed by the applicant and the contractors;
- (f) that qualified personnel should be appointed to supervise the site works, including the laying of new water mains to minimize disturbance to existing trees, whenever trees were involved; and
- (g) that the following advice of the District Lands Officer/Tai Po should be noted:
  - (i) the northern portion of the site was outside the clearance limit previously submitted by the applicant. The applicant should exclude such portion of land in the land allocation stage; and
  - (ii) there was no guarantee that a Permanent Government Land Allocation would be approved, and if approved, would be granted within the time frame set by Water Supplies Department.



The site was an infill site within the 'VE' and the proposed development was compatible with the surrounding areas. While the DEP and CE/D(2), WSD maintained their previous view of not supporting the application and the application did not meet the requirements regarding WGGs in the "Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories" promulgated on 7.9.2007, sympathetic considerations could be given to the application as previous planning approval for the NTEH development had been granted in 2001 and there had been no change in planning circumstances since the previous approval. Although the planning permission was granted in 2001, it appeared that the delay was not entirely under the applicant's control.

71. Members had no question on the application.

#### Deliberation Session

72. 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 17.12.2012, 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 drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the connection of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB; and



- (d) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB.

73. The Committee also agreed to advise the applicant :

- (a) to note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the concerned parties (i.e. the applicant, his contractors and/or site workers, etc.) should consult CLP Power Hong Kong Limited and liaise with them to divert the existing low voltage underground cables that were running across the site and/or in the vicinity of the structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of the electricity supply lines; and
- (b) that 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 (TPB). Should the applicant wish 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 TPB PG-No. 35A and 36 should be referred to for details.

[The Chairperson thanked Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. Ms. Lai and Ms. Cheng left the meeting at this point.]

**Tuen Mun and Yuen Long District**

[Mr. Wilson W.S. Chan, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Ms. Mei Ling Leung, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL) were invited to the meeting at this point.]

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/379                      Temporary Shop and Services (Retail Shop) For a Period of 5 Years  
in “Industrial” zone, Workshop No. G1 (Part), G/F,  
Delya Industrial Centre, 7 Shek Pai Tau Road, Tuen Mun  
(RNTPC Paper No. A/TM/379)

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

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

- (a) background to the application;
- (b) the temporary shop and services (retail shop) for a period of 5 years;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as a means of escape completely separated from the industrial portion of a building was not available. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) objected to the application on fire safety concerns. A means of escape through the shop area was also unacceptable;
- (d) during the statutory publication period, one public comment supporting the application was received for the reason that the application was in the right direction of development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The application was considered not acceptable from a fire safety point of view. Both D of FS and CBS/NTW, BD did not support the application because of fire safety concerns.

75. Members had no question on the application.

### Deliberation Session

76. After deliberation, the Committee decided to reject the application and the reason was that the temporary shop and services (retail shop) use at the application premises was considered not acceptable from a fire safety point of view.

### Agenda Item 17

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY/172 Temporary Vehicle Park (Private Cars and Light Goods Vehicles)  
for a Period of 3 Years in “Green Belt” zone,  
Lot 164 (Part), 165, 166 (Part), 167 (Part), 180 RP (Part), 189 (Part),  
191 and 192 (Part) in D.D. 132 and Adjoining Government Land,  
Tuen Mun  
(RNTPC Paper No. A/TM-LTY/172)

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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle park (private cars and light goods vehicles) for a period of 3 years;

- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant should demonstrate that the development would not cause any increase in the risk of flooding in the adjacent areas, and provide drainage facilities for the development to his satisfaction. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application for the reason that the development would further jeopardize the landscape quality of the existing landscape environment;
  
- (d) during the statutory publication periods of the application and the further information on the application, four public comments were received. Three of them objected to the application on the grounds that (i) Hong Po Road was heavily overloaded by container/heavy vehicles and the development would cause adverse traffic and landscape impacts, and (ii) the site should be used for greenery purpose. Another public comment from a Tuen Mun District Council Member supported the application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The development was not in line with the planning intention of the “Green Belt” (“GB”) zone. The proposed development would further jeopardize the deteriorating landscape environment in the “GB” zone. There was insufficient information in the submission to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas. No similar application was previously approved in the same and nearby “GB” zones. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone.

78. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone. There was no strong justification for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas. The development would further jeopardise the deteriorating landscape environment in the “GB” zone;
- (c) the site did not have any previous planning approvals and adverse departmental comments were received. There were no exceptional circumstances to merit approval of the application; and
- (d) no similar application for the applied use was approved in the same “GB” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 18**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/164                      Shop and Services (Temporary Motor Cars Shop and Display Area)  
For a Period of 5 Years in “Other Specified Uses” annotated “Public  
Car Park With Ground Floor Retail Shops(1)” zone,  
1/F, Denker Parking, 16 Hi Yip Street, Tung Tau Industrial Area,  
Yuen Long  
(RNTPC Paper No. A/YL/164)

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Presentation and Question Sessions

80.            The Committee noted that on 25.11.2008, the applicant requested for deferment of the consideration of the application for two months so as to allow time for him to prepare further information to address Buildings Department’s comments.

Deliberation Session

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

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/292      Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicles under Application No. A/YL-PS/239 for a Period of 3 Years in “Residential (Group B)1”, “Village Type Development”, “Residential (Group E)2” and “Comprehensive Development Area” zones, Lots 568, 569RP, 586, 590 and 591 in D.D. 122, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/292)

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**Presentation and Question Sessions**

82.            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 approval for temporary public vehicle park for private car and light goods vehicles under Application No. A/YL-PS/239 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the temporary public vehicle park could be tolerated for a further period of three years based on the assessments given in paragraph 12 of the Paper. The public vehicle park was not incompatible with the surrounding land uses. The site had been used for a temporary public vehicle park and

there was no development proposal concerning the site. Granting approval to the renewal application on a temporary basis would not frustrate the long-term planning intention of the relevant zones. The application also complied with the Town Planning Board Guidelines No. TPB PG-No. 34A as there was no change in planning circumstances since the last approval, no adverse planning implication was anticipated, and the renewal period of three years was considered reasonable. The applicant had also complied with all the approval conditions of the previous planning permissions.

83. Members had no question on the application.

#### Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.4.2009 until 7.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked/stored on site at any time during the planning approval period;
- (b) 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;
- (c) no night time operation between 8:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the landscape planting on the site should be maintained in good condition at all times during the approval period;
- (e) the drainage facilities implemented under planning application No.



A/YL-PS/239 should be maintained at all times during the planning 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 TPB by 5.6.2009;
- (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 TPB by 5.6.2009;
- (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 TPB by 5.9.2009;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at all time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

85. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's

comments that the existing occupation area was different with that under application. The applicant should be reminded specifically to apply for a Short Term Waiver to regularise the irregularities on site. His office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;

- (c) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that there was an existing *Aleurites Moluccana* located in the southwest corner of the site which was in poor condition. The applicant should take proper tree maintenance measures in this respect;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (AC for T/NT, TD) 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) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the proposed vehicular access via Ping Hing Lane should be approved by TD. The applicant should construct the run-in/out at the access point at Ping Hing Lane in accordance with the latest version of Highway's standard drawings no. H1113 & H1114, or H5115 & H5116, whichever set was appropriate to suit the pavement of the adjacent areas. An interception channel should be constructed at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out. Highway Department should not be responsible for the maintenance of any vehicular access between the site

and Ping Hing Lane;

- (g) to note the Director of Fire Services's comments on the fire service installations (FSIs) proposal relating to emergency lighting, directional and exit sign, fire alarm system, hose reel system, and portable hand-operated approved appliances as detailed in paragraph 10.1.7(a)(i) to (v) of the Paper and that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be marked clearly on the plans;
- (h) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that no excavation should be undertaken without prior consent in writing from his office; and
- (i) adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/571            Temporary Horse Riding School for a Period of 3 Years  
in "Agriculture" zone, Lots 2831 to 2841, 2842 (Part), 2843 (Part),  
2846 (Part), 2847, 2848, 2849 S.A, 2849 S.B (Part), 2849 S.C (Part),  
2850 (Part), 2853 (Part), 2855 S.A (Part) and 2855 S.B (Part) in D.D.  
111 and Adjoining Government Land, Wang Toi Shan, Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-PH/571)

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### **Presentation and Question Sessions**

86.            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 horse riding school for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was one complaint against the subject site in the past three years, which was related to the discharge of substandard wastewater in September 2008. However, no breach of the Water Pollution Control Ordinance (WPCO) was identified during the valid period of the WPCO licence. He had no in-principle objection to the application;
- (d) during the statutory publication period, one public comment from the village representative of Wang Toi Shan, Pat Heung was received. He stated that the drains at the downstream of the site were should be improved. As there were flooding at the access road during the rainy seasons, he would object to the application if the drainage issues could not be resolved; and

[Ms. Anna Kwong arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The development was considered not incompatible with the surrounding land uses. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Agriculture” zone. As the applicant had not complied with the approval conditions of the previous planning permission, shorter compliance periods were recommended to monitor the compliance of approval conditions. The applicant would also be advised that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance with approval conditions.

87. Members had no question on the application.

Deliberation Session

88. Members generally considered that the application could be approved. The Chairperson commented that the approval condition (a) confining the operation hours from 8 a.m. to noon, and 3 p.m. to 8 p.m. was too restrictive and suggested that the operation hours should be confined from 8 a.m. to 8 p.m. during the planning approval period. Members agreed.

[Mr. James Lau left the meeting temporarily at this point.]

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the use were restricted to 8:00 a.m. to 8:00 p.m. during the planning approval period;
- (b) the fencing of the application site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (c) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2009;
- (d) in relation to (c) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2009;
- (e) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;

- (f) in relation to (e) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2009;
- (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 the Director of Fire Services or of the TPB by 5.6.2009;
- (i) if the above planning condition (a) was not complied with at any time 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 (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

90. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been renewed before continuing the applied use at the application site;
- (b) that shorter compliance periods were granted so as to monitor the fulfilment of approval conditions;

- (c) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with other concerned owners of the application site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. His recent site inspection revealed that some unauthorized structures were erected on the site. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. The existing occupation area was found to be slightly different from that under application. The applicant should clarify this discrepancy. The applicant/owners should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved and the irregularities persisted on site, his office, on review of the situation, would take appropriate lease enforcement/control action against the registered owners/occupier according to the established district lease enforcement/control programme. The site was accessible by an informal track from Kam Tin Road, which ran through open private land and government land. The track was without maintenance works to be carried out thereon by his office. Also, his office would not guarantee right-of-way to any proposed STW/STT even if the subsequent proposal was approved;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the sizes of all proposed/existing drainage channels/pipes conveying runoff from the site should be indicated and a catchpit with trap should be provided at each drainage outlet of the site;
- (g) to 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 minimize any possible environmental nuisances. The effluent discharge of the proposed use was subject to the control of Water Pollution Control Ordinance (WPCO), Cap. 358. The applicant was reminded of his obligation under the WPCO;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as stores and offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required. The site did not abut on a specified street of more than 4.5m in width that the development intensity would be subject to B(P)R 19(3);
- (j) to 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. Therefore, the applicant was advised to



submit relevant layout plans incorporated with the proposed FSIs to his office for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix III of the Board paper. Moreover, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his office for consideration;

- (k) to note the Director of Food and Environmental Hygiene's comments that from the public cleansing point of view, the applicant should ensure that the operation of the trade would not cause environmental nuisance and all the wastes generated from the trade should be disposed of properly at the cost of the user and not be dumped at any of his refuse collection facilities; and
- (l) to note the Director of Agriculture, Fisheries and Conservation's comments that the site was in the immediate vicinity of the Lam Tsuen Country Park. Fish ponds were also found inside and in the vicinity of the site. Good site practice and appropriate mitigation measures should be taken in order to avoid encroachment on the nearby country park and causing any disturbance to the fish pond activities.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/583            Proposed Temporary Open Storage of Marble and Construction  
Materials for a Period of 3 Years in "Comprehensive Development  
Area" zone, Lot 766 in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/583)

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Presentation and Question Sessions

91. Ms. Mei Ling Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the proposed temporary open storage of marble and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road) and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the applicant failed to comply with the landscaping approval conditions of the previous planning permission (No. A/YL-HT/536) to address the moderate adverse landscape impacts;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB PG-No. 13E. The development was not incompatible with the open storage uses to its north and west. Approval of the planning application would not frustrate the planning intention of the “Comprehensive Development Area” zone as there was not yet any programme to implement the zoned use on the OZP. To mitigate any potential environmental and landscaping impacts, approval conditions on operation hours and the types of activities at the site as well as on

landscaping had been recommended. As the previous planning permission was revoked due to non-compliance of approval conditions, shorter compliance periods were recommended.

92. Members had no question on the application.

#### Deliberation Session

93. The Chairperson commented that the development was compatible with the adjacent uses. The development could be tolerated on a temporary basis for three years subject to the imposition of approval conditions.

