

## **TOWN PLANNING BOARD**

### **Minutes of 422nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 30.7.2010**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr. T.K. Choi

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Sam W.H. Wong

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

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Dr. C.P. Lau

Dr. W.K. Lo

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

**In Attendance**

Assistant Director of Planning/Board  
Miss H.Y. Chu

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 421st RNTPC Meeting held on 16.7.2010

[Open Meeting]

1. The draft minutes of the 421st RNTPC meeting held on 16.7.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 11 of 2010

Proposed Temporary Container Tractor/Trailer Park

for a Period of 3 Years in “Other Specified Uses” annotated

“Comprehensive Development to include Wetland Restoration Area” zone,

Lots 1212 S.B RP (Part) and 1212 S.C ss.3 RP (Part) in D.D. 115,

Chung Yip Road, Nam Sang Wai, Yuen Long

(Application No. A/YL-NSW/189)

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2. The Secretary reported that a Notice of Appeal dated 10.7.2010 was received by the Appeal Board Panel (Town Planning) (ABP) against the decision of the Town Planning Board (TPB) on 30.4.2010 in relation to a section 17 review on Application No. A/YL-NSW/189 for a proposed temporary container tractor/trailer park for a period of three years at a site zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8. The application was rejected by the TPB for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no

strong planning grounds to justify a departure from the planning intention even on a temporary basis;

- (b) the development was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval for a similar use at the site; there were adverse departmental comments and objections from members of the public; and environmental nuisance was expected; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “OU(CDWRA)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

3. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Appeal Statistics

4. The Secretary reported that as at 30.7.2010, a total of 25 cases were yet to be heard by the ABP. Details of the appeal statistics were as follows :

Allowed	:	25
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	139
Yet to be Heard	:	25
Decision Outstanding	:	4
Total	:	304

**Agenda Item 3**

[Closed Meeting]

5. This item was recorded under separate confidential cover.

## **Sai Kung and Islands District**

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

### **Agenda Item 4**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/11      Proposed Temporary Private Swimming Pools and Circulation Pumps  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 114, 115, 117 to 119 in D.D. 235, Sheung Sze Wan, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/11)

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

6.            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 temporary private swimming pools and circulation pumps for a period of three years;
- (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 (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application based on the assessments set out in paragraph 10 of the

Paper. The proposed swimming pools were wholly within the area of lots 114, 115, 117 to 119 in D.D. 235. The concerned areas were currently used for driveway, car-parking area and private garden purposes serving the neighbouring three houses. The proposed swimming pools were private recreational facilities to be exclusively used by the residents of the adjoining houses, and considered not incompatible with the surrounding land uses which were predominantly occupied by village type houses. In view of its scale and temporary nature, it was considered that the proposed development would unlikely create any significant adverse impacts on the existing landscape, traffic and infrastructural provisions on the surrounding areas. Relevant departments had no adverse comments on or no objection to the application. Land available for Small House development in Sheung Sze Wan Village could meet the future Small House demand in the village. As the site was within the private lots and would not take up additional land in the “Village Type Development” (“V”) zone, the temporary nature of the proposed development would not jeopardise the long-term planning intention of the “V” zone.

7. Members had no question on the application.

#### Deliberation Session

8. In response to a Member’s enquiry whether a longer planning approval period could be considered for the subject application, the Chairman said that according to the Notes of the “V” zone of the approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2, private swimming pool was neither a Column 1 nor Column 2 use and thus such use was not provided for in terms of the OZP. However, it was stipulated in the Covering Notes of the OZP that “Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.” Members noted.

[Ms. Anna S.Y. Kwong left the meeting temporarily and Dr. W.K. Yau left the meeting at this point.]

9. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a Geotechnical Planning Review Report within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 30.1.2011;
- (b) in relation to (b) above, the implementation of the necessary geotechnical remedial works identified therein in respect of the adjoining slopes of the application site within 9 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 30.4.2011;
- (c) the submission of a landscaping proposal including 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 30.1.2011;
- (d) in relation to (c) above, the implementation of the landscaping proposal including 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 30.4.2011; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant should also resolve any land matter (such as private lots)

associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards;

- (b) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the requirements for Geotechnical Planning Review Report as set out in the 'GEO Advice Note for Planning Applications under Town Planning Ordinance (Cap. 131)' (Appendix III of the Paper); and
- (c) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that the proposed private swimming pools did not accord with the permitted agricultural use under the lease and the erection of buildings or structures for the swimming pools without prior approval was in breach of the lease. A Short Term Waiver (STW) for the construction of building/structure on the land other than agricultural use might be applied to DLO/SK for the temporary use of the pools. Application for a STW, if submitted, would be considered in accordance with the current land policy and depending on the comments from the relevant Government departments, and there was no guarantee that approval to such STW application would be given.

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

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

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

[Ms. Lisa L.S. Cheng and Ms. Doris S.Y. Ting, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]



**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/702                      Shop and Services (Fast Food Shop)  
   in “Industrial” zone,  
   Workshop 10 (Part), Level 1, Wah Yiu Industrial Centre,  
   30-32 Au Pui Wan Street, Fo Tan, Sha Tin  
  
   (RNTPC Paper No. A/ST/702)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the shop and services (fast food shop);
- (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 (Sha Tin); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The fast food shop was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. The fast food shop was small in size (about 19.06 m<sup>2</sup>) and would not result in a significant loss of industrial floor space. Based on the Town Planning Board (TPB) Guidelines No. 25D for ‘Use/Development within “Industrial” Zone’, the limits on aggregate commercial floor area did not apply to fast food counter which

was sited at street level without seating accommodation and licensed as food factory. The Director of Fire Services (D of FS) had no in-principle objection to the application subject to approval condition on the provision of fire service installations. In view of the small scale of the applied use and its nature of operation, no adverse environmental, hygienic, infrastructural and traffic impacts on the surrounding areas were anticipated. Relevant Government department had no adverse comments on or objection to the application. The fast food shop under application was similar to that of the previously approved application (No. A/ST/682) submitted by the same applicant. As the planning permission granted under Application No. A/ST/682 had been revoked on 10.1.2010 due to non-compliance with the approval condition on the submission of fire safety measures, the applicant had to submit the subject application for the same use at the application premises. Should the Committee decide to approve the application, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. As the fire service installation proposal submitted by the applicant for the application premises was considered acceptable by the D of FS, it was recommended in paragraph 12.2(a) of the Paper to impose an approval condition requiring the applicant to implement the fire service installations proposal. Moreover, since the last approval was revoked due to non-compliance with the approval condition, a shorter compliance period was proposed to monitor the progress of compliance. The applicant would also be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

12. Members had no question on the application.

#### Deliberation Session

13. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 30.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the implementation of the fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.10.2010; and
- (b) if the above planning condition (a) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the TPB to any further application;
- (d) to note the comments of the District Lands Officer/Shia Tin, Lands Department that, if the subject application was approved by the Town Planning Board (TPB), the terms of the temporary waiver offered in November 2009 for fast food shop use in respect of the subject premises might be revised or a new waiver application would be required;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use

should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of the food premises licence application, where appropriate;

- (f) to note the comments of the Commissioner for Transport that customers should only queue up inside the subject premises and should not obstruct the pedestrian flow on public footpaths; and
- (g) to note the comments of the Director of Fire Services that the proposed fast food shop should only be licensed and operated as ‘food factory’ or as ‘factory canteen’. A fast food shop licensed and operated as a ‘general restaurant’ or ‘light refreshment restaurant’ would not be accepted. The applicant should submit form FSI/314A to demonstrate that the proposed fire safety measures had been implemented.

[Mr. Walter K.L. Chan left the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/409      Proposed House (New Territories Exempted House – Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 859 S.A in D.D. 9, Yuen Leng Village, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/409)

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

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the application site was about 150m away from the East Rail and based on his rough estimation, the proposed Small House would be subject to rail noise exceeding the criteria stipulated in the Noise Control Ordinance (NCO);
- (d) one public comment from the Village Representatives (VRs) of Kau Lung Hang Village was received during the statutory publication period. They raised objection to the Small House application located outside the “Village Type Development” (“V”) zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper :
  - about 41.8% of the application site fell within the “Agriculture” (“AGR”) zone. However, the Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on the application from the nature conservation and agricultural points of views as the application site was hard paved and had low potential for rehabilitation of agricultural activities;
  - the application generally met the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) in that more than 50% of the proposed Small House footprint (i.e. 75.3%) fell within the “V” zone and the application site fell entirely within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone for Yuen Leng Village;

- the application site was within the upper indirect water gathering ground (WGG). According to the Chief Engineer/Project Manager, Drainage Services Department (CE/PM, DSD), the proposed Small House could be connected to the planned sewerage system in the area as the proposed public sewers would be laid in the vicinity of Lot 859 RP in D.D.9, and the applicant technically could extend his sewer passing through other private lots to the nearest connection point of the planned sewerage system by himself. The applicant's agent on 16.7.2010 provided the written consent from the owner of Lot 859 RP for the sewerage connection of the proposed Small House under application to pass through his lot. As such, the Chief Engineer/Development (2), Water Supplies Department (CE/Dev (2), WSD) had no objection to the application from the protection of WGG point of view;
  
- the proposed Small House was generally compatible with the surrounding rural environment. In view of its small scale, the proposed Small House would unlikely cause have any adverse environmental, landscape, traffic and drainage impacts on the surrounding areas. Other concerned Government departments had no objection to or no adverse comment on the application. It was noted that the DEP did not support the application due to the rail noise concern. However, considering that the proposed Small House had more than 50% falling within the "V" zone and was entirely within the 'VE' of the village concerned, which normally would not require planning application if it was not located within the WGG, sympathetic consideration might be given to the application. Moreover, the site was separated from the rail track by some temporary structures, fallow agricultural fields and a local road. To address the DEP's concern, an advisory clause had been recommended in paragraph 12.2 of the Paper to advise the applicant that he should provide suitable mitigation measures against the potential noise impact from the railway should the Committee decide

to approve the application; and

- as regards the local objection against the Small House application being located outside the “V” zone, it was noted that a number of applications for similar Small House developments were approved by the Committee in the vicinity within the same “AGR” zone on the ground of general compliance with the ‘Interim Criteria’. The current application could therefore warrant the same consideration in accordance with the ‘Interim Criteria’.

16. In response to the Chairman’s enquiry, Mr. Sam W.H. Wong, the Assistant Director (Environmental Assessment), Environmental Protection Department, referred to Plan A-2 of the Paper and said that no environmental complaint had been received from the residents of the houses located to the west of the application site which were less than 150m from the East Rail. Nonetheless, as the proposed Small House would likely be subject to rail noise exceeding the criteria stipulated in the NCO, should the Committee decide to approve the application, the applicant should be advised to provide suitable mitigation measures against the potential noise impact from the railway. Members noted that the relevant advisory clause was recommended in paragraph 12.2 of the Paper.

#### Deliberation Session

17. 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 30.7.2014, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision 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;
- (d) the provision of protective measures to ensure no pollution or siltation occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

18. 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 network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of the Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) the applicant should provide suitable mitigation measures against the potential noise impact from the railway;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper; and
- (g) to note the comments of the Director of Fire Services that detailed fire



safety requirements would be formulated upon the receipt of formal application referred by the Lands Department.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/410      Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 521S.A in D.D. 9, Yuen Leng Village, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/410)

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

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as the application site was about 70m away from the East Rail and based on his rough estimation, the proposed Small House would be subject to rail noise exceeding the criteria stipulated in the Noise Control Ordinance (NCO). The Commissioner for Transport (C for T) had reservation on the application as the NTEH development should be confined within the “V” zone as far as possible. Although the 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 future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, as the application only involved the construction of one Small House, he

considered that the application could be tolerated unless it was rejected on other grounds;

- (d) two public comments were received from the Village Representatives (VRs) of Kau Lung Hang Village and the Designing Hong Kong Limited (DHKL). The VRs of Kau Lung Hang Village objected to the application as the proposed Small House was located outside the “V” zone. DHKL also objected to the application mainly because the area was zoned “Agriculture” (“AGR”) and the area lacked a plan for a sustainable layout of infrastructure and development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper :
  - although the application site fell within the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application from the nature conservation and agricultural points of view as the application site was hard paved and had low potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also had no in principle objection to the application from the landscape planning point of view as the proposed Small House was not incompatible with the existing village setting and significant impact on the existing landscape was not expected;
  - the application generally met the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) in that more than 50% of the proposed Small House footprint (i.e. 86.7%) fell within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village concerned;

- the application site was within the upper indirect water gathering grounds (WGGs). According to the Chief Engineer/Project Management, Drainage Services Department, public sewerage connection points would be provided in the vicinity of the application site and technically the application site would be able to be connected to the planned sewerage in the area. In this respect, the Chief Engineer/Development (2), Water Supplies Department had no objection to the application from the protection of WGG point of view;
  
- the DEP did not support the application as the proposed Small House would be subject to potential rail noise impact from the East Rail. However, considering that the proposed Small House was mostly within the 'VE' of Yuen Leng Village and it was well separated by some trees, village houses, temporary structures and a local road from the rail track, sympathetic consideration might be given to the subject application. To address the DEP's concern, an advisory clause had been recommended in paragraph 12.2 of the Paper to advise the applicant that he should provide suitable mitigation measures against the potential noise impact from the railway should the Committee decide to approve the application; and
  
- as regards the public comments raising objection to the application, it was noted that there were a number of similar applications for Small House developments approved by the Committee in the vicinity and within the same "AGR" zone, in particular those to the south of the application site on the ground of general compliance with the 'Interim Criteria'. The current application therefore could warrant the same consideration in accordance with the 'Interim Criteria'.

20. Members had no question on the application.

Deliberation Session

21. 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 30.7.2014, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision 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;
- (d) the provision of protective measures to ensure no pollution or siltation occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

22. 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 network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before the execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection

points on the lots concerned in the Land Registry against all affected lots;

- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) the applicant should provide suitable mitigation measures against the potential noise impact from the railway;
- (f) to note the comments of the Chief Engineer/Project Management, Drainage Services Department (DSD) to continue to pay attention to the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper; and
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon the receipt of formal application referred by the Lands Department.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/411      Temporary Private Car Park for Private Cars for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 987 S.A, 987 S.B, 987 S.C, 987 S.D, 987 S.E, 987 S.F,  
987 S.G, 987 S.H, 996 S.B, 996 S.C and 996 S.D in D.D. 9,  
Nam Wa Po, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/411)

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

23.      Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private car park for private cars for a period of three years;
- (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 (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The application site fell within the “Village Type Development” (“V”) zone which was primarily intended for the development of Small Houses by indigenous villagers. However, the District Lands Officer/Tai Po confirmed that there was no submission for Small House development at the application site and he had no objection to the application. The temporary use of the site for parking purpose would put the land for temporary use without frustrating the planning intention of the “V” zone. The application site had been paved and the subject temporary car park which had been used for some time was considered not incompatible with the surrounding land uses and the village character of the area. The provision of a car park at the application site could cater for the parking needs in the village. As there was no local objection to the applied use, sympathetic consideration might be given to the application. The temporary use of the private car park under application was unlikely to have significant adverse environmental, traffic, drainage, landscape or water quality impacts on the surrounding areas. Relevant Government departments had no objection to or no adverse comments on the application. In view of the small scale of the development, the Chief Town Planner/Urban Design and Landscape, PlanD considered that imposing

landscape conditions in the planning permission would be unnecessary.

24. Mr. T.K. Choi, the Chief Traffic Engineer/New Territories West, Transport Department, pointed out that as the application site was accessible by a village road, should the Committee decide to approve the application, it would be appropriate to include a standard advisory clause requiring the applicant to check the land status and to clarify the management and maintenance responsibility of the concerned road with the relevant lands and maintenance authorities. Members agreed.

#### Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars were allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the application site during the planning approval period;
- (c) the submission of proposals of preventive measures against water pollution within the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 30.1.2011;
- (d) in relation to (c) above, the implementation of proposals of preventive measures against water pollution within the water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 30.4.2011;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 30.1.2011;

- (f) in relation to (e) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.4.2011;
- (g) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked on the same date without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the applicant should resolve any land issues relating to the development with other concerned owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should apply to the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) for a short term waiver for the proposed use and structure to be erected;
- (d) to note the comments of the DLO/TP, LandsD that the applicant should obtain the right-of-way for the passage of vehicles by his own means;



- (e) to note the comments of the Commissioner for Transport that the application site was accessible via a village road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) the applicant should strictly observe the conditions proposed by the Chief Engineer/Development (2), Water Supplies Department in Appendix III of the Paper;
- (g) to note the comments of the Chief Engineer/Project Management, Drainage Services Department to ensure that the temporary car park should not have any works, including below or above ground structures, extending outside the application site to avoid conflicts with the proposed sewerage in the vicinity of the application site (Plan A-2 of the Paper); and
- (h) to note the comments of the Chief Engineer/Project Management, Drainage Services Department that the existing roads, alleys, footpaths and open spaces or parts thereof, within the limit of works area of the proposed sewerage project (Plan A-2 of the Paper) might be closed temporarily during the construction period.

[Dr. W.K. Yau left the meeting at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/314      Proposed House (New Territories Exempted House – Small House)  
in “Village Type Development” zone and an area shown as ‘Road’,  
Lot 291 S.A RP in D.D. 26, Shuen Wan Lei Uk, Tai Po  
(RNTPC Paper No. A/NE-TK/314)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as the site encroached upon an area shown as ‘Road’ on the town plan and considered that the development should be confined within the “Village Type Development” (“V”) zone as far as possible;
- (d) two public comments were received during the statutory publication period. The first comment, which was submitted by the owner of Lots 291 S.B SS.1 and 291 S.B RP behind the site, objected to the application for reason that the proposed development would block the existing pedestrian access and emergency vehicular access in the area. The second comment, which was submitted by the Designing Hong Kong Limited, objected to the application for reason that the area shown as ‘Road’ lacked a plan for a sustainable village layout. While the District Officer (Tai Po) had no comment on the application, he advised that the access to the site was not maintained by his Office; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. About 77% of the site fell within an area shown as ‘Road’ on the Ting Kok Outline Zoning Plan. In this regard, the C for T did not support the application as the site encroached upon the area as shown “Road” on the OZP. He also commented that Small House development should be confined within the “V” zone as far as possible. Although more than 50%

of the footprint of the proposed Small House fell within the village 'environs' ('VE') and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the concerned villages, the proposed Small House did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that the site encroached onto the possible future road widening area. Besides, there were two public comments raising objection to the application.

28. In response to the Chairman's enquiry, Mr. T.K. Choi, the Chief Traffic Engineer/New Territories West, Transport Department, advised that at present, there was no programme for the road widening project which would cover the application site.

#### Deliberation Session

29. Members then went through the reason for rejection as stated in paragraph 11 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 did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' as the site encroached onto the possible future road widening area.

#### **Agenda Item 10**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/447                      Proposed House (Private Garden Ancillary to House)  
in "Green Belt" zone,  
A Piece of Government Land Adjoining House No. 10,  
Southview Villas, Tai Po  
(RNTPC Paper No. A/TP/447)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (private garden ancillary to house);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the application site was a piece of Government land in the “Green Belt” (“GB”) zone, which had been developed into a garden without a valid planning permission. The subject “GB” zone was densely wooded, which was considered an important landscape resource adding to the landscape quality of the Tai Po Kau area. It was also noted that the site was part of the wooded slope back in 1997. As a result of the garden extension, some trees had already been affected. Although one of the planning intentions of the “GB” zone was to provide passive recreational outlets, and the applied use might facilitate passive recreational activities, it was for private enjoyment only. Approval of the application might have an undesirable precedent for other similar applications in the area. Given the undesirable precedent effect and the high landscape quality of the area, the CTP/UD&L, PlanD did not support the application from the landscape planning point of view;
- (d) during the statutory publication period, one public comment was received from the Kadoorie Farm and Botanic Garden Corporation (KFBGC) raising objection to the application as it would set an undesirable precedent for similar applications for converting “GB” sites into private garden use in future, and the function and value of the “GB” zone would be progressively diluted. As a number of native trees were found in the surrounding woodland, the KFBGC requested the applicant to clarify whether any trees would be affected; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The planning intention of the “GB” zoning for the area was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. The conversion of the subject site into a private garden for private enjoyment was not in line with the planning intention of the “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention. The site previously comprised vegetated area which formed part of the woodland area in the “GB” zone until 1997. The site and the Southview Villas were already zoned “GB” and “Residential (Group C)” (“R(C)”) respectively when the first Tai Po Outline Zoning Plan No. LTP/47 was exhibited on 12.12.1980. It had now been used as a private garden for House No. 10 of Southview Villas. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt Zone’ as the development involved extensive clearance of natural vegetation, thereby affecting the existing natural landscape of the area. There was no exceptional circumstance nor strong justification that merit sympathetic consideration of the application. The CTP/UD&L, PlanD did not support the application from the landscape planning point of view. Moreover, there were other houses within Southview Villas and low-density residential developments located adjacent to the “GB” zone. Approval of the application would set an undesirable precedent for similar development proposals. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

31. Members had no question on the application.

Deliberation Session

32. Members considered that no strong justifications had been provided in the submission. Members also agreed that if the application was approved, it would set an undesirable precedent for other similar applications in the fringe area of the “GB” zone which would adversely affect the natural environment of the area.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in the “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt Zone’ in that the development had affected the natural landscape; and
- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

**Agenda Items 11 to 13**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/57            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 1405 S.B ss.1 in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/57 to 59)

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A/NE-LK/58            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 1403 S.A in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/57 to 59)

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A/NE-LK/59            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 1403 S.B in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/57 to 59)

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34.            The Committee noted that the three applications were presented in one RNTPC Paper as they were all for proposed Small House use and the application sites were located next to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that the three 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 Paper :

- (a) background to the three applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) under each application;
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the applications from the agricultural point of view as there were active agricultural lives in the vicinity, and the application sites and their adjacent areas had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape perspective as the approval of the proposed Small Houses would extend the village area and encroach onto the “AGR” zone, resulting in the deterioration of the landscape quality of the area. In general, the Commissioner for Transport (C for T) had reservation on the applications as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although the additional traffic generated by the proposed developments was not expected to be significant, approval of the applications for such type of development outside the “V” zone would set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial. However, as each application only involved the construction of one Small House, the C for T considered that the applications could be tolerated unless they were rejected on other grounds;

- (d) six public comments (two for each application) were received during the statutory publication period. Three of them were from the same member of the public supporting the applications. The others were from the Designing Hong Kong Limited objecting to the applications as the proposed developments fell within an area which lacked a plan for a sustainable village layout and a quality urban design. The District Officer (North) advised that the Indigenous Inhabitants’ Representatives of Ma Tseuk Leng Ha had no comment on the applications while the Chairman of the Sha Tau Kok District Rural Committee supported the applications; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses generally complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that both the application sites and the footprints of the



proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Ma Tseuk Leng, Wo Tong Kong, Shek Kiu Tau and Ma Tsuek Leng San Uk Ha Villages, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same villages. As such, sympathetic consideration could be given to the applications. Although the proposed Small Houses were not in line with the planning intention of the “AGR” zone, and the DAFC did not support the applications from the agricultural point of view, the application sites were close to the boundary of the “V” zone and fell entirely with its ‘VE’. The proposed Small Houses were not incompatible with the adjacent village setting and the surrounding environment of a rural character. Moreover, six similar applications for Small House developments in the vicinity within the same “AGR” zone had been previously approved by the Committee. Regarding the public comments received against the proposed Small Houses, concerned departments had no adverse comment on the applications.

36. Members had no question on the applications.

#### Deliberation Session

37. 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 30.7.2014, 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 firefighting access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
  - (i) for provision of water supply to the proposed developments, the applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards; and
  - (ii) water mains in the vicinity of the application sites could not provide the standard firefighting flow;
- (b) to note the comments of the Director of Fire Services that the detailed fire safety requirements would be formulated upon receipt of the formal application referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application sites were in an area where no public sewerage connection was available. The Director of Environmental Protection should also be consulted regarding the sewerage treatment/disposal aspects of the proposed Small House developments;
- (d) to note the comments of the Commissioner for Transport that the application site was accessible via a village road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance

authorities accordingly; and

- (e) to note that the permission was only given to the developments under application. If provision of an access road was required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/60                      Public Utility Installation (Temporary Telephone Exchange)  
for a Period of 5 Years in “Agriculture” zone,  
Government Land in D.D. 39, Shek Chung Au, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/60)

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

39.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public utility installation (telephone exchange) for a period of five years;
- (c) departmental comments – while having no adverse comment on the application, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that there were trees of conservation value in close vicinity of the site. Should the application be approved, the applicant should be advised to preserve and avoid disturbing any trees located within and in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD) had no objection to the application from the landscape planning point of view. While the site had been screened off by mature trees, there was still room for further tree planting within the site to enhance the greening and screening effect;

- (d) during the statutory publication period, one public comment indicating that there was no comment on the application was received. The District Officer (North) advised that the Residents' Representative of Shek Chung Au supported the application provided that the development under application would not affect the residents; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was the subject of a previous application (No. DPA/NE-LK/12) for the same use which was approved with conditions by the Committee on 19.11.1993. The current scheme was generally the same as the previously approved application in terms of the applied use, site area and total gross floor area. The proposed changes under the current application involved the addition of two structures and slight increase in the building height of the development by 0.01 m, which were considered minor. There had been no material change in the planning circumstances for the application site and the surrounding areas since the last approval. Approval of the subject application was in line with the Committee's previous decision. Moreover, the development was small in scale and considered not incompatible with the surrounding rural character. It would unlikely cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas. Concerned Government departments had no adverse comment on or no objection to the application. Regarding the landscape concern raised by the DAFC and the CTP/UD&L, PlanD, relevant landscape conditions had been recommended in paragraphs 11.2(e) and (f) of the Paper. In addition, there was no local objection to nor public comment against the application.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 30.7.2015, 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 proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.1.2011;
- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.4.2011;
- (c) the submission of proposals on fire fighting access, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2011;
- (d) in relation to (c) above, the provision of fire fighting access, water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2011;
- (e) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.1.2011;
- (f) in relation to (e) above, the implementation of the approved landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2011; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not

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

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should preserve and avoid disturbing any trees located within and in the vicinity of the application site;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
  - (i) any unauthorized building works existing on site should be removed;
  - (ii) an emergency vehicular access should be provided in accordance with Building (Planning) Regulation (B(P)R) 41D;
  - (iii) if the site did not abut on a specified street of width not less than 4.5m wide, the development intensity would be determined by the Building Authority under B(P)R 19(3); and
  - (iv) formal submission of any proposed new building works for approval and consent under the Buildings Ordinance was required;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that for provision of water supply to the applied use, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/62            Proposed 2 Houses  
                                 (New Territories Exempted Houses – Small Houses)  
                                 in “Agriculture” zone,  
                                 Lot 326 SB ss.4 and ss.5 in D.D. 37, Man Uk Pin, Sha Tau Kok  
                                 (RNTPC Paper No. A/NE-MUP/62A)

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

43.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the subject site was located at about 20 meters from a nearby stream with good water quality; there was a plant nursery adjacent to the application site; and the agricultural life in the vicinity of the application site was active and the site was of high potential for rehabilitation of agricultural activities. The

Commissioner for Transport (C for T) had reservation on the application as he considered that NTEH development 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 future and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the site was located within the “Agriculture” (“AGR”) zone and outside the “V” zone, approval of the application for two Small Houses would extend the village area and encroach onto the “AGR” zone and the landscape quality of the area would be deteriorated;

- (d) two public comments were received during the statutory publication period. One of the comments was submitted by a general public who supported the application. The other comment was submitted by the Designing Hong Kong Limited who raised objection to the application mainly on the grounds that the application site was zoned “AGR” which was incompatible with the urban sprawl and there was a lack of a plan for a sustainable village layout and a quality urban design. The District Officer (North) advised that the Chairman of the Sha Tau Kok Rural District Committee, the Indigenous Inhabitants Representatives and the Resident Representative of Man Uk Pin had no comment on the application; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application did not meet the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) as there was sufficient land in meeting the demand for Small House development in the “V” zone of Man Uk Pin Village. As there was sufficient land available within the “V” zone, it was considered that Small House development should be concentrated within the “V” zone so as to ensure an orderly development pattern, efficient use of land and



provision of infrastructure and services. The application was not in line with the planning intention of the “AGR” zone. It was noted the DAFC did not support the application as the agricultural life in the vicinity of the application site was active and the potential for agricultural rehabilitation was high. The CTP/UD&L, PlanD had reservation on the application in view of the deterioration of the landscape quality of the area and the encroachment onto the “AGR” zone by village development. The C for T had reservation on the application as the NETH development should be confined within the “V” zone as far as possible. The C for T considered that although the 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 future. The resulting cumulative adverse traffic impact could be substantial. Although seven similar applications for NTEH/Small House in the vicinity of the application site within the same “AGR” zone were previously approved by the Committee since the promulgation of the ‘Interim Criteria’ in 2001, these similar applications were approved for reasons that they complied with the ‘Interim Criteria’ in that both the application sites and the footprints of the proposed Small Houses fell within the “VE” and there was a general shortage of land within the “V” zone to meet the Small House demand. Approval of the application which did not comply with the ‘Interim Criteria’ might set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

44. Mr. T.K. Choi, the Chief Traffic Engineer/New Territories West, Transport Department (TD), clarified TD’s position that although TD had reservation on the application for the reasons stated in paragraph 4 of Appendix IV of the Paper, since the application only involved the construction of two Small Houses, he considered that the application could be tolerated unless it was rejected on other grounds. Members noted TD’s position on the application.

45. 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) the application did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ as there was sufficient land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the village;
- (b) Small House should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) approval of the application might set an undesirable precedent for other similar applications in the “Agriculture” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[The Chairman thanked Ms. Lisa L.S. Cheng and Ms. Doris S.Y. Ting, STPs/STN, for their attendance to answer Members’ enquires. Ms. Cheng and Ms. Ting left the meeting at this point.]

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

[Mr. C.C. Lau, Ms. S.H. Lam, Mr. Anthony C.Y. Lee, Mr. W.M. Lam 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 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376                      Proposed Comprehensive Residential Development  
(with Minor Relaxation of the Site Coverage Restriction from 25%  
to 37.1% 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,  
Carpark 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/376G)

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46.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Y. K. Cheng had declared an interest in the item as he had current business dealings with SHK. The Committee noted that Mr. Cheng had tendered an apology for being unable to attend the meeting.

**Presentation and Question Sessions**

47.            Mr. C.C. Lau, STP/TMYL, informed Members that the applicant had prepared and submitted a physical model at 1:1,000 scale to illustrate the proposed development. The model was shown to Members at the meeting for their consideration. Mr. C.C. Lau presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the applicant originally sought planning permission under the application for a residential development with minor relaxations of site coverage to 40% and building height of the podium to include car park, landscape, recreation and ancillary facilities. On 18.9.2009, after consideration of the application, the Committee decided to defer a decision on the application pending the submission of further information from the applicant regarding the further clarifications and justifications on the need for the proposed site coverage relaxation and

associated land matters. Subsequently, the applicant had submitted a number of further information, including a revised scheme, to address the Committee's concerns;

- (b) the proposed development – as compared to the original scheme, there were reductions in the site coverage (40% to 37.1%), the storey height for residential towers above podium (3.45m to 3.3m), the overall building height (59mPD to 57.5mPD) and the gross floor area (GFA) of the clubhouse (1,400m<sup>2</sup> to 1,378m<sup>2</sup>). There were no changes to the other major development parameters;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the further information and the revised scheme;
- (d) during the previous statutory publication periods of the application (i.e. up to the Committee's deferral of consideration of the application on 18.9.2009), seven public comments were received from the Village Representatives (VRs) and nearby villagers objecting to the application mainly on the grounds of adverse impacts on fung shui, wall effect and deprivation of access to adjacent lots. During the statutory publication periods of the various further information, seven public comments were received from a Tuen Mun District Council (TMDC) Member, the VRs of So Kwun Wat Tsuen, the Tuen Mun Rural Committee, the local villagers of Ngau Kok Lung, the Aegean Coast Owners' Committee and Green Sense. While the TMDC Member indicated that the residents of So Kwun Wat objected to the construction of the wall-like buildings and requested a detailed explanation of the reasons to amend the site coverage and building height of the proposed development, the other commenters objected to the application mainly for the reasons of wall effect, adverse traffic impact, deprivation of use of the existing vehicular access, adverse impacts on traffic noise and air ventilation, destruction of the surrounding green environment and the living quality of the indigenous villagers and excessive car parking provision. Green Sense also proposed basement

parking with natural ventilation for reducing the building height, energy consumption, car parking spaces and podium bulk; and

(e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 5 of the Paper :

- in response to the Committee's concerns, the applicant now proposed to relax the maximum site coverage of 25% as stipulated in the Outline Zoning Plan (OZP) to 37.1%. Out of the 37.1%, the proposed podium site coverage would only be 30.1%. The overall building height of the proposed development would be 57.5mPD. The proposed development mainly consisted of three-storey podium structures with eight domestic blocks above for Phase IIA, and a six-storey domestic block with a site coverage of 25% for Phase IIB. It was expected that the proposed minor relaxation in site coverage would not have significant adverse visual impact on the area and the resultant development was not incompatible with the residential development across Kwun Chui Road. The podium was separated into a major and a minor portion separated by an EVA, which would reduce its bulkiness. There were also three 10m gaps between the eight domestic blocks above the podium. The building gaps together with the curve arrangement of building blocks design would avoid a continuous wall like structure and allow better air ventilation;
- regarding the land matters, the applicant had provided further justifications for the inclusion of Government land (GL) in the application site resulting in an exchange ratio of 1.34 as detailed in paragraphs 2(f) to (k) of the Paper. The District Lands Officer/Tuen Mun (DLO/TM) commented that each land exchange application with exchange ratio exceeding 1 would be considered on its own merits at the land exchange application stage. Moreover, it was considered that the issue of land exchange ratio was a land administration matter outside the purview of the Town Planning Board. The applicant would also be advised that the approval of the application should not

be construed as the land issues could be automatically resolved; and

- as regards the public comments, all departments consulted had no objection to the application and had no adverse comments on the traffic, visual quality and air ventilation aspects. Regarding Green Sense's comments, the Commissioner for Transport considered the number of parking spaces acceptable and the Chief Town Planner/Urban Design and Landscape, PlanD had no comment on the podium bulk. Regarding the concern on the blocking of an existing access to the nearby village, there was another access via Kwun Chui Road to Ngau Kok Lung Village. Should the application be approved, the applicant would also be advised to liaise with the DLO/TM on the land matters, and to liaise with the villagers/residents regarding their concerns and the issues relating to the village access.

48. Members had no question on the application.

#### Deliberation Session

49. 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 30.7.2014, 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 revised Master Layout Plan (MLP) to take into account conditions (b) to (h) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan, including a tree survey report with a tree preservation and compensatory planting proposal, and landscape buffer and planting proposal to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of a development programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the implementation of the mitigation/improvement measures identified in the accepted traffic impact assessment, including the design and implementation of the extension of the northern lay-by at So Kwun Wat Road and the modification of junction of Castle Peak Road and So Kwun Wat Road, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and provision of parking facilities, including motorcycle parking spaces, for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the implementation of flood mitigation measures and drainage facilities identified in the accepted drainage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (h) the submission of an updated traffic noise impact assessment report and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun (DLO/TM) that the applicant was required to apply to his Office for a land exchange and complete the unification of titles to the lots prior to the conclusion of the land exchange. The applicant should also liaise with DLO/TM on the land matters including the regrant of resumed land and the right-of-ways

within the application site. Approval of the current application should not be construed as the land issue could be automatically resolved. If the regrant site under the future land exchange was not the same as the approved scheme, a revised scheme to tally with the regrant site should be submitted for the TPB's consideration;

- (b) to liaise with the local villagers and the residents with a view to addressing their concerns and issues relating to the access to the nearby villages;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement, the applicant should design and construct the existing or any proposed run-in/out in accordance with HyD's standard drawing H1113 and H1114, or H5115 and H5116, instead of the road-junction type run-ins/outs as shown in the MLP of the Traffic Assessment, and provide an interception channel at each entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out. For the slope at Kwun Chui Road to be partially included in the lots, slope drainage system and maintenance access to the remaining portion/sub-division should be re-provisioned to HyD's satisfaction by the grantee. The applicant should make Geotechnical Engineering Office (GEO) submission and obtain GEO checking certificate for any permanent modification works on HyD's slope, and write to the Slope Information System of GEO for any revision to feature boundary. The future grantee of the application site should be responsible for the management and maintenance of the road side slopes within the application site;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposed fixed windows at the residential flats facing Tuen Mun Road should not affect the compliance with the Building (Planning) Regulations (B(P)R) 30 and 31; the provision of emergency vehicular access at the subject site should comply with B(P)R 41D; and detailed checking on the proposed development would be carried



out upon formal submission of the building plans;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains would be affected and the cost of any necessary diversion of water mains should be borne by the applicant. As the site was located within the dam-break flood plain of dams of Tai Lam Chung Reservoir, the applicant was advised to carry out an assessment of the impacts of dam break on the proposed development and make his/her own provisions;
- (f) to note the comments of the Director of Environmental Protection that the applicant should submit an updated environmental assessment report for record purposes;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should explore the possibilities of designing a varying building height profile; and
- (h) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that as the site fell within the So Kwun Wat Archaeological Site, the applicant needed to conduct a detailed Archaeological Investigation to assess the archaeological impact of the proposed works at the subject lots before any construction works could commence at the lots to the satisfaction of the Executive Secretary (ES) of the AMO, LCSD. The project proponent should implement the mitigation measures to the satisfaction of the ES of the AMO if the lots were proved to be of archaeological significance. The Archaeological Investigation should be conducted by a qualified archaeologist who should obtain a Licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53).

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/202      Temporary Vehicular Access Road and Landscape Area  
(including Car Parking Spaces) for a Period of 3 Years  
in “Green Belt” zone,  
Lots 1558 (Part), 1559 (Part), 1560 (Part), 1564 (Part),  
1565 (Part), 1566 (Part), 1567 (Part) in D.D. 130 and  
Adjoining Government Land, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/202)

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**Presentation and Question Sessions**

51.            Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, including that the site was the subject of a previous application (No. A/TM-LTYYY/181) for a temporary vehicular access road, car parking spaces, sitting out area, children’s play area and plantation of trees for a period of three years submitted by the same applicant, which was rejected on review by the Town Planning Board (TPB) on 28.8.2009 for the reasons given in paragraph 6 of the Paper;
- (b) the temporary vehicular access road and landscape area (including car parking spaces) for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the proposed car park and access road would cause substantial impacts on the “Green Belt” (“GB”) zone. As the proposed access road connected to various tracks in

the “GB” and the adjoining “Village Type Development” zones, the adverse traffic impact generated by the development would extend beyond the application site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that there was no detailed assessment or justification provided in the submission, including the spare capacity of the existing stream to convey the additional stormwater runoff from the site. As there was uncertainty as to whether upgrading of the existing stream, in particular the downstream section, was required for collecting the additional stormwater runoff from the development, the Drainage Impact Assessment process should be applied to the development in accordance with the DSD Advice Notice No. 1 annexed to the DSD Technical Circular No. 3/95;

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

- (d) during the statutory publication period, two public comments from a local resident and Designing Hong Kong Limited were received. The local resident indicated that illegal dumping had caused destruction to the ecological environment and suggested that the site be used as an amenity area. Designing Hong Kong Limited objected to the application on the grounds that the use of the site for car parking was a blight on the environment and the use was not in line with the planning intention of the “GB” zone; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use, which was essentially a car park, was not in line with the planning intention of the “GB” zone. According to the aerial photos taken in 1993 and 2006, the site was originally covered with vegetation. At present, the site and the adjacent areas within the “GB” zone had been largely cleared for vehicular track, open storage and parking uses. The application was actually seeking regularisation of the previous destruction of a well-vegetated area and providing access to other green field areas beyond the site (i.e. areas to its northwest), thereby encouraging further encroachment of development

onto the “GB” zone. When compared to the previous application, the subject application had included an improved landscape proposal. However, the proposed carpark and access road would cause substantial impacts on the “GB” zone which acted as a buffer to the “Conservation Area” to the west. In this respect, CTP/UD&L, PlanD had reservation on the application from the landscape planning perspective. Besides, the proposed development did not comply with the TPB Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone’ in that there were no exceptional circumstances to justify the proposed use within the “GB” zone. According to the applicant, the vehicular access, parking spaces and landscape area proposed in the “GB” zone were intended to provide access to the inner part of the “V” zone and to serve the local residents. However, the existing and future village houses within the “V” zone could be accessed by the existing local track and footpaths. The Commissioner for Transport (C for T) had also requested the applicant to demonstrate that the proposed access road within the site was connected with the nearest public road by a proper access. The applicant had not explained how a partially upgraded access road within the site, which was not properly connected to the public road system, could enhance the accessibility of the adjacent village houses as claimed. Moreover, there was no information in the submission to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas. No similar application was previously approved in the same and nearby “GB” zones. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area and further extensive clearance of the existing landscape. There were also two public comments objecting to and providing comments on the application as stated in paragraph 11 of the Paper.

52. Members had no question on the application.

Deliberation Session

53. 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) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under Section 16 of the Town Planning Ordinance’ in that there was no exceptional circumstances and no strong planning grounds to justify the proposed development;
- (c) there was no information in the submission to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas; and the applicant failed to demonstrate that there was a proper vehicular access connecting the site to the nearest public road; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

## **Agenda Item 18**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/203 Proposed Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Residential (Group E)” and “Green Belt” zones,  
Lots 246 S.A, 246 S.B, 246 RP, 247, 248 and 249 (Part) in D.D. 130,  
Hong Po Road, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/203)

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### **Presentation and Question Sessions**

54. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of three 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 environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that from a public drainage viewpoint, the applicant should demonstrate clearly that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas;
- (d) during the statutory publication period, three public comments were received from two Tuen Mun District Council (TMDC) Members and Designing Hong Kong Limited. One of the TMDC Members advised that some villagers were concerned about the impact of the proposed development on the fung shui of the village and hence objected to the application. The other TMDC Member objected to the application as

there was no information on the stacking height of construction materials and the application would affect the ancestral graves. Designing Hong Kong Limited raised objection to the application on the grounds that the use of the site for open storage was a blight on the environment; the use was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone; and the site fell within the Category 4 areas which was not suitable for open storage use. Should the Committee decide to approve the application, a condition relating to the provision of quality landscaping and well-designed fencing of the perimeter of the site should be imposed to mitigate the blight;

- (e) the District Officer (Tuen Mun) advised that an objection against the application was received from the Owners’ Committee of Villa Pinada. The major grounds of objection were that the site was within 50m of Villa Pinada and the environmental nuisances generated by the proposed development such as stagnant water, solid waste and breeding of pests would affect the residents. While the property value of Villa Pinada would be severely affected, the storage/transportation of construction materials would increase fire risk and generate noise nuisance. Villa Pinada was now using Lot 363 RP in D.D. 130 under an agreement with the lot owner. If the application was approved by the Committee, the construction materials might be transported through the subject lot, which would cause serious hindrance to the use of the lot by the residents of the Villa; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “R(E)” zone, which was intended primarily for phasing out existing industrial uses through redevelopment for residential use on application to the Town Planning Board (TPB). Whilst existing industrial uses would be tolerated, new industrial developments were not permitted in order to avoid perpetuation of industrial/residential interface problem. There was no strong planning justification for a departure from the planning intention,

even on a temporary basis. The area was mainly rural in character with village houses, cultivated agricultural land, vacant rural workshop/factory and graves. Except the open storage yard to the north of the site which was an “existing use”, most of the previous factory structures in the locality had already been vacated. The vehicle park for trailers, tractors and private cars to the south of the site was also a suspected unauthorised development. The proposed development was not compatible with the surrounding rural uses and village houses. Moreover, the application was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there were no exceptional circumstances nor strong planning grounds to justify the approval of the application; no previous planning approval for a similar use had been given to the site; and there were adverse departmental comments and local objections against the application. Existing residential dwellings were located directly adjacent to the southwestern boundary of the site. There were also residential dwellings at only 30m from the northwestern boundary of the site. Moreover, a home for the aged and a mental rehabilitation centre were located within 80m from the southwestern boundary of the site and abutting the access road to the site. The residential dwellings, the home for the aged and the mental rehabilitation centre in the vicinity of the site would be subject to the environmental nuisance arising from the proposed development. In this regard, DEP did not support the application. The CE/MN, DSD also advised that the applicant should demonstrate clearly that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas. The applicant had not provided such information in the submission. Besides, there were local objections and public comments raising objection to the application.

55. Members had no question on the application.

#### Deliberation Session

56. 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) the development was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone which was intended for phasing out of existing industrial uses through redevelopment for residential use. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the general rural character of the surrounding areas, in particular the residential and agricultural uses to the northwest, northeast and southwest of the site;
- (c) the application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there was no exceptional circumstances to justify the approval of the application in Category 4 areas. No previous planning approval for the site had been granted. The applicant failed to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(E)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[The Chairman thanked Ms. S.H. Lam, STP/TMYL, for her attendance to answer Members’ enquires. Ms. Lam left the meeting at this point.]

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/204      Three Proposed New Territories Exempted Houses  
in “Residential (Group E)” zone,  
Lot 215 S.C in D.D. 130, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/204)

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57.            The Committee noted that on 9.7.2010, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for a period of two months so as to allow time to address the comments from the Lands Department.

58.            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 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/684            Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road for a Period of 1.5 Years in “Government, Institution or Community” zone, Lots 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/684)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of vehicles which were not yet licenced to run on the road for a period of 1.5 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access roads (Ha Tsuen Road and Tin Ha Road), and environmental nuisance was expected. While having no objection in principle to the application from the drainage point of view, the Chief Engineer/Mainland North (CE/MN), Drainage Services Department (DSD) commented that the applicant should conduct a drainage impact assessment (DIA) in view of the large area involved in the subject application, which might cause significant impact on the drainage conditions of the surrounding areas. The Chief Engineer/Harbour Area Treatment Scheme (CE/HATS), DSD advised that a large portion of the site fell within the proposed land resumption limit of

PWP Item No. 223DS ‘Yuen Long and Kam Tin Sewerage Treatment Upgrade – Upgrading of San Wai Sewage Treatment Works’ gazetted on 12.3.2010 under the Water Pollution Control (Sewerage) Regulation. He had no objection to the application provided that the land required for the project would be made available to him by December 2012;

- (d) one public comment was received during the statutory publication period. The commenter objected to the application as the use of the site for open storage was a blight on the environment; the applied use was not in line with the planning intention for the area; and the site fell within the Category 4 areas which was not suitable for open storage use. Should the Committee decide to approve the application, a condition relating to the provision of quality landscaping and well-designed fencing of the perimeter of the site should be imposed to mitigate the blight; and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applicant argued that the applied use was in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zoning of the site, as it was akin to ‘public vehicle park’ use which was always permitted under the “G/IC” zone. However, according to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’, storage of vehicles for sale was considered as a kind of open storage use. As such, the open storage use under application could not be regarded as being in line with the planning intention of the “G/IC” zone, which was intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The site had been reserved for the expansion of the San Wai Sewage Treatment Works. Although CE/HATS, DSD advised that the site would not be required until 2012 and had no objection to the application for the temporary use of the site, it was still necessary to ensure that all adverse impacts generated by the applied use could be adequately addressed. In this regard, DEP did not support the application due to the environmental nuisance of the applied use on the

sensitive uses along the access roads. There was also a waste pollution complaint against the site in 2009. In addition, the applicant had not conducted a DIA as required by the CE/MN, DSD, and argued that the applied use was temporary in nature and that ‘public vehicle park’ use was always permitted within the “G/IC” zone without the need for a DIA. Moreover, the site fell within the Category 3 areas and the application did not comply with the TPB Guidelines No. 13E as no previous approval for open storage use was granted for the site; there were adverse departmental comments; and there was no information in the submission to demonstrate that the applied use would not have adverse environmental and drainage impacts on the surrounding areas. There was a public comment raising objection to the application. While PlanD agreed with the commenter that the applied use was not in line with the planning intention of the “G/IC” zone, it was noted that the commenter had mistaken the site as falling within the Category 4 areas under the TPB Guidelines No. 13E.

60. Members had no question on the application.

#### Deliberation Session

61. 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) the development was not in line with the planning intention of the “Government, Institution or Community” zone which was intended for the expansion of the San Wai Sewage Treatment Works. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the drainage and

environmental aspects, and the development would have adverse drainage and environmental impacts on the surrounding areas; and

- (c) approval of the application would increase the risk of flooding in the area, and no technical assessment had been included in the submission to address the adverse drainage impacts of the development on the surrounding areas.

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

### **Agenda Items 21 and 22**

#### **Section 16 Applications**

[Open Meeting]

A/YL-NSW/195      Proposed Residential Development and Filling of Ponds  
in "Undetermined" zone,  
Lots 1288 S.B RP (Part), 1289 S.B RP (Part) and  
1292 S.B RP (Part) in D.D. 115, Tung Shing Lei,  
Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/195A)

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A/YL-NSW/196      Proposed Residential Development and Filling of Ponds  
in "Undetermined" zone,  
Lots 1288 S.B RP (Part) and 1288 S.G RP in D.D. 115,  
Tung Shing Lei, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/196A)

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62.            The Secretary reported that Applications No. A/YL-NSW/195 and 196 were submitted by the same subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Y. K. Cheng had declared an interest in the items as he had current business dealings with SHK. The Committee noted that Mr. Cheng had tendered an apology for being unable to attend the meeting.

63.            The Committee noted that the applications were for the same proposed uses

within the same “Undetermined” (“U”) zone and submitted by the same applicant. As such, the Committee considered that the two applications could be considered together.

64. The Committee noted that on 15.7.2010, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the applications for a period of two months so as to allow sufficient time for the preparation of further information in view of the departmental comments received.

65. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the applications 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 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/321 Temporary Petrol Filling Facilities (with Ancillary Site Office)  
for a Period of 3 Years in “Green Belt” and  
“Industrial (Group D)” zones and an area shown as ‘Road’,  
Lots 241S.D, 241RP and 242RP in D.D. 127 and  
Adjoining Government land, Yuen Long  
(RNTPC Paper No. A/YL-PS/321)

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

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

- (a) background to the application;

- (b) the temporary petrol filling facilities (PFFs) (with ancillary site office) for a period of three years;
  
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that the applied use was now in operation. As petrol storage tanks were installed above-ground and the whole site was concrete-paved, the proposed use would thus unlikely cause soil and groundwater contamination. There were also no existing sensitive receivers in the vicinity of the site. As such, the temporary use under application could be tolerated from the environmental impact point of view. Noting that a large portion of the site was located within the “Green Belt” (“GB”) zone, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed PFFs were not compatible with the planned landscape environment for the area. Besides, there was concern that the approval of the application would set an undesirable precedent that might result in further encroachment of the “GB” zone. As such, there was reservation on the application from the landscape planning perspective. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from the nature conservation point of view as the site had largely been paved, its surrounding habitats were fairly disturbed, and the proposed use was temporary in nature;
  
- (d) during the statutory publication period, two public comments were received from the Village Representative (VR) of Hung Uk Tsuen and the Designing Hong Kong Ltd. (DHKL) raising objections to the application. The VR of Hung Uk Tsuen objected to the application mainly on the grounds that it would affect the fung shui of their ancestral graves nearby; the development was unauthorised which should be displaced; substantial tree felling and illegal excavation of hill slope were found in the area; and the development would pose threat to the villagers’ safety and daily lives. The DHKL objected to the application mainly on the grounds that the use was not in line with the planning intention and would give rise to safety concerns and adverse impacts on the environment. The District Officer



(Yuen Long) had received a written comment from the VR of Hung Uk Tsuen which was also submitted to the Town Planning Board (TPB) as a public comment. He did not receive any other local comment on the application; and

(e) PlanD's views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper :

- the development was located on a narrow strip of land at the western foothill of a green knoll. It was small in scale, with only a diesel oil tank of 4m<sup>2</sup> and four single-storey container-converted structures as office and storage. Although the site fell mostly within the “GB” zone, it was located at the edge of the “GB” zone and mostly not vegetated except the southern tip. According to the aerial photo taken in 1993, part of the site had already been formed under the construction works of Hung Tin Road and other adjacent roads, and the remaining part of the site was occupied by a vehicle park. The development did not contradict the TPB Guidelines No. 10 for ‘Application for Development within the Green Belt Zone’ in that it did not involve extensive clearance of existing natural vegetation; it would not affect the existing natural landscape; and it would not cause any adverse visual impact on the surrounding environment with the provision of suitable landscape mitigation measure. Moreover, no significant traffic, drainage, visual and environmental impacts on the surrounding areas were envisaged. As the site had been paved and the development was temporary in nature, the DAFC had no strong view on the application. The DEP considered that the temporary development could be tolerated from the environmental impact point of view. Other concerned departments also had no objection to the application;
  
- in view of the site condition, its location near the edge of the “GB” zone, and the fact that the applicant had included the preservation of

the existing trees in the southern portion of the site in his landscape proposal, it was not expected that the applied use would have significant adverse landscape impact on the area. However, to address the CTP/UD&L, PlanD's concern, approval conditions relating to the landscape and tree preservation proposal to reduce the visual impact and to reinstate the site to an amenity area upon expiry of the planning permission had been recommended in paragraphs 13.2(d), (e) and (m) of the Paper. Other technical concerns regarding the interface with the project limit of the cycle tracks, surface runoff flowing on the nearby roads, and the interface with the underground town gas transmission pipeline, could also be resolved by incorporating appropriate approval conditions and advisory clauses as recommended in paragraph 13.2 of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and any unauthorised development on the site would be subject to enforcement action by the Planning Authority; and

- as regards the two public comments raising objections to the application, it was noted that part the subject site had already been formed since 1993 when Hung Tin Road and the adjacent roads were built. Concerned departments also had no objection to the application regarding pedestrian safety, fire risk, and environmental pollution. Regarding the public concerns on tree felling and land excavation activities in the surrounding area, there was no record indicating that such activities were related to the subject site.

67. In response to a Member's question about the safety aspect of the temporary PFFs under application, Mr. W.M. Lam referred to paragraph 10.1.8 and Appendix II of the Paper which set out the detailed requirements of D of FS in relation to the fire service installations (FSIs) proposal for the applied use. He pointed out that the applicant had to provide the FSIs to the satisfaction of the D of FS to ensure fire safety at the site. Another Member enquired if there were any planning guidelines on the provision of petrol filling station (PFS) and related facilities. In response, the Secretary said that the planning

guidelines setting out the various considerations and locational criteria for the provision of PFS and related facilities were stipulated in Section 3 of Chapter 12 of the Hong Kong Planning Standards and Guidelines (HKPSG). The Secretