

TOWN PLANNING BOARD

Minutes of 412th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 12.2.2010

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose S.Y. Cheong

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

Assistant Director/New Territories, Lands Department
Mr. Simon K.M. Yu

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

Secretary

Absent with Apologies

Dr. James C. W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 411th RNTPC Meeting held on 29.1.2010

[Open Meeting]

1. The Secretary reported that amendment to the draft minutes of the 411th RNTPC meeting held on 29.1.2010 proposed by Mr. Ambrose S.Y. Cheong, the Chief Traffic Engineer/New Territories East, Transport Department was received. Mr. Cheong suggested replacing “Mr. T.K. Choi” by “ Mr. S.Y. Lo” at the attendance list on page 2 of the draft minutes.

2. The Committee agreed to the proposed amendment and confirmed the minutes of the 411th RNTPC meeting held on 29.1.2010 subject to the incorporation of the amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Received

Town Planning Appeal No. 1 of 2010 (1/10)

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” zone, Lot No. 749sB, 750sA and 751sA in D.D. 17, Ting Kok, Tai Po
(Application No. A/NE-TK/283)

Proposed House (NTEH – Small House)
in “Agriculture” zone, Lot No. 749RP and 750RP in D.D. 17,
Ting Kok, Tai Po
(Application No. A/NE-TK/284)

3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 2.2.2010 against the decisions of the Town Planning Board (the Board) on 27.11.2009 to reject on review the two applications for ‘NTEH – Small House’ in the “Agriculture” (“AGR”) zone on the approved Ting Kok Outline Zoning Plan No.

S/NE-TK/15. The applications were rejected by the TPB for the following reasons:

- (a) the proposed developments did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the sites were outside the “V” zone and the ‘VE’ of any recognized villages; and
- (b) the approval of the applications would set an undesirable precedent for other similar applications in the area.

4. The hearing date of the appeal was yet to be fixed. The Secretary would represent the Board on all matters relating to the proceedings of the TPAB in the usual manner.

(b) Appeal Statistics

5. The Secretary said that as at 12.2.2010, a total of 22 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	136
Yet to be Heard	:	22
Decision Outstanding	:	2
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Total	:	295

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam, Miss Erica S.M. Wong and Ms. Ann O.Y. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

[Mr. David W.M. Chan, Mr. B.W. Chan and Mr. Y.K. Cheng arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/38 Proposed Eating Place in "Open Space" zone, G/F, Blocks 2A & 2B,
D.D. 3, Lots 2257 & 2258, Wong Nai Uk, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/38)

Presentation and Question Sessions

6. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place use with a floor area of about 92m²;
- (c) departmental comments – the Project Manager/Hong Kong Island and Islands, Civil Engineering and Development Department (PM/HKI&I, CEDD) commented that Wong Nai Uk Village might be affected by the works proposed under the “Feasibility Study for Remaining Development in Tung Chung” (“the Feasibility Study”) which was tentatively scheduled for commencement in 2010/2011. The clearance programme of Wong Nai Uk Village was subject to the assessment of the Feasibility Study. It could be reasonably anticipated that the clearance, if required, would only take place some years away. The application, if approved, should have to be on a short term basis, say for 3 years, subject to review on further extension. The Director of Leisure and Cultural Services (DLCS) advised that the site reserved for the future Town Park at Tung Chung Area 29 was currently not an item for priority development in the Islands District, and there was no development programme of the site. He had no objection on granting permission to the application on a temporary basis. Other concerned Government departments including the Assistant Commissioner for Transport/New Territories, Transport Department, Director of Fire Services and Chief Engineer/ Hong Kong Island and Islands, Drainage

Services Department also had no objection to the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Islands; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of 3 years based on the assessment made in paragraph 10 of the Paper. The proposed eating place fell within an area zoned “Open Space” (“O”), the intention of which was to provide a town park for the Tung Chung New Town. Besides, the land use of Wong Nai Uk Village was subject to the Feasibility Study for Remaining Development in Tung Chung which was tentatively scheduled for commencement in 2010/2011 by the CEDD. Hence, approval of the proposed eating place on a permanent basis would affect the planning intention of the “O” zone and the CEDD’s Feasibility Study. However, DLCS had advised that there was not yet any program to develop the town park and had not raised any objection to the application on a temporary basis. CEDD had also advised that he could accept the approval of the application on a temporary basis for 3 years. Moreover, the proposed eating place was small scale in nature, occupying the ground floor of an existing village house, and was not incompatible with the surrounding existing residential developments. It would unlikely cause any adverse traffic, environmental and infrastructural impacts on the locality. To address the technical requirements from the relevant Government departments, approval conditions and advisory clauses had been recommended in paragraph 11.2 of the Paper.

7. Members had no question on the application.

Deliberation Session

8. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.8.2010;
- (b) in relation to (a) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.11.2010;
- (c) the submission of proposal on sewer connection from the application premises to the public sewerage system within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.8.2010;
- (d) in relation to (c) above, the implementation of sewer connection from the application premises to the public sewerage system within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.11.2010; and
- (e) if any of the above conditions 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.

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

- (a) a temporary planning approval for a period of 3 years was granted so as to monitor the development and to ensure that the development would not conflict with the planning intention for the “Open Space” zone; and
- (b) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the proposed eating place should not cause disturbance to other road users.

[Professor David Dudgeon, Mr. Rock C.N. Chen and Mr. Simon K.M. Yu arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/9 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Green Belt" zones,
Lot No. 189A(Part) in D.D. 230 and Adjoining Government Land,
Mau Po, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBS/9)

Presentation and Question Sessions

10. 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 house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments objecting to the application were received. One comment was submitted by Designing Hong Kong Limited raising objection to the application as the area lacked a plan for a sustainable village layout which ensured the health and well being of current and future residents and a quality urban design including appropriate distances and alignment of properties, safe and appropriate local network of roads and pavements, appropriate right of way and parking facilities, quality drainage and waterworks, street lighting, quality refuse

and garbage facilities, public spaces and public amenities. Another comment was submitted by Kadoorie Farm & Botanic Garden Corporation raised concerns about the impact of site formation works that would change the landscape and thus degrade the landscape value of the existing “Green Belt” (“GB”). The applicant should provide more information about the geotechnical issue; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. According to the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories”, sympathetic consideration might be given to the subject application as more than 50% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone and the footprint also fell entirely within the ‘village environs’ (‘VE’) of Mau Po Village, and there was general shortage of land in the “V” zone in meeting the demand for Small House development. The proposed Small House development was also considered not incompatible with the surrounding land uses which were rural in nature, and the application site was in close proximity to the existing village houses of Mau Po Village. Although portion of the site fell within the “GB” zone, the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, PlanD had no objection on the grounds that the site was only covered with wild grass and there was no tree on the site. The proposed development would unlikely cause any adverse impact on landscape resources and landscape character of the area. The proposed Small House development could be considered as in compliance with the assessment criteria of the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’. Regarding the public comments on the adverse impacts of the proposed Small House development, it was noted that no adverse comments had been received from the relevant Government departments. Moreover, to address the technical requirements from the relevant Government departments, approval conditions had been recommended in paragraph 13.2 (a) and (b) of the Paper.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.2.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein, in respect of the application site and the land filling works adjacent to the application site, to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (b) the submission and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that, for the provision of water supply to the 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 construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-LI/15 Proposed Eating Place, Shop and Services and Minor Relaxation of Building Height Restriction in "Residential (Group C)" zone, Lot 528 in D.D. 10 and Adjoining Government Land, Sok Kwu Wan, Lamma Island
(RNTPC Paper No. A/I-LI/15)

14. The Committee noted that the applicant's representative on 26.1.2010 requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address comments of Government departments and prepare further information to substantiate the application.

15. 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 6

Section 12A Application

[Open Meeting]

Y/SK-TMT/4

Application for Amendment to the Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4 from “Green Belt” to “Village Type Development”, Lots 12 (Part), 13 RP, 13 S.B (Part), 29 S.A (Part), 29 R.P (Part), 34 (Part), 35, 36, 37 (Part), 38 S.A (Part), 38 R.P, 39 (Part) in D.D. 261, Lots 354 (Part), 361 R.P, 361 S.A, 361 S.B, 361 S.C, 362 S.A, 362 S.B and 362 R.P (Part) in D.D 267, and Adjoining Government Land
(RNTPC Paper No. Y/SK-TMT/4)

16. The Committee noted that the applicant on 13.1.2010 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to consult relevant Government departments and to prepare an environmental impact assessment to address relevant Government departments’ concerns on water pollution implications of the proposed development.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/170 Proposed Comprehensive Residential Development in
"Residential (Group E)" zone, Various Lots in D.D. 210 and
Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/170)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed comprehensive residential development which comprised 9 houses and 4 semi-detached houses with a plot ratio of 0.4, a total gross floor area of about 2,453.96m², a site coverage of not more than 25% and a building height of 9m and 2 storeys over one storey of carport;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application unless no population intake for the application site would be allowed before the completion of the “Hiram’s Highway Improvement Stage I Phase 4 - Dualling of Hiram’s Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung” (the Road Project) undertaken by the Highways Department (HyD). AC for T/NT, TD also pointed out that the management and maintenance responsibilities of the future Luk Cheung Road had not yet been clarified and TD was not responsible for its management; the applicant would be responsible for the erection of proposed traffic signs as shown in Figure 7 in Appendix Ic of the Paper at his own cost; and the Luk Cheung Road should be widened to 7.3m with 1.6m footpath on both sides. Other

concerned Government departments had no objection to the application;

- (d) during the statutory publication periods, a total of 35 public comments were received and they had been summarised in paragraph 10 of the Paper. Among the 35 comments received, 34 objected to the application. The main grounds of objection raised in the public comments were summarized below :
- (i) the proposed development would have adverse impacts on the shrine at Ping On Road and on the fung shui of Luk Mei Village;
 - (ii) the issue of using the adjacent Government land for a village carpark had yet to be resolved;
 - (iii) Ping On Road and Luk Cheung Road should continue to be opened for public use;
 - (iv) the drainage and sewerage provision of the proposed development would generate flooding problem;
 - (v) the Hiram's Highway had yet to be widened and there was insufficient infrastructure in the area; and
 - (vi) the application site was not set back sufficiently to allow the possible provision of a cycle track along the Hiram's Highway; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed residential development was generally in line with the planning intention of the “Residential (Group E)” zone which was primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board. The proposed residential development represented a partial consolidation of two previously approved schemes (Applications No. A/SK-HC/119 and 136)

and would help to improve the local environment. The proposed residential development was considered compatible with the surrounding land uses which were predominantly low-rise village developments. To address technical requirements from the relevant Government departments, approval conditions and advisory clauses had been recommended in the Paper. As Ping On Road and the existing shrine as mentioned in the public comments were outside the application site, the proposed development would not have adverse impacts on them. The District Lands Officer/Sai Kung, LandsD also advised that the widened Luk Cheung Road would be designated as a non-exclusive right-of-way to be maintained by the grantee upon completion of the road works under the land exchange to be processed. In relation to the village carpark requested by Luk Mei Tsuen Mutual Aid Committee (MAC), the District Officer/Sai Kung had informed the MAC that the proposed parking area would not be implemented as it fell within the road alignment of the Road Project, and both TD and HyD did not support the proposal. Regarding the concern on the flood problem to be generated by the proposed development, the Chief Engineer/Mainland South and the Chief Engineer/Land Drainage, Drainage Services Department and the Director of Environmental Protection did not have adverse comments on the proposed development. Regarding the provision of a cycle track, Civil Engineering Development Department and the Chief Highway Engineer/Works, Highways Department advised that the provision of cycle track would not be included in the Hiram's Highway Improvement Project while AC for T/NT, TD advised that there was no strong justification on traffic grounds to provide cycle track and the priority would be given to the road widening project.

19. In response to a Member's enquiry, Ms. Ann O.Y. Wong said that local villagers' concerns with regards to the access arrangement had been addressed by the applicant in that Ping On Road was not included; Luk Cheung Road would be widened with 1.6m footpath on both sides; and both Ping On Road and Luk Cheung Road would be opened for public access.

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

Deliberation Session

20. A Member suggested that PlanD should explain to the local villagers on the applicant's proposed access arrangement so as to allay their concerns. In response, Ms. Wong said that there had been liaisons between the District Officer/Sai Kung and the local villagers on this matter.

21. Mr. Ambrose S.Y. Cheong suggested stipulating the technical requirements of the Highways Department and the Transport Department as advisory clauses to be attached to the planning permission should the Committee decide to approve the application. Members agreed.

22. In response to an enquiry of the Chairperson, Mr. Cheong said that the Road Project would tentatively be gazetted in March 2010.

23. 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 12.2.2014, 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) no population intake should be allowed before the completion of the Road Project "Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung";
- (b) the design and provision of access arrangement and car parking spaces before and after the construction of the Road Project "Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung" to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of the road improvement proposal of Luk Cheung Road adjacent to the application site and junction improvement between Luk Cheung Road and Hiram's Highway before and

after the construction of the Road Project “Dualling of Hiram’s Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung” to the satisfaction of Commissioner for Transport or of the TPB;

- (d) the provision of traffic signs, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of a landscape proposal and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) 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;
- (g) the submission of a Drainage Impact Assessment and the provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the submission of archaeological survey, and submission and implementation of mitigation measures proposals should significant archaeological deposits be discovered, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (i) the implementation of the environmental mitigation measures as proposed therein to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the Chief Highway Engineer/New Territories East, and the Chief Highway Engineer/Works of Highways Department that the Road Project “Dualling of Hiram’s Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung”

was tentatively programmed to commence in May 2011 for completion in November 2013. The programme, road layout and land requirement of the project were still under review and subject to change;

- (b) to note the following comments of the Assistant Commissioner for Transport/New Territories, Transport Department :
 - (i) the applicant would be responsible for the erection of proposed traffic signs at his own cost as shown in Figure 7 in Appendix Ic of the Paper;
 - (ii) the management and maintenance responsibilities of the future Luk Cheung Road had not been clarified. Transport Department was not responsible for its management;
 - (iii) Luk Cheung Road should be widened to 7.3m with 1.6m footpath on both sides;
 - (iv) upon widening of Hiram's Highway from single to dual carriageway in which central divider would be provided, the vehicles moving from Luk Cheung Road should adopt the "left-in, left-out" turning arrangement. The applicant should erect appropriate traffic signs to effect the mentioned turning arrangement; and
 - (v) the proposed 9m setback from the existing kerb of Hiram's Highway should also be subject to the agreement of Highways Department;
- (c) to note the comments of the Director of Leisure and Cultural Services that archaeological survey should be conducted by a professional archaeologist, who should apply for a licence under the Antiquities and Monuments Ordinance (Cap. 53) before the commencement of the survey;
- (d) to liaise with the District Lands Officer/Sai Kung, Lands Department (DLO/SK) regarding the lease modification or land exchange matters for the proposed development;

- (e) to note the comments of the DLO/SK regarding the access arrangement for the adjacent existing structures;
- (f) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department:
 - (i) as portion of Luk Cheung Road and the existing access road at the south were less than 4.5m wide, the application site could not be regarded as a Class A site under Building (Planning) Regulation (B(P)R) 18A. Hence, development intensity of the application site should be determined by the Building Authority under B(P)R 19(3);
 - (ii) emergency vehicular access (EVA) complying with B(P)R 41D should be provided;
 - (iii) recreational facilities (club house), balconies and bay windows should be Gross Floor Area (GFA) accountable under B(P)R unless exempted upon application for modification under the Buildings Ordinance;
 - (iv) guard house, water heater rooms and flat roof areas covered with canopies above should be GFA accountable under B(P)R;
 - (v) car parking spaces provided in excess of the minimum requirement under the Hong Kong Planning Standards and Guidelines or subject to the advice of the Commissioner for Transport were accountable for GFA calculation under B(P)R; and
 - (vi) other comments would be given at building plans submission stage;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department to take necessary considerations and measures to avoid/minimize the potential interface and impacts on the project “9182WC – Replacement and Rehabilitation of Water Mains Stage 2 –

Mainlaying Works in Sai Kung Area”;

- (h) to note the comments of the Director of Fire Services that EVA arrangement should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by Buildings Department;
- (i) to note the comments of the Chief Engineer/Land Drainage, Drainage Services Department to liaise with their Sewerage Projects Division, the Project Manager of Port Shelter sewerage improvement works, to obtain the latest sewerage improvement programme in Sai Kung areas;
- (j) to resolve any land issue relating to the development with the concerned owners of the application site; and
- (k) the approval of the application did not imply that the proposed Gross Floor Area (GFA) concession for the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/171 Proposed 2-storey House in "Residential (Group D)" zone, Lot 397 in
D.D. 215, near Sun King Terrace, Sai Kung, New Territories
(RNTPC Paper No. A/SK-PK/171)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 2-storey house with a total gross floor area of 117.6m² (Plot Ratio 0.2) and a building height of 2 storeys (6m);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received. The comment was submitted by a solicitor firm on behalf of a Tso Tong which claimed to be the registered owner of the site. It raised objection to the application as the applicant had not been given permission to make the planning application to the Town Planning Board (the Board). The commenter had initiated legal proceedings against the applicant in respect of the ownership of the subject lot; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed development was considered in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was intended primarily for improvement and upgrading of the existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments subject to planning permission from the Board. The development parameters of the proposed development, with a PR of 0.2, a site coverage of 11.56% and a building height of 2 storeys (6m), conformed with the development restrictions stipulated in the Notes covering the “R(D)” zone on the Outline Zoning Plan. The proposed house was also considered compatible with the

surrounding land uses which were predominantly low-rise village houses. Although there were a few mature trees within the application site, the applicant proposed that these existing trees would be preserved and would not be affected by the site formation works. Detailed site formation works with the preservation proposals would be submitted in the detailed design stage. Both the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Agriculture, Fisheries and Conservation had no objection to or no comment on the application from tree preservation and landscape planning point of view. Other concerned Government departments also had no objection to or adverse comments on the application. To address technical requirements from relevant Government departments, approval conditions and advisory clauses had been recommended in the Paper. As regards to the public comment which was related to land ownership matter, an advisory clause had been recommended in the Paper reminding the applicant to note the comments of the District Lands Officer/Sai Kung, LandsD regarding the requirement to prove the land title and apply for land exchange for the proposed development upon obtaining planning permission from the Board.

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

26. Members had no question on the application.

Deliberation Session

27. 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 12.2.2014, 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;

- (b) the submission and implementation of the sewage disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of a landscape treatment proposal to mitigate the visual impact of the retaining walls to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung regarding the requirement to prove the land title and apply for land exchange for the proposed development upon obtaining planning permission from the TPB. There was no guarantee that the proposed land exchange would be approved by the Government. The land exchange if approved should be subject to such terms and conditions including payment of fees and premium, as the Government considered appropriate;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the application site, 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 connection, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (c) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department :
 - (i) as the application site did not abut any specified street of not less than 4.5m wide, the development intensity should be determined by

the Building Authority under the Building (Planning) Regulation (B(P)R) 19(3) regarding the provision of access to the proposed building;

- (ii) an Emergency Vehicular Access should be provided in accordance with B(P)R 41D and the allied Code of Practice for Means of Access for Fire-fighting and Rescue 1995 unless otherwise exempted; and
- (iii) other detailed comments would be given at formal plan submission stage.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-TLS/36 Proposed 2-storey House in "Residential (Group D)" zone, Lots 738 and 749 in D.D. 226 and Adjoining Government Land, Tan Shan Tsuen, Sai Kung
(RNTPC Paper No. A/SK-TLS/36)

29. The Committee noted that the applicant on 26.1.2010 requested for deferment of the consideration of the application for two months in order to allow time to address the comments from Government departments.

30. 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 Mrs. Margaret W.F. Lam, Miss Erica S.M. Wong and Ms. Ann O.Y. Wong, STPs/SKIs, for their attendance to answer Members' enquires. Mrs. Lam, Miss Wong

and Ms. Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/NE-KTN/2 Application for Amendment to the Approved Kwu Tung North Outline Zoning Plan No. S/NE-KTN/8 from "Open Storage" to "Residential (Group B)", Lots 9 (Part), 10 S.A (Part) and 12 in D.D. 95, Ho Sheung Heung, Kwu Tung North
(RNTPC Paper No. Y/NE-KTN/2)

31. The Secretary reported that Hyder Consulting Ltd. was one of the Consultants for the application. Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd., had declared an interest in the item. Nevertheless, the applicant had requested for a deferment of consideration of the application. Members noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

32. The Committee noted that the applicant's representative on 13.1.2010 requested for deferment of the consideration of the application for one month in order to allow more time to prepare further information to address the comments of relevant Government departments.

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

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

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/185 Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Government Land in D.D. 91, Ng Uk Tsuen, Sheung Shui

(RNTPC Paper No. A/FSS/185)

A/FSS/186 Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Government Land in D.D. 91, Ng Uk Tsuen, Sheung Shui

(RNTPC Paper No. A/FSS/186)

34. Noting that the two applications were similar in nature and the application sites were close to each other and within the same "Green Belt" ("GB") zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

35. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;

- (c) departmental comments – the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) had reservation on the proposed developments as NTEH/Small House should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although the traffic associated with the proposed developments was not expected to be significant, such developments, if permitted, would set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the applications as the application sites were well vegetated. Although the trees were not considered to be significant from tree preservation point of view, removal of these trees would inevitably result in a loss of greenery in the “Green Belt” (“GB”) zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from landscape planning point of view as the approval of the applications would further deteriorate the landscape quality of the area, and there was no opportunity for landscape mitigation measures on sites to alleviate adverse landscape impact arising from the proposed developments;

- (d) during the statutory publication period, two public comments were received on each of the applications. While one of the commenters supported the applications, another commenter objected to the applications on the grounds that the application site fell within an area zoned “Green Belt”, and the area lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. The District Officer/North advised that the indigenous inhabitants representative (IIR) and residents representative (RR) of Ng Uk Tsuen supported the applications while the Chairman of the Sheung Shui District Rural Committee and the concerned North District Council member had no comment on the applications; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessment made in paragraph 12 of the Papers. It was considered that the applications generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that both the application sites and the footprints of the proposed Small Houses fell entirely within the ‘village environs’ (‘VE’) of Ng Uk Tsuen, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (‘V’) zone of the village. It was also considered that the applications generally complied with the Town Planning Board Guideline No.10 for ‘Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance’ in that the proposed Small Houses were in close proximity to Ng Uk Tsuen, and they would have septic tank for sewage disposal with no significant adverse sewage impact on the area. In this regard, the Director of Environmental Protection had no adverse comment on the applications. Moreover, the proposed Small House developments were considered not incompatible to the adjacent village setting of Ng Uk Tsuen and high-rise residential development in the east and south of the application sites. Although DAFC and CTP/UD&L, PlanD did not favour/support the applications from the tree preservation and landscaping points of view, it was noted that the application sites were located in an open field with no existing trees and the mature tree was located to its further north. The proposed Small Houses would not affect any existing trees. Regarding AC for T/NT, TD’s reservation on traffic grounds, it was considered that as the application sites were located immediately outside the “V” zone of Ng Uk Tsuen and accessible by an existing footpath, the traffic to be generated by the proposed developments would be insignificant. As regards the public comment received against the proposed Small House development on the grounds that there was a lack of a plan of a sustainable village layout, it should be noted that concerned Government departments had no adverse comment on the applications on technical grounds.

36. Members noted that the eligibility of the applicants for Small House concessionary grant had yet to be ascertained by the Lands Department.

Deliberation Session

37. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permissions should be valid until 12.2.2014, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

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

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

- (a) to note the Chief Highway Engineer/New Territories East, Highways Department's comment that suitable noise mitigation measures should be provided to mitigate nuisances from the adjacent road network;
- (b) to note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-KTS/286 Proposed Field Study Centre in "Agriculture" zone, Lots 1493 S.B and
1494 S.B ss. 2 in D.D. 100, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/286)

39. The Committee noted that the applicant on 25.1.2010 requested for deferment of the consideration of the application for two months in order to allow more time to prepare supplementary information to address the comments of Government departments.

40. 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 Items 14 & 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/408 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones,
Lot 396 S.C ss.5 in D.D. 85, San Tong Po Village, Fanling
(RNTPC Paper No. A/NE-LYT/408)

A/NE-LYT/409 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 396 S.A ss.5 in D.D. 85,
San Tong Po Village, Fanling
(RNTPC Paper No. A/NE-LYT/409)

41. Noting that the two applications were similar in nature and the application sites were close to each other, Members agreed that the applications could be considered together.

Presentation and Question Sessions

42. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no comment on Application No. A/NE-LYT/408. However, he had reservation on Application No. A/NE-LYT/409 and advised that the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse impact could be substantial. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, three public comments on Application No. A/NE-LYT/408 were received. Two of the public comments stating “no comment” were submitted by the Chairman of Fanling District Rural Committee (FDRC) and a member of the general public. Another public comment was submitted by a group of five indigenous villagers of San Tong Po Village raising objections to the application mainly on the grounds that the applicant had submitted ‘cross-village’ Small House applications without the consent of local

villagers; the environment and fung shui of the village would be destroyed by Small Houses constructed by outsiders; there was limited land resources in the village and there was an infringement on interests of local villagers. The District Officer/North advised that he had consulted the locals concerned on the application. The Indigenous Inhabitants Representative (IIR) and the Residents Representatives (RR) of San Tong Po Village had no comment on the application;

- (e) during the statutory publication period, four public comments on Application No. A/NE-LYT/409 were received. Among these comments, three of them were submitted by the same commenters of the Application No. A/NE-LYT/408 with the same comments as described in paragraph 43 (d) above. The other public comment was submitted by Designing Hong Kong Limited raising objection to the application mainly on the grounds that the area was zoned “Agriculture” (“AGR”) and the area lacked a plan for sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. The District Officer/North advised that the IIR and RR of San Tong Po Village had no comment on the application; and

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Papers. It was considered that the applications generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that the application sites and the proposed Small House footprints fell entirely within the ‘village environs’ (‘VE’) of San Tong Po Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. Although the proposed Small House developments (one fell within “AGR” zone and one partly within “AGR” zone) was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view against the applications as the application sites were part of a construction site fenced by brick wall and the potential for agricultural rehabilitation was low. The proposed Small Houses were

located at the periphery of the “V” zone of San Tong Po Village and were compatible with low-rise residential/village houses in the vicinity. Moreover, the proposed Small Houses would not have significant adverse environmental and drainage impacts on the area. Although AC for T/NT, TD had reservation on the application No. A/NE-LYT/409, the application site was located to the immediate west of San Tong Po Village and there was an existing vehicular access leading to Lau Shui Heung Road, the traffic associated with the proposed development was not expected to be significant. As regards the public comments as stated in paragraphs 43(d) and (e) above, concerned Government departments including the DAFC, the Director of Environment Protection, the Chief Town Planner/ Urban Design and Landscape, Planning Department and the District Lands Officer/North, Lands Department (DLO/N, LandsD) had no adverse comments on the applications. DLO/N, LandsD also advised that LandsD had the established Small House Policy to deal with objections to Small House application, including the ones on “cross village application” and “fung shui” issues.

43. In response to a Member’s enquiry, Mr. W.K. Hui said that a review of the “V” zone in San Tong Po Village would be undertaken by PlanD to take into account the Small House developments in the vicinity of the “V” zone that were previously approved by the Committee, the demand for Small Houses and the boundary of ‘VE’ of San Tong Po Village.

Deliberation Session

44. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 12.2.2014, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permission were renewed. Each of the permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;

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

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

- (a) to note the Chief Town Planner/Urban Design & Landscape of Planning Department's comment that landscape planting should be proposed along the perimeter of the application site for screening and greening effect to the proposed development;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comments that :
 - (i) 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 his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LYT/410 Proposed 8 Houses (New Territories Exempted Houses – Small Houses) in "Agriculture" zone, Lots 1846 S.A (Part), 1846 RP (Part), 1850 (Part), 1851 (Part), 1852 S.B RP and 1852 S.B ss.1 RP in D.D. 76 and Adjoining Government Land, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/410)

46. The Committee noted that the applicants' representative on 10.2.2010 requested for deferment of the consideration of the application for two months in order to address Government departments' comments and local concerns on the application.

47. 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 Items 17 & 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/411 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1554 S.B in D.D. 83, Wing Ning Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/411)

A/NE-LYT/412 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1554 S.A in D.D. 83, Wing Ning Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/412)

48. Noting that the two applications were similar in nature and the application sites were close to each other and within the same "Agriculture" ("AGR") zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

49. Mr. W.K. Hui, DPO/STN, informed Members that there was a typing error on line 1 of paragraph 11.1 of the Paper on Application No. A/NE-LYT/412. "72.3%" should read "100%". Mr. Hui then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the proposed developments as NTEH developments should be confined within the "Village Type Development" ("V") zone as far as possible. Although traffic associated with the proposed development was not

expected to be significant, such development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Other concerned Government departments had no objection to or no adverse comments on the applications;

- (d) during the statutory publication period, same public comments on the two applications were received from two commenters. One comment was submitted by a general public supporting the Small House application. Another comment was submitted by Designing Hong Kong Limited objecting to the applications mainly on the grounds that the application site was zoned “Agriculture” (“AGR”); and the area lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. The District Officer/North advised that the Chairman of the Fanling District Rural Committee and an Indigenous Inhabitants Representatives (IIR) of Lung Yeuk Tau objected to the applications on the grounds that the applicants’ identities were uncertain and the applications would adversely affect other Small House applications by indigenous villagers of Lung Yeuk Tau villages. However, another IIR, resident Representatives (RR) of Lung Yeuk Tau and the concerned North District Council (NDC) member cum IIR of Lung Yeuk Tau supported the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Papers. It was considered that the applications generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that 72.3% and 100% of the footprints of the proposed Small Houses fell within the ‘village environs’ (‘VE’) of the recognized villages and there was a general storage of land in meeting the demand for Small House developments in the “V” zone of recognized villages. Although the applications were not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no comment on the applications as the application sites were tightly

surrounded by domestic and temporary structures, and the potential for agricultural rehabilitation was low. The proposed Small House developments were generally compatible with the surrounding land uses which were rural in nature and the application site was in close proximity to the village proper. It was anticipated that proposed Small Houses would not cause significant adverse impacts to the surrounding area. Relevant Government departments had no adverse comments on the applications. Although AC for T/NT, TD had reservation on the applications and considered that NTEH development should be confined to “V” zone as far as possible, it was noted that the application sites were located near “V” zone of recognized villages and Small House development on the application sites had been approved in 2005. The traffic associated with the proposed developments were not expected to be significant. As regards the local objection to the applications on the grounds of applicants’ identities, concerned Government departments had no adverse comments on the applications.

Deliberation Session

50. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 12.2.2014, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

51. The Committee also agreed to advise the applicants of the followings :
- (a) to note the Chief Town Planner/Urban Design & Landscape of Planning Department's comments that landscape planting should be provided along the perimeter of the site for screening and greening to the proposed development;
 - (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the Consultants Management Division of his department was carrying out sewerage works in the vicinity of the application site. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
 - (c) 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) complies 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 19

Section 16 Application

[Open Meeting]

A/NE-TKL/329 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in "Industrial (Group D)" zone, Lots 22 (Part), 24 (Part) and 26 RP
(Part) in D.D. 84, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/329A)

52. The Committee noted that the applicant's representative on 3.2.2010 requested for deferment of the consideration of the application for two months in order to allow more time for preparation of further information to address the outstanding comments raised by the relevant Government departments.

53. 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 four months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/333 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 20 S.B ss.2 in D.D. 46, Tai Tong Wu Village,
Sha Tau Kok
(RNTPC Paper No. A/NE-TKL/333)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and advised that the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was

not expected to be significant, such development if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the statutory publication period, three public comments were received. One public comment supported the application without providing any reason, while the other two public comments were submitted by Designing Hong Kong and a resident of Tai Tong Wu Village raised objection to the application mainly on the grounds that the area was zoned “Agriculture” (“AGR”), the area lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design; the application site was located too close to the village road, electricity street boxes and entrance of the garden of the commenter; and the proposed Small House development would have adverse impacts on the environment and village road. The District Officer/North advised that the Indigenous Inhabitants Representative (IIR) and Residents’ Representative (RR) of Tai Tong Wu supported the application while the Chairman of Sha Tau Kok District Rural Committee had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. It was considered that the application generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that the application site and the proposed Small House footprint fell entirely within the ‘village environs’ (‘VE’) of Tai Tong Wu Village, and there was a general shortage of land in the “V” zone of the village to meet the demand for Small House development. Although the application site fell entirely within the “AGR” zone and was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view against the application as the application site was surrounded by domestic structures and a village

road and the potential for agricultural rehabilitation was low, and the proposed Small House development was not incompatible with the adjacent village setting. Although AC for T/NT, TD had reservation on the application and considered that the NTEH development should be confined within the “V” zone as far as possible, the application site was located to the immediate south of the “V” zone of Tai Tong Wu Village and was adjacent to a village road leading to Sha Tau Kok Road. The traffic associated with the proposed development was not expected to be significant. Regarding the public comments objecting to the application, it was noted that there were existing Small Houses located along the village road and concerned Government departments had no adverse comments on the application.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.2.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Mainland North, Drainage Services Department’s comment that the application site might be subject to flooding risk as there was suspected unauthorized land filling of river

nearby;

- (b) to note the Chief Town Planner/Urban Design & Landscape of Planning Department's comment that landscape planting should be proposed along the perimeter of the application site to enhance the screening and greening effect;
- (c) to note the Chief Engineer/Development(2), Water Supplies Department's comments that :
 - (i) 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 his department's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/299 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” and “Agriculture” zones, Government Land in D.D. 15,
 Shan Liu Village, Tai Po
 (RNTPC Paper No. A/NE-TK/299)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as NTEH development should be confined within “Village Type Development” (“V”) zone as far as possible. Although the traffic associated with the proposed development was not expected to be significant, approval of the application would set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) objected to the application from landscape planning point of view as there had been various detrimental activities carried out in the area such as extensive vegetation clearance and site formation, illegal dumping of construction waste and construction of illegal access in the vicinity of the site, which had adversely affected the existing rural landscape. The

proposed use was not in line with the planning intention of the “Green Belt” (“GB”) zone. The approval of the application would set an undesirable precedent to other similar Small House applications in the area encouraging urban sprawl/village developments in this pleasant rural landscape setting and further degrading the existing landscape quality in the area. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the statutory publication period, three public comments raising objection to the application were received. The main grounds of objection stated in these public comments were that the area was zoned “GB” and “Agriculture” (“AGR”); the area lacked a plan for a sustainable village layout for the area to ensure the health and well being of current and future residents and a quality urban design; the application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (the Interim Criteria); the proposed Small House could not be connected to the planned sewerage system in the area; there was insufficient information to demonstrate that the proposed development located within the Water Gathering Grounds (WGG) would not cause adverse water quality and landscape impacts in the area; unauthorized site formation was carried out and construction waste was dumped at the application site; the applicant adopted the “destruction first” approach in carrying out site formation before submitting planning application to facilitate the approval of the proposed development and the approval of the application would set an undesirable precedent and encourage illegal dumping of construction waste; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. According to the District Lands Officer/Tai Po, Lands Department’s record, the total number of outstanding Small House application for Shan Liu Village was 26 while the 10-year Small House demand forecast for the same village was 250. According to the latest estimate by the PlanD, about 0.41ha (or equivalent to about 16 Small House sites) of land were

available within the “V” zone of Shan Liu Village. Therefore, the land available could not fully meet the future Small House demand. Although the site was located within the lower indirect WGG, the Director of Environmental Protection and the Director of Water Supplies had no objection to the application provided that the proposed Small House could be connected to the planned sewerage system and the occupation of the Small House would only take place after the public sewerage system was available in the area. In this regard, the Chief Engineer/Construction Management, Drainage Services Department advised that a trunk sewer system would be constructed under the “Tolo Harbour Village Sewerage Stage 1- Remaining Works”. The sewer laying works at Shan Liu Road was scheduled to commence in 2011 and targeted for completion in 2013. The trunk sewer was to serve the potential Small House development within the existing “V” zone of the Shan Liu Village. He considered that the proposed trunk system was technically feasible to cater for the sewage generated from the proposed Small House but the applicant had to make the sewer connection at his own cost. As such, the proposed Small House development could be considered as complying with the Interim Criteria in that the proposed Small House fell entirely within the ‘village environs’ (‘VE’), there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village, and the proposed Small House development, located within the WGG, could be connected to the planned sewerage system. It was noted that AC for T/NT, TD had reservation on the application as it would set undesirable precedent for similar developments and result in cumulative adverse traffic impacts, CTP/UD&L, PlanD objected to the application from the landscape planning point of view and local objections were received. However, it was considered that sympathetic consideration to the application might be given as the site was currently an abandoned field and located entirely within the ‘VE’, and the proposed Small House could be connected to the planned sewerage system. As regards the public comments received, concerned Government departments had no adverse comments on the application.

59. In response to a Member’s enquiry, Mr. W.K. Hui said that PlanD was

undertaking a review on the boundary of the “V” zone of Shan Liu Village as the land in the existing “V” zone available for Small House development was quite limited due to the presence of slopes and woodland, while the future demand for Small House was quite large.

60. Mr. Hui pointed out that there was an article in the South China Morning Post (SCMP) on 12.2.2010 which stated that a Small House application around Shan Liu Village, Tai Po which had been approved by the Committee was regarded as “destroy first and build later”. With the current recommendation for approval this time and the previous objections of Small House applications in Shan Liu Village by the Town Planning Board (the Board), the article queried whether the Board would be consistent in considering similar Small House applications in the area. In commenting the article in SCMP, Mr. Hui made the following main points :

- (a) 20 Small House applications in the “GB” and “AGR” zones adjacent to the “V” zone of Shan Liu Village had been considered by the Board since 2001. 19 of them (including Application No. A/NE-TK/288) had been rejected by the Board mainly for the reasons that the Small House applications did not comply with the Interim Criteria in that the proposed Small House located within the WGGs could not be connected to the existing or planned sewerage in the area and there was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on water quality in the area;
- (b) in mid-2009, it had been revealed that a trunk sewer would be constructed under the project “Tolo Harbour Village Sewerage Stage 1- remaining Works” to serve the Small House development in Shan Liu. With this scheme, Small House applications that could demonstrate the feasibility of connecting to the planned trunk sewer were considered as meeting the Interim Criteria. In December 2009, Application No. A/NE-TK/295 which was for Small House development within the “AGR” zone adjacent to “V” zone of Shan Liu Village was approved by the Committee as it could demonstrate that the proposed Small House could be connected to the planned sewerage system; and

- (c) as revealed from the relevant aerial photographs, vegetation clearance and illegal dumping of construction waste were first found on the site in 2004. Planning enforcement and prosecution works were undertaken by the Planning Authority in 2007. Enforcement notice was served, and the landowner was prosecuted and fined by the court in 2007. The reinstatement notice was also served to the land owner in late 2007 which require the landowner to grass the land. Subsequently, upon confirmation that the reinstatement notice requirement had been fulfilled, compliance notice was also issued to the landowner in 2008.

61. Members had the following questions:

- (a) whether there was any connection between the applicant of the subject application and the party involved in the illegal activities of vegetation clearance and illegal dumping of construction waste of the site;
- (b) according to Plan A-4 of the Paper, it seemed that there was a re-occurrence of illegal occupation of land by stacking of containers and earth moving vehicle even after the site had been restored;
- (c) the reinstatement requirement that were set out in the previous reinstatement notice issued by the Planning Authority;
- (d) whether the construction waste on the site had been cleared by the landowner before the compliance notice was issued to the landowner by the Planning Authority;
- (e) whether the approval of the application would give a wrong message to the public that the countryside could be destroyed first by illegal dumping of construction waste/land filling, and the landowner would be rewarded with planning permission for developing Small Houses two or three years later;
- (f) whether it would be feasible to provide emergency vehicular access in Shan Liu Village to cater for the Small House development; and

- (g) whether there would be traffic impact on Shan Liu Road if more Small House developments were developed in this area;

62. In response to Members' questions in paragraphs 61 (a) to (g) above, Mr. Hui had the following responses:

- (a) although the applicant of the subject application and the defendant of the previous enforcement case were both Mr. Leungs, there was no evidence that there was any connection between them;
- (b) PlanD would closely monitor the situation of the site, and in case of any re-occurrence of illegal activities including dumping of construction waste and land filling, enforcement actions would be undertaken;
- (c) the reinstatement requirements as set out in the reinstatement notice involved removing the construction waste, adding top soil and grassing the site. The compliance notice was issued to the land owner in December 2008;
- (d) the Small House application in the "AGR" zone adjacent to the "V" zone of Shan Liu Village was approved by the Committee in December 2009 as it had fully met the Interim Criteria, including the criterion that it would be feasible to connect the proposed Small House to the planned sewerage system; and
- (e) the proposed Small House development was accessible via local track and Shan Liu Road off Ting Kok Road. Small House applications in the area would be considered on individual merits, taking into account to Government departments' including TD's comments. Besides, the cumulative traffic impacts that would be generated by future Small House developments in the area would also be taken into consideration in the review exercise of "V" zones being undertaken by PlanD.

63. Mr. Ambrose S.Y. Cheong remarked that AC for T/NT, TD had reservation the proposed development as NTEHs/Small Houses should be confined within “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Members noted.

[Professor Paul K.S. Lam left the meeting at this point.]

Deliberation Session

64. In response to a Member’s enquiry, Mr. W.K.Hui said that the application site of the Small House development which was approved by the Committee in December 2009 was located in the “AGR” zone adjacent to Shan Liu Village. In the land use review being undertaken by PlanD for the Shan Liu area, the feasibility of extending the “V” zone boundary to the adjacent “AGR” zone to meet the outstanding Small House demand would be examined.

65. In response to a Member’s enquiry on the criteria for assessing Small House application, the Chairperson said that the Interim Criteria as well as the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) had all along been adopted by the Board as the basis for considering Small House applications in the rural area. One of the main reasons for the Committee to reject the previous applications for Small House development in Shan Liu area was that the proposed Small Houses were located within the Water Gathering Grounds and they could not be connected to the existing or planned sewerage in the area as required under the Interim Criteria. To the contrary, Application No. A/NE-TK/295, which was currently approved by the Committee in December 2009 had fully met the Interim Criteria including the criterion that it would be feasible to connect the proposed Small House to the planned sewerage system.

66. Members also noted that although there had been detrimental vegetation clearance in the Shan Liu area since 2004, there was no evidence that the extensive vegetation clearance activities and the illegal waste dumping on the site was undertaken by the applicant of the current application or had any association with the subject application. Hence the accusation of “destroy first and build later” could not be substantiated.

67. A Member was worried that the approval of the subject application might set an undesirable precedent and encourage applicants, who had their Small House applications in Shan Liu Area previously rejected by the Committee, to submit their applications again. The increased Small House developments in the area might result in a future degradation of the “GB” zone and the rural area. In response, Mr. Hui said that Small House applications would be considered by the Committee based on the Interim Criteria, relevant TPB PG-No. 10 and the individual merits of the applications.

68. A Member queried that approving the Small House application on the subject site would frustrate the intention of restoring the site into green area as required in the reinstatement notice. Mr. Hui, with reference to Plans A-3 and A-4, responded that only a small portion of land being cleared was zoned “GB”, while the rest of the land was zoned “AGR”. After the reinstatement notice was issued to the landowner, the site had been reinstated and covered by grass. Members noted.

69. The Chairperson concluded that while the Committee was very concerned about the so-called “destroy first and build later” approach, there was no evidence to show that the illegal clearance and dumping activities had any association with the current application. It would not be appropriate to condemn an applicant for action which was not taken by him. The Committee had all along based on the Interim Criteria and other relevant TPB Guidelines to assess Small House applications. As the subject application had fully met the Interim Criteria, it could be approved with conditions to address the technical requirements of the concerned Government departments. One of the approval conditions would be that it would be feasible to connect the proposed Small House to the planned sewerage system. However, in view of the outstanding Small House sites in Shan Liu Village, PlanD would complete the on-going land use review of the “V” zone promptly and report back to the Committee. PlanD would continue to closely monitor the area and would undertake prompt enforcement and prosecution action against unauthorized development, illegal activities of vegetation clearance and dumping of construction wastes.

70. Members also agreed that the Secretariat of the Board should make a prompt reply to the SCMP clarifying that the Committee had a thorough discussion on the so-called “destroy first and build later” approach and agreed that effort should be made to avoid such

abuse in planning system. However, after careful consideration, it had come to a view that there was no evidence that the illegal vegetation clearance on site, which had taken place in 2004 and stopped in 2008, was undertaken by the applicant of the proposed Small House. The Committee considered that this was not a relevant consideration of the subject application. The Committee had all along based on the criteria as set out in the Interim Criteria in considering Small House applications.

71. 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 12.2.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) 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
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;

- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage Stage 1 – Remaining Works” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the Drainage Services Department’s and the Director of Water Supplies’ comments in paragraphs 4 and 5 respectively in Appendix VI of the Paper; 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) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

[Post-Meeting Notes : A reply was made to SCMP on 12.2.2010 and featured on 19.2.2010.]

Agenda Item 22

Section 16 Application

[Open Meeting]

A/DPA/NE-SC/1 Proposed Temporary Ecological Enhancement Works for a Period of 3 Years in "Agriculture" and "Coastal Protection Area" zones, Various Lots in D.D. 190 and D.D. 203 and Adjoining Government Land, Sham Chung
(RNTPC Paper No. A/DPA/NE-SC/1C)

73. The Secretary reported that the application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd.. Messrs. Donald Yap and Y.K. Cheng having current business dealings with Sun Hung Kai Properties Ltd. had declared interests in this item. Professor David Dudgeon had also declared an interest in this item. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap, Mr. Cheng and Professor Dudgeon could stay at the meeting.

74. The Committee noted that the applicant's representative had requested on 20.1.2010 for deferment of the consideration of the application for two months in view of the gazettal of the draft Sham Chung Outline Zoning Plan and the ongoing representation process, and to allow sufficient time to review the Government's latest zoning proposal for the Sham Chung area as well as to prepare responses to the outstanding departmental comments on the application.

75. A Member noted that before the subject request for deferment, the applicant had already applied for six times of deferment and they had been all granted by the Committee. As a result, a total of 12 months had already been allowed for the applicant to prepare submission of further information since the submission of application in August 2008. This Member was of the view that given the application had already been deferred for six times and that the applicant in the subject request, had failed to give any strong justification to support any further deferment of the consideration of the application, the subject request for deferment should not be supported. The above view was shared by some other Members.

76. In response to the Chairperson's enquiry, Mr. Hui remarked that the applicant

was the sole owner of the application site. Hence, deferment of the consideration of the application by the Committee would not affect the interest of other relevant parties.

77. In response to a Member's enquiry, the Secretary explained that according to the "Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance" (TPB PG-No. 33), an applicant would normally be given two months for preparation of submission of further information. The case would then be re-submitted to the Town Planning Board within two months in case of a s.16 application or within three months in case of a s.12A application/s.17 review. No further deferment would be granted unless under very special circumstances.

78. After further deliberation, Members agreed that the subject request for deferment should not be acceded to and the subject application should be submitted to the Committee for its consideration at the next Rural and New Town Planning Committee meeting on 5 March 2010.

[The Chairperson thanked Mr. W.K. Hui DPO/STN and Ms. Doris S.Y. Ting STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Ting left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting]

A/TM/376

Proposed Comprehensive Residential Development (with Minor Relaxation of the Site Coverage Restriction (Podium Only) from 25% to below 40% and Minor Relaxation of Building Height Restriction (Podium Only) from 10 Storeys above Car Park to 10 Storeys above a 3-storey Podium for Landscaped and Recreational Facilities, Car Park with E/M and Other Ancillary Facilities) in "Comprehensive Development Area" zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, Area 56, So Kwun Wat, Tuen Mun (RNTPC Paper No. A/TM/376E)

79. The Secretary reported that the application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd.. Messrs. Donald Yap and Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd.. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap and Mr. Cheng could stay at the meeting.

80. The Committee noted that the applicant's representative on 3.2.2010 requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the comments of the Tuen Mun and Yuen Long District Planning Office.

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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/395 Proposed Place of Recreation, Sports or Culture, (Shooting Range) and Utility Installations for Private Project (Water Pump and Transformer Houses) (Amendments to a Scheme Previously Approved under Application No. A/TM/363) in "Green Belt" zone, Pillar Point Valley Landfill, Tuen Mun
(RNTPC Paper No. A/TM/395)

Presentation and Question Sessions

82. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed place of recreation, sports or culture (shooting range) and utility installations for private project (water pump and transformer houses) (Amendments to a scheme previously approved under Application No. A/TM/363);
- (c) departmental comments – the Secretary for Security (S for S) commented that the Garrison gave in-principle agreement in 2006 for the applicant to use and construct a portion of the access road within the Tsing Shan Firing Range for linking up the existing road (i.e. Mong Fat Road) to the site on the understanding that the shooting range would be located outside the boundary of Tsing Shan Firing Range and comprised pistol and rifle ranges only. However, the applicant should be informed that if skeet and trap shooting was included in the site, it would constitute a significant change to the original proposal agreed with the Garrison. In that case, the Garrison should be consulted afresh and the Garrison's previous agreement would no longer be valid. Apart from a section of access road to be constructed, the

Garrison did not give agreement for the applicant to put in place any shooting facilities within the boundary of Tsing Shan Firing Range. To avoid any misunderstanding, the applicant should be informed that the Garrison did not give agreement for the applicant to put in place any shooting facilities within the boundary of Tsing Shan Firing Range. The Secretary for Home Affairs (SHA) supported the application. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Tuen Mun; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed development, with a plot ratio of 0.133, site coverage of 13% and comprising a single-storey structure, was of a small scale. It was also not in conflict with the Town Planning Board Guidelines for 'Application for Development within "Green Belt" Zone under Section 16 of the Town Planning Ordinance' (TPB-PG No. 10) in that the proposed development was regarded as a kind of sports and recreational use and it would be compatible with the character of surrounding areas which was an ex-landfill site. The proposed amendments to the previously approved scheme (Application No. A/TM/363) mainly included reduction in the scale of shooting facilities and the additional provision of supporting facilities such as reception, arms ammunition and store as well as an additional covered walkway. The proposed development would not result in significant adverse visual, landscape, environmental, traffic and drainage impacts on the surrounding areas. Concerned Government departments including the Director of Leisure and Cultural Services had no objection or no adverse comments to the proposed development. Regarding the S for S' concerns, the applicant had confirmed in the submission that the current application would not include skeet and trap shooting and would not deviate from the scope agreed with the Garrison. There was no intention to develop outside the boundary of the existing licence. The proposal was also supported by the SHA from the policy perspective. To address the

technical requirements from Government departments including the Chief Engineer/ Mainland North, Drainage Services Department (CE/MN, DSD) and Head of Geotechnical Engineering Office, Civil Engineering and Development Department H(GEO), CEDD, approval conditions had been recommended in paragraph 12.2 of the Paper.

[The Chairperson left the meeting at this point. The Vice-chairman took over and chaired the meeting.]

83. Members had no question on the application.

Deliberation Session

84. 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 12.2.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal and tree preservation plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a detailed qualitative landfill gas hazard assessment report including detailed design of landfill gas protection measures and the implementation of the landfill gas protection measures proposed to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission of a drainage impact assessment (DIA) with a project profile and the implementation of mitigation measures identified in the DIA to the satisfaction of Director Drainage Services or of the TPB;
- (d) the provision of emergency vehicular access, water supply for fire fighting and fire service installations for the proposed development to the

satisfaction of the Director of Fire Services or of the TPB; and

- (e) the submission of a Geotechnical Planning Review Report to assess the hazards from the natural terrain and the stability of the man-made slopes and implementation of the mitigation measures therein to the satisfaction of the Director of Civil Engineering and Development or of TPB.

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

- (a) to note the Secretary for Security's comments that if skeet and trap shooting was included in the application site, it would constitute a significant change to the original proposal agreed with the Garrison. In that case, the Garrison should be consulted afresh and the Garrison's previous agreement would no longer be valid; and that the Garrison did not give agreement for the applicant to put in place any shooting facilities within the boundary of Tsing Shan Firing Range;
- (b) to note the Secretary for Home Affairs' comments that the applicant should comply with the requirements, statutory or otherwise, imposed by other relevant government departments, including the requirement under the land licence for operation on or before 19.12.2010;
- (c) to note the District Lands Officer/Tuen Mun's comments that the applicant should comply with the requirements of the executed Licences No. EP/SP/57/07-A and EP/SP/57/07-B for the proposed shooting range as well as the water pump and transformer houses respectively. The applicant should liaise with the Director of Environmental Protection (DEP) to ensure that the locations, access and boundaries of the proposed developments should tally with those of the two executed Licences. Should the proposal contravene any terms and conditions of the two Licences, the applicant should apply to DEP for modification of the executed Licences;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that the granting of the planning approval

should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinances or other enactments might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. The proposed pump house and transformer house would be Gross Floor Area accountable unless more justifications were provided to satisfy the criteria as stipulated in Building (Planning) Regulations 23(3)(b) and paragraph 8 of PNAP 13;

- (e) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's (CEDD) comments that the southeastern part of Site A met the alert criteria for carrying out a Natural Terrain Hazard Study. There were also man-made slopes in the vicinity which could effect or be affected by the proposed development. The applicant should prepare a Geotechnical Planning Review Report to assess the hazards from the natural terrain and the stability of the man-made slopes as addressed in Advice Note (Appendix V of the Paper). The applicant was reminded to submit the works to the BD for approval, as required under the provisions of the BO. The applicant should also note that the storage of ammunition over 1000 rounds should strictly follow the requirements of the licensing authority, i.e. the Mines Division of the CEDD;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the applicant should provide the estimated daily water demand to WSD for further assessment and should be responsible for construction, operation and maintenance of the inside services within the private lot to WSD's standards;
- (g) to note DEP's technical comments at Appendix IV of the Paper on the submitted preliminary environmental review. Also, the development was a designated project under the Environmental Impact Assessment Ordinance. An environmental permit was required before the construction and operation of a designated project;

- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should submit a project profile and Drainage Impact Assessment study according to DSD TC No. 3/95 for detailed requirements;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that landscape mitigation measures should also be provided for the public utility installation and the applicant should review if it was really necessary to plant the trees within the concrete planter which would greatly limit the growth of the trees;
- (j) to note the Commissioner of Police (Tuen Mun District Commander)'s comments that the applicant had to seek approval from the Licensing Authority of the Hong Kong Police Force under the existing law at later stage; and
- (k) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for his own access arrangement.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/TM-LTY Y/196 Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Lot 836 SD in D.D. 130, near To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/196)

86. The Committee noted that the applicant's representative on 5.2.2010 requested for deferment of the consideration of the application for two months in order to allow time to address comments from Government departments and submit further information to substantiate the application.

and odour nuisances and, worsen public order and the sanitary condition of the surrounding areas since the site was located very close to residential development. The other comment was submitted by another Ma Tin Pok resident raising objection to the application mainly on the grounds that the commercial development would affect the visual and landscape environment and harmony of Ma Tin Pok; the proposed development would attract outsiders and increase illegal parking in the village and it would impose adverse impacts on noise, air and water environment. No assessment on the impacts of visual, landscape, traffic, environment, sewerage and drainage had been submitted by the applicant. The District Officer/Yuen Long advised that two objection letters were submitted by a group of Ma Tin Pok Tsuen villagers which were the same as the public comments received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding environment which was predominantly residential and rural in character with low-rise village houses. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, similar ‘Eating Place’ and ‘Shop and Services’ uses on the ground floor of a NTEH were always permitted within the “V” zone, and selected commercial uses might be permitted upon application to the Town Planning Board. Moreover, according to the District Lands Officer/Yuen Long (DLO/YL, LandsD), there was no application for Small House development on the site. The proposed temporary use of the site for 3 years would not frustrate the long term planning intention of the “V” zone. The application was in line with the Town Planning Board Guidelines No. TPB PG-No. 15A for ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ in that the proposed canteen at G/F was located at the fringe of Ma Tin Pok abutting Tai Shu Ha Road East and would unlikely cause inconvenience to the residents nearby. Besides, given its small scale, the proposed

development would unlikely generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. Regarding the two public comments submitted by Ma Tin Pok Tsuen residents concerning the adverse impacts of the proposed use on the surrounding areas, it was noted that relevant Government departments including the Director of Environmental Protection, Assistant Commissioner for Transport/New Territories, Transport Department, Commissioner of Police and Director of Food and Environmental Hygiene had no objection to the application. To address the technical requirements of relevant Government departments, approval conditions had been recommended in paragraph 12.2 of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning application. It was also recommended to attach an advisory clause to the planning permission advising applicant to approach the residents of Ma Tin Pok to explain his proposed development and address the residents' concern should the Committee decide to approve the application.

89. Members had no question on the application.

Deliberation Session

90. Mr. Ambrose S.Y. Cheong suggested amending the advisory clause in paragraph 12.2(d) by adding "and maintenance" after "management" on line 3 and adding "should be consulted" before "accordingly" on line 5. Members agreed.

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, should be carried out at the site during the planning approval period;
- (b) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 12.8.2010;

- (c) in relation to (b) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.11.2010;
- (d) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.8.2010;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.11.2010;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.8.2010;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.11.2010;
- (h) the submission of sewerage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 12.8.2010;
- (i) in relation to (h) above, the implementation of sewerage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 12.11.2010;
- (j) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (k) if any of the above planning conditions (b), (c), (d), (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 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.

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

- (a) to note the District Lands Officer/Yuen Long's comments that should the application be approved, the applicant should be reminded to apply for Short Term Waiver (STW) to regularize the irregularities on site. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owner according to the prevailing programme of his office in this regard;
- (b) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (c) to note the Director of Environmental Protection's (DEP) comments that the applicant should ensure that a valid discharge licence under the Water Pollution Control Ordinance (WPCO), Cap. 358 was obtained at all time during the approval period. Should the applicant had any question regarding the WPCO licence, the applicant was advised to contact his Regional Office (North) for details. Besides, the applicant's drainage system should be connected to the mentioned sewerage at their own cost once such sewerage was provided to the area. Also, the applicant should refer to a pamphlet namely "Control of Oil Fume and Cooking Odour from Restaurant and Food Business" which could be found under the air section

of the Environmental Protection Department (EPD) website;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage facilities shown in the drainage proposal were designed for collecting and discharging stormwater only. The applicant should be reminded to consult EPD for aspects related to sewage treatment/disposal and domestic effluent of the proposed development;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should consider there were planting opportunities within the application boundary. Landscape planting along the site boundary should be provided as part of the landscape mitigation measures;
- (g) to note the Director of Fire Services' (D of FS) comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements at Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix III of the Paper, the applicant was required to provide justifications to his department for consideration;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on

the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of the building proposal was required under the provision of BO. The staircases for means of escape purpose should be separated from the remainder of the building in accordance with the requirements of the Code of Practice for Fire Resisting Construction. Besides, any temporary buildings were subject to control under the Building (Planning) Regulation Pt. VII and formal submission under the BO was required for any proposed new works, including any temporary structures;

- (i) to note the Director of Food and Environmental Hygiene's comments that any proposed food business must comply with the provisions of Public Health and Municipal Services Ordinance, Cap. 132 and the regulations made under it, including Food Business Regulation, and any prevailing requirements (including proper waste storage, proper waste water and exhaust air discharge from the premises) as specified by his department or any requirement or condition imposed or might be imposed by the Building Authority, the D of FS, the Director of Electrical and Mechanical Services, the DEP or any other Government Departments. The type of licence required depends on the mode of business to be conducted thereat. If the proposed eating place was a canteen solely for the staff only, no food licence was required. For obtaining information regarding licence application, the applicant could browse Food and Environmental Hygiene Department website or approach his Restaurant Licensing Resource Centre. The proprietor should take up the management responsibility and to prevent any nuisance arising from the premises; and
- (j) to liaise with the residents of Ma Tin Pok to further explain the proposed development and address their concern.

[Professor David Dudgeon left the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/316 Temporary Metal Workshop, Storage and Open Storage of Steel
Materials for a Period of 3 Years in "Open Space" zone,
Lots 35 RP 5 (Part), 35 RP 7 (Part), 36 RP 2 (Part), 37 (Part), 38 (Part),
and 114 (Part) in D.D. 127, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/316)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary metal workshop, storage and open storage of steel 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/or access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. She considered that although the existing trees within and outside the site had provided landscape screening to the development, the nature of the proposed development was not compatible with the planned landscape environment which was presumed to be planted and provided different landscape facilities to the public. Besides, the continuous operation of the proposed development would break the planned buffer between the “Industrial” zone and “Village Type Development” (“V”) zones. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that approval of the application would induce cumulative adverse traffic impact on the nearby road network;

- (d) during the statutory publication period, one public comment was received. It objected to the application on the grounds that there would be adverse impact in terms of pedestrian safety and traffic noise nuisance generated by heavy vehicles from the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12 of the Paper. The temporary workshop, storage and open storage uses at the site were not in line with the planning intention of the “Open Space” (“O”) zone. Although the Director of Leisure and Cultural Services advised that there were currently no development programme on the site, the subject “Open Space” zone served as a buffer between the village settlements within the “V” zone to the west and the industrial uses within the “Industrial (Group D)” (“I(D)”) zone to the east. In this regard, no strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. There were residential dwellings to the south, east and south-west of the site. The development was not compatible with the residential dwellings. Although there were warehouses, workshops and open storage yards in the surrounding areas, many of them were suspected unauthorized developments subject to enforcement action by the Planning Authority. DEP did not support the application as there were sensitive uses including residential dwellings close to the site and the access road and environmental nuisance was expected. AC for T/NT, TD considered that approving such similar applications would induce cumulative adverse traffic impact on the nearby road network. There was no information in the submission to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas and induce adverse traffic impact on the nearby road network. The application was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E) in that no previous approval for temporary workshop, storage and open storage development had been granted for the site or land within the same “O” zone. The development, which was for workshop, storage and open storage of steel materials should

be accommodated in an area under an industrial-related zoning. An area zoned “Industrial (Group D)” (“I(D)”) was located just to the west of the site. There was no information in the submission to explain why the workshop and storage yard could not be accommodated in the “I(D)” zone. Moreover, approval of the application would set an undesirable precedent for other similar uses to proliferate in the “O” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

94. Members had no question on the application.

Deliberation Session

95. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) no planning justification had been provided in the submission to justify a departure from the planning intention of the “Open Space” (“O”) zone, which was for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public, even on a temporary basis;
- (b) the development was not compatible with the surrounding areas, in particular the nearby residential structures;
- (c) there was no information in the submission to demonstrate that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “O” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/178 Proposed Restaurant, Photographic Studio, Make-up Rooms and Ancillary Facilities for Wedding Ceremony in "Open Storage" zone, Lots 2562 S.B RP and 2564 RP in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/178)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed restaurant, photographic studio, make-up rooms and ancillary facilities for wedding ceremony on a permanent basis;
- (c) departmental comments – the Transport and Housing Bureau (THB) commented that the proposed development was undesirable as it would result in permanent loss of land zoned for “Open Storage” (“OS”), thereby reducing amount of land for port back-up and logistics uses. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 11 of the Paper. The “OS” zone was intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provided for the orderly development of land for open storage uses which could not be accommodated in conventional

godown premises. Whilst there were no adverse departmental comments nor local objection to the application, the site fell within the “OS” zone, THB considered that the proposed development was undesirable as it would result in permanent loss of land zoned “OS”, thereby reducing amount of land for port back-up and logistics uses. The approval of the applied uses on a permanent basis would frustrate the long-term planning intention of the zone. Previous planning permissions that were granted by the Committee for the similar uses at the site were all on a temporary basis only, which would not affect the long-term development of the site. Since the last approval under Application No. A/YL-MP/167 was valid until 4.7.2011, it was suggested that further monitoring of the situation should be undertaken before deciding whether to extend the permission or grant approval on a permanent basis.

97. Members had no question on the application.

Deliberation Session

98. In response to a Member’s enquiry, the Secretary said that the applicant had obtained the planning permission for the applied uses under Application No.A/YL-MP/167 on a temporary basis of three years, the planning permission would be valid until 4.7.2011.

99. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reason was :

- the development was not in line with the planning intention of “Open Storage” zone which was intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provided for the orderly development of land for open storage uses which could not be accommodated in conventional godown premises.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/179 Proposed Temporary Shop and Services (Estate Agent) for a Period of
3 Years in "Open Space" zone, Lot 2871 RP in D.D. 104, Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/179)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (estate agency) for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. It was considered that the nature of the proposed development was not compatible with the planned environment. Besides, no landscape proposal was provided to mitigate the landscape impact caused by the proposed development. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The site fell within the "Open Space" ("O") zone. However, it was considered that approval

of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “O” zone as there was no definite development programme for implementing the proposed open space as advised by the Director of Leisure and Cultural Services. The development was considered not incompatible with the land uses of the surrounding areas, which were characterised by a mix of residential dwellings, vacant land, ponds and temporary estate property offices. It could also serve the large-scale residential developments located nearby. According to the Town Planning Board Guidelines No. 12B for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’, the site fell within Wetland Buffer Area , which was intended to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. Taking into account that the scale of the proposed development was small and the site was located at some distance from the fish ponds and wetlands in the Deep Bay area and separated by the major residential developments at Royal Palms, it was considered that the off-site impacts on the wetlands and fish ponds would be insignificant. In this regard, the Director of Agriculture, Fisheries and Conservation had no adverse comments on the application. Given the small scale and nature of the proposed development, no major adverse impact on the surrounding environment was expected. Relevant Government departments including the Director of Environmental Protection, Assistant Commissioner for Transport/New Territories, Transport Department, Director of Drainage Services and Director of Fire Services had no objection to or no adverse comments on the application. To address the technical requirements of Government departments, approval conditions had been recommended in paragraph 13.2 of the Paper. Moreover, previous planning approvals for similar uses in the surrounding areas had been granted. Since then, there was no change in planning circumstances. Approval of the current application was in line with the Committee’s previous decisions.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.8.2010;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.11.2010;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.8.2010;
- (d) in relation to (c) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.11.2010;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.8.2010;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.11.2010;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) and (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without

further notice; and

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department that the site was situated on an Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office; regarding the proposed erection of two structures (including converted containers) within the application site, his office reserves the right to take lease enforcement against the irregularities, if indeed found in due course; the registered owner(s) of the lot concerned should be reminded to apply to his office for Short Term Waiver (STW) to regularize the irregularities on site. Should no STW be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement against the registered owner(s) according to the prevailing programme of his office; and the site was accessible through informal village tracks on Government Land where his office did not provide maintenance nor guarantee right-of-way;
- (c) to note the comments of the Director of Leisure and Cultural Services that the site was presently not on the priority list for development by the Yuen Long District Council (YLDC). However, his office might resume the land by giving advance notice without compensation when YLDC would like to kick off the development programme;
- (d) to note the comments of Chief Building Surveyor/New Territories West,

Buildings Department that the removal of existing structures that have not been obtained approval under the Buildings Ordinance; any temporary buildings including any proposed container offices, were subject to control under Building (Planning) Regulation (B(P)R) Pt. VII. Formal submission under the Buildings Ordinance was required for any proposed new works; provision of emergency vehicular access was applicable under the B(P)R 41D, and access to site under the B(P)R 5 was also applicable; if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; and provision of disable facilities was applicable under the B(P)R 72 and the Design Manual for Barrier Free Access 2008;

- (e) to note the comments of Director of Environmental Protection that the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his office should be followed in order to minimise the environmental nuisance;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that to check the land status of the track between the site and Castle Peak Road - Mai Po section; to check the management and maintenance responsibility of the track leading to the site and Castle Peak Road - Mai Po section; and since the track might be a private road, the right-of-way was not guaranteed, the applicant should seek agreement from the private road owner before using the track;
- (g) to note the comments of the Project Manager/New Territories North & West, Civil Engineering and Development Department that the site was in close proximity to the project No. 7259RS “Cycle Tracks Connecting North West New Territories with North East New Territories” and the applicant should make sure that the site would not encroach onto the project limit; and
- (h) to note the comments of Director of Fire Services that fire service

installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix III of the Paper. If the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and his detailed comments on the application were in Appendix III of the Paper.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/188 Proposed Houses (Four New Territories Exempted Houses) in
"Undetermined" zone, Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang
Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/188D)

104. The Secretary reported that Hyder Consulting Ltd. was one of the Consultants for the application. Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd., had declared an interest in the item. Members noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed four houses (New Territories Exempted House);

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application and commented that the subject site was surrounded by various industrial uses including open storage uses and car repairing workshops which might cause industrial/residential interface problem to the future residents. In this regard, numerous technical deficiencies were observed in the applicant’s Noise Impact Assessment reports in that there might be under estimation of the possible noise impacts in particular the industrial noise impact. The applicant had yet to demonstrate the environmental acceptability of the proposed houses. He also considered inappropriate to impose planning condition to deal with the industrial/residential interface problem which would be more effective to be resolved by other mechanism like land use planning. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the statutory publication periods, four public comments were received from the Chairman of Tung Shing Lane Village Residents Welfare Association, Designing Hong Kong Limited and Y.S. Lau & Partners. The main concerns and grounds of objections raised by the public comments were that the area lacked a plan for a sustainable village layout to ensure the health and well being of the current and future residents and a good quality urban design of the area; and the proposed development would cause adverse impacts on the area in terms of traffic, environmental, pedestrian safety, drainage sewerage and fung shui aspects. The District Officer/Yuen Long advised that he had received a comment from the Chairman of Tung Shing Lane Village Residents Welfare Association expressing concerns on the adverse traffic and sewerage impacts of the proposed development on the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 11 of the Paper. The general area where the site was located was zoned “Undetermined” (“U”) on the Outline Zoning Plan. It was so designated as several major

transport and drainage projects, including Yuen Long Highway, West Rail and Yuen Long Bypass Floodway, which would transverse the area were under planning. Since the area was located in close proximity to Yuen Long New Town and within a transitional location between urban and rural areas, development within the “U” zone had to be comprehensively planned and the area zoned “U” was subject to future land use review. Prior to the completion of a comprehensive land use review of the “U” zone, the granting of planning approval for permanent developments within the zone could frustrate the recommendations of the review. It was noted that there were existing open storage uses and workshops in the vicinity of the site (a few of which being “Existing Uses” under the Town Planning Ordinance), affecting suitability of the site for residential use. In this regard, DEP advised that he could not lend support to the application as the nearby open storage uses and car repairing workshops might cause industrial/residential interface problems to the future residents of the proposed development. The applicant had failed to demonstrate that the industrial/residential interface problem with the adjacent open storages and workshops could be satisfactorily resolved by the submitted Noise Impact Assessment reports. Numerous technical deficiencies were observed and there might be underestimation of the possible noise impacts in particular the industrial noise impact. DEP also considered it inappropriate to impose planning condition to deal with the industrial/residential interface problem.

106. Members had no question on the application.

Deliberation Session

107. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) with the completion of the major infrastructure, a land use review was being undertaken for the subject “Undetermined” zone. Consideration of

the application at this stage was considered premature as it might jeopardise the overall land use planning for the area; and

- (b) there was industrial/residential interface problem between the proposed development and the adjacent open storage uses and workshops which could not be satisfactorily resolved.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/194 Renewal of Planning Approval for Temporary Container Storage Yard under Application No. A/YL-NSW/158 for a Period of 5 Years in "Open Storage" zone, Lot No. 1743 S.C RP in D.D. 107, Castle Peak Road, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/194)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning permission for temporary container storage yard for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the

temporary uses under application could be tolerated for a further period of 5 years based on the assessment in paragraph 12 of the Paper. The application was a renewal application to continue the existing container storage yard for another five years. There had been no material change in planning circumstances since the last approval by the Committee in 2005 which was also for a period of 5 years. The site was still zoned “Open Storage” (“OS”) and there had been no major new development in the vicinity. Moreover, all the planning conditions under the previous approval (No. A/YL-NSW/158) had been complied with to the satisfaction of relevant Government departments. The existing container storage yard was considered not incompatible to the surrounding environment. In this regard, the Director of Environmental Protection advised that there were no complaints against the site in the past three years. Moreover, there was currently no programme for open space development within the “Open Space” zone to the immediate west of the application site, and therefore the concern about incompatibility would not arise in the near future. Hence, renewal of the permission for another 5 years could be given favourable consideration. The site fell within Category 1 areas under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E). The development under application was in line with TPB PG- No. 13E in that there was no adverse comment from concerned Government departments and their technical requirements could be addressed by way of approval conditions as recommended in paragraph 13 of the Paper. According to the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area’ (TPB PG-No. 12B), the site fell within the Wetland Buffer Area, the intention of which was to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. In this regard, the Director of Agriculture, Fisheries and Conservation did not have adverse impact on the application. Furthermore, open storage or container back-up uses located close to Lok Ma Chau Crossing and without involving pond filling might be given sympathetic consideration in view of the genuine need to facilitate cross

boundary of goods in the area.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 12.2.2015, 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., as proposed by the applicant, was allowed on the application site during the approval period;
- (b) the stacking height of the containers stored on the application site should not exceed 5 units, as proposed by the applicant, during the approval period;
- (c) the 3m high solid barrier wall along the western and north-western boundary of the application site should be maintained at all times during the approval period;
- (d) the drainage facilities implemented under application No. A/YL-NSW/158 should be maintained at all times during the approval period;
- (e) the existing landscape planting on the application site should be maintained at all times during the approval period;
- (f) the submission of a Traffic Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 12.8.2010;
- (g) in relation to (f) above, the implementation of traffic arrangement identified in the Traffic Impact Assessment within 9 months from the date of

planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.11.2010;

- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.8.2010;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.11.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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 (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.

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

- (a) the applicant should be reminded that the permission was given to the use/development under application. It did not condone any other use/development (including open storage of recycling materials and construction machinery repair workshop) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note District Lands Officer/Yuen Long's comments that the site was situated on an Old Schedule Agricultural Lot held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; Short Term Waiver (STW) No. 2788 was approved to Lot No. 1743 S.C RP in D.D. 107 permitting structures with Built-Over Area (BOA) not exceeding 937.23m² and height not exceeding 7.90m, for the ancillary use to container storage yard. According to his earlier records, the total BOA of the structures found on site was about 4,767m² which exceeded the permitted BOA under the STW and those indicated in applicant's information. The applicant was reminded to clarify the said differences. His office reserved the right to take enforcement action under the STW. Should planning approval be granted, he should re-activate processing the application received from the landowner for regularization of the excessive BOA; and the site was accessible to Castle Peak Road-Tam Mi via a short distance of open government land and private land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the proposed layout plan of containers storage within the site should be provided. Reversing vehicle was not allowed at the ingress/egress of the site. A Traffic Impact Assessment report of the site for the coming 5 years should be provided since the area of the site was about 40,000m². A waiting area of container vehicles for stacking of containers should be provided so that the queue of container vehicles would

not affect the traffic on Castle Peak Road – Tam Mi section;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not/should not responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Tam Mi section;
- (g) to note the comments of the Director of Fire Services that should the applicant wish to apply for exemption from the provision of certain fire service installations as mentioned at Appendix V of the Paper, the applicant should provide justifications to his Department for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on the 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.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/245 Proposed Pond Filling for Permitted Agricultural Use in "Open Storage" zone, Lots 2088 (Part), 2394 (Part), 2399 (Part), 2400 (Part), 2401 (Part), 2402 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/245)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed pond filling of the application site to a depth of about 1.2m for permitted agricultural use. The site consisted of four ponds, three of which were currently used as fish ponds and the fourth one at the south-western corner had been filled with construction waste;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not in favour of the application from the fisheries point of view. The pond was an active fishpond and was classified as “good quality” agricultural land according to the “general Criteria for Agricultural Land Classification” and should be preserved for fish farming activities. His recent site inspection revealed that part of the ponds had already been filled with construction waste. Apparently, the filling material used, which was not suitable for cultivation purpose, contradicted the applicants’ stated intention. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed pond filling activities from the landscape planning perspective. The proposed filling of ponds would cause permanent loss of landscape resources and there was no proposal to compensate for the loss of the landscape resources on site;
- (d) during the statutory publication period, one comment was submitted by a Yuen Long District Council member raising objection to the application mainly on the grounds that ponds in Yuen Long were reducing in number and should be preserved as nature conservation areas. He stated that many agricultural land in Yuen Long was not being used. Pre-emptive pond filling without planning would affect the surrounding environment. Airborne dust and soil would also cause nuisance to residents nearby; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although agricultural use in the “Open Storage” (“OS”) zone was always permitted, pond filling at the site required planning permission from the Town Planning Board primarily to ensure that it would not result in adverse

drainage impact. In addition, other consequential impacts arising from pond filling should also be taken into account in assessing the pond filling proposal. DAFC did not support the application as ponds should be preserved for fish farming activities from fisheries point of view. Moreover, part of the ponds within the site had already been filled with construction waste not suitable for cultivation purpose, which contradicted the applicant's stated intention. Besides, CTP/UD&L, PlanD had reservation on the proposed development and considered that ponds could contribute as valuable landscape resources in the vicinity and the proposed filling of ponds would cause permanent loss of landscape resources and there was no proposal to compensate for the loss of the landscape resources on site. There was also one public comment against the application on the grounds that the fish ponds in Yuen Long should be preserved. Nevertheless, the "OS" zone was to allow orderly development of open storage uses within the zone so that the rural environment in other areas could be protected. Due consideration had been given in the potential loss of fishponds and landscape resources in the designation of the zoning. Other relevant Government departments did not have objection to or adverse comments on the application. To address the concerns of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), approval conditions had been recommended in paragraph 12.2 (e) and (f) of the Paper. Moreover, it was observed that part of one pond at the site had been filled with construction waste and debris which might not be suitable for cultivation purpose and the applicant had not submitted any information about the filling material. As such approval conditions had been recommended in paragraphs 12.2 (a) and (d) of the Paper on the removal of the existing construction waste and debris prior to pond filling works and the use of soil suitable for crop farming for the pond filling works to ensure that the fill materials would tally with the purpose as proposed by the applicant. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized pond filling on site would be subject to enforcement action by the Planning Authority.

113. In response to a Member's enquiry, Mr. Anthony C.Y. Lee said that the subject site was zoned "OS" on the Outline Zoning Plan, and agricultural use was an always permitted use in the "OS" zone. However, pond filling at the site to undertake agricultural use needed planning permission from the Committee to primarily ensure that it would not result in adverse drainage impact. In this regard, CE/MS, DSD had no objection to the application. Nevertheless, it was observed that part of one pond at the site had been filled with construction waste and debris. To ensure that the fill materials on the site would tally with the cultivation purpose as proposed by the applicant, approval conditions had been recommended to request the applicant to remove the existing construction waste and debris prior to pond filling works and to use soil suitable for crop farming for the pond filling works.

114. In response to another Member's enquiry, Mr. Lee said that the Planning Department would be the enforcement agent to monitor the applicant to remove the construction waste and debris prior to pond filling works.

Deliberation Session

115. Mr. Ambrose S.Y. Cheong proposed to include an advisory clause to remind the applicant that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly. Members agreed.

116. 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 12.2.2014, 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) no pond filling works on the subject site should commence until the existing construction waste and debris at the site was removed;
- (b) no part of the site was allowed to be filled to a depth exceeding 1.2m as

proposed by the applicant;

- (c) no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition material, should be used to fill the site;
- (d) soil suitable for crop farming should be used to fill the site;
- (e) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) in relation to (e) above, no pond filling works on the subject site should commence until the implementation of the drainage proposal recommended therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) and (g) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the lots within the site were agricultural lots held under the Block Government Lease;
- (c) to note Director of Environmental Protection's comments that no contaminated soil and waste, including construction and demolition material, should be used to fill the site; and the prevailing pollution control

ordinances/regulations should be followed when conducting filling activities;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly; and
- (e) to note Chief Engineer/Mainland North, Drainage Services Department's comments that the application site was abutted to the resumption boundary of Contract No. DC/2007/01 – Drainage improvement works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling. The construction of the Contract was being carried out and the application site should not impose any restriction to the Contract. The applicant was also advised that pond filling would eliminate the flood storage capacity originally available whilst the backfilled soil would increase the amount the surface runoff. Both of them would have a negative impact worsening the existing drainage situation; the applicant should observe other requirements as indicated in Appendix III of the Paper.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/473 Proposed Temporary Facility for Processing of Organic Fertilizers for a Period of 3 Years in "Agriculture" zone, Lots 118 RP (Part), 120 (Part), 121 (Part) and 122 (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/473)

Presentation and Question Sessions

118. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary facility for processing of organic fertilizers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application. The nearest dwelling unit was located at about 5m to the west of the site. The proposed use involving the handling of horse manure and food waste was considered a potential odour source. From environmental planning point of view, the facility should not be located close to the residential area. Though the applicant claimed that the nearest dwelling unit located about 5m to the west of the site was currently vacant, there were still a few dwellings in the vicinity at a distance of about 20m to 25m. No appropriate measure was proposed to mitigate the potential nuisance. Therefore, the application was environmentally undesirable. The applicant should identify another suitable site for the proposed use. DEP was also concerned about the water pollution issue arising from the leachate of the organic waste or run-off onsite in handling of horse manure and food waste. The applicant should ensure that the effluent from the operation would meet the Water Pollution Control Ordinance (WPCO) requirements prior to discharge during the whole period of planning permission. Other relevant Government departments did not have objection to/no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11 of the Paper. Although the proposed facility for processing of organic fertilizers was not an

agricultural use as intended for under the “Agriculture” (“AGR”) zone, it could be considered as a supporting facility for farming purpose, and was therefore not totally in contravention with the planning intention for the “AGR” zone. However, the applicant failed to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas. There were residential structures located close to the southern and western boundary of the proposed development with the closest being about 5m away. In this regard, DEP did not support the application as the handling of animal manure and food waste was a potential odour source hence the location of the proposed development was not desirable. The applicant had not provided any assessment on the potential environmental impact or proposed any appropriate mitigation measures. Though the applicant claimed that the residential dwelling located to the immediate west of the site was currently vacant and used for storage purpose and the residents living in the residential dwellings located to the south of the site had no objection to the application, he failed to demonstrate that these residential dwellings would not be susceptible to the potential odour nuisance. Furthermore, the Chief Engineer/Mainland North, Drainage Services Department commented that although he had no in-principle objection to the application, he considered that the applicant should demonstrate that the organic fertilizers would not contaminate the stormwater drainage system and any existing watercourses in order not to cause complaint on pollution related issues, such as odour. The applicant should clearly indicate on a drainage plan how the surface runoff area collected and discharged without being contaminated by the fertilizer.

119. Members had no question on the application.

Deliberation Session

120. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reason was :

- the proposed development would generate adverse environmental and drainage impacts on the surrounding areas and no environmental and drainage impact assessments including appropriate mitigation measures had been submitted by the applicant to demonstrate that the proposed development would not cause any adverse environmental and drainage impacts.

[Ms. Maggie Chan arrived to join the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/155 Proposed Public Vehicle Park (Excluding Container Vehicle) in
"Village Type Development" zone, Lots 616 S.B RP (Part) and 617
(Part) in D.D. 114 and Adjoining Government Land, Kam Tin Road,
Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/155)

Presentation and Question Sessions

121. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicle);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection 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 assessment made in paragraph 11 of the Paper. The site was zoned “Village Type Development” (“V”) which was intended primarily for development of Small Houses by indigenous villagers. Allowing a public vehicle park at the site on a permanent basis would frustrate the long-term planning intention of the “V” zone. However, as there was no Small House application concerning the subject lots at the moment, approving the proposed development on a temporary basis could meet some of the local parking demand. The proposed public vehicle park at the site was considered not incompatible with the permitted open storage, warehouse and workshop uses on the adjacent “Open Storage” (“OS”) and “Industrial (Group D)” (“I(D)”) zones. Although there were village houses of Sheung Tsuen to the south and southwest of the site, the site had a direct access to Kam Tin Road and vehicles travelling to the site need not pass through the main village area of Sheung Tsuen. It was expected that the development would not generate significant environmental impact on the surrounding areas. In this regard, the Director of Environmental Protection (DEP) advised that he could tolerate the application only if there was no workshop/repairing activity and only private cars and light vans were allowed on the site. Other relevant Government departments had no objection to/no adverse comments on the application. To address possible environmental concerns, approval conditions restricting the maximum parking capacity, prohibiting the parking/storage of coaches and medium or heavy goods vehicles, prohibiting the carrying out of vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and requiring the maintenance of the existing boundary fence had been recommended in paragraph 12.2 (b) to (e) of the Paper. Relevant approval conditions were also recommended in paragraph 12.2 (f) to (k) of the Paper to address the technical requirements of the Chief Town Planner/Urban Design and Landscape of PlanD, Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services. Although PlanD had no objection to the applied use, there was the consideration that land within “V” zone was primarily intended for development of Small House by indigenous villagers. Hence, it was recommended that a temporary

planning approval for a period of three years, instead of permanent permission as applied for, be granted to allow for a review of the situation after the expiry of the planning approval.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored at the application site at any time during the planning approval period;
- (b) no more than 45 private cars/light goods vehicles were allowed to be parked on the application site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance, coaches or container trailers/tractors were allowed to be parked/stored on the application site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of

Planning or of the TPB by 12.8.2010;

- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.11.2010;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.8.2010;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.11.2010;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.8.2010;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.11.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon 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.

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

- (a) as land within the “Village Type Development” zone was primarily intended for development of Small Houses by indigenous villagers, a temporary planning approval for a period of 3 years, instead of permanent permission as applied for, was given to allow a review of the situation after the expiry of the planning approval;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s comments that his office reserves the right to take lease enforcement and control action against the erection of unauthorized structures and illegal occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW/STT application be received/approved and the irregularities persist on site, his office on review of the situation would take appropriate lease enforcement/control action against the registered owners/occupiers according to the established district lease enforcement/control programme. There was no guarantee that the application for STW/STT would be approved by his office. Besides, the site was accessible directly onto Kam Tin Road but this section of the road fell within the project boundary of Highways Department’s ‘Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road’ project. His office did not guarantee any right-of-way;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department;
- (e) to note that information on proposed new tree planting to replace the

dead/missing trees as well as the details of the proposed kerb surrounding the *Celtis sinensis* should be provided in the landscape and tree preservation proposal to be submitted under approval condition (f). Moreover, the hard paved surface surrounding the trunk of the existing trees should be broken up to allow aeration and penetration of water and nutrients to the roots. Debris around the existing trees should also be removed;

- (f) 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 Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix III of the Paper; and
- (g) 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). Moreover, 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. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

[The Vice-chairperson thanked Mr. C.C. Lau, Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lau, Lam, Lee and Yuen left the meeting at this point.]

Agenda Item 35

Any Other Business

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