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.12.2011, 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. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5 meters of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the submission of tree preservation proposal and landscape proposal for mitigating the adverse landscape impact within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;

- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2009;
- (h) in relation to (g) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2009;
- (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 TPB by 5.3.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

95. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the development on site;

- (b) that shorter compliance periods were imposed in order to monitor the situation of the site and its surroundings, and the fulfillment of approval conditions. 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;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that the lot under application was an Old Schedule Agricultural Lot 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 with that under application, and to apply for a Short Term Tenancy to regularize the unauthorized occupation of Government land;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (f) to 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 might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in the application:
  - (i) the connection details and the information of the discharge point

should be given in the drainage proposal;

- (ii) 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 passage of rainwater from adjacent areas;
  - (iii) the applicant was required to ensure that the drain which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots; and
  - (iv) the size, gradient and flow direction of the proposed/existing channels in the site should be shown in the drainage proposal;
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (i) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion by end 2010. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road would be raised after the proposed improvement works, the applicant might be required to carry out necessary modification works including modification at the access route to/from the site at his own expense in future to tie in the

interface with the said project.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/186      Proposed Redevelopment of Religious Institution  
(Chinese Rhenish Church) in “Undetermined” zone,  
Lots 732 S.A and 732 S.B in D.D. 115, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/186)

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**Presentation and Question Sessions**

96.            Ms. Mei Ling Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed redevelopment of religious institution (Chinese Rhenish Church);
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that although the proposed religious building with a height of 13.5m (about 20mPD) was taller than many houses in the “Undetermined” (“U”) zone, its height was lower than the tallest building (24.8mPD) within the same “U” zone. The proposed building height was not unacceptable at the subject location;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments given in paragraph 11 of the Paper. The current proposal involved the redevelopment of an existing church at a site with a building entitlement of a covered area of about 242.75m<sup>2</sup>. The proposed footprint of the new church of about 299m<sup>2</sup> was only slightly larger than that permissible under the building licence. The proposed church was not incompatible with the immediate surrounding land uses. The proposed plot ratio of 1.85 was considered acceptable. The proposed church would not result in significant adverse impacts on the surrounding areas. As such, the Committee was recommended to consider the application on its own merits.

97. Members had no question on the application.

#### Deliberation Session

98. The Chairperson commented that the church redevelopment would unlikely lead to adverse impacts on the surrounding areas.

99. 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 5.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of landscape proposals including tree preservation scheme for the site to the satisfaction of the Director of Planning or of the TPB;
- (b) in relation to (a) above, the implementation of landscape proposals including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;



- (d) in relation to (c) above, the provision of drainage facilities proposed to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) in relation to (e) above, the provision of emergency vehicular access, water supplies for fire fighting and fire service installations as proposed to the satisfaction of the Director of Fire Services or of the TPB.

100. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that a land exchange prior to implementation of the proposed development should be applied;
- (b) to note Director of Leisure and Cultural Services' comments that the existing trees within the site should be handled according to the ETWB Technical Circular (Works) No. 3/2006;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application for dangerous goods licence. The emergency vehicular access (EVA) provision should be in compliance with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Buildings (Planning) Regulation 41D. Should the EVA not meet the above standard, an application for exemption of the EVA provision/standard from Buildings (Planning) Regulation 41D would be required and enhanced fire safety measures might be required accordingly;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that compliance with B(P)R5 regarding access to site and B(P)R 41D regarding the EVA provision should be demonstrated.

Documents showing the right-of-way granted to the applicant to use the private land and Yuen Long Tung Shing Lei Road might be required. The development intensity would be subject to B(P)R 19(3). Detailed comments would be provided upon formal submission of building plans; and

- (e) to note the Director of Electrical and Mechanical Services' comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines/pole away from the vicinity of the proposed development.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/353            Temporary Retail Shop for Vehicle Parts and Accessories with Ancillary Facilities for a Period of 3 Years in "Residential (Group D)" zone, Lot 16S.B RP (Part), 47 (Part), 170RP, 174S.C RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/353)

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

101.            The Committee noted that on 18.11.2008, the applicant requested for deferment of the consideration of the application for two months in order to allow time to prepare further supplementary information to support the application.

#### **Deliberation Session**

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

[The Chairperson thanked Mr. Wilson W.S. Chan, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Ms. Mei Ling Leung, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Chan, Mr. Lam, Miss Kwan and Ms. Leung left the meeting at this point.]

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

#### **Agenda Item 24**

[Closed Meeting]

#### **Agenda Item 25**

Any Other Business

103. There being no other business, the meeting was closed at 4:25p.m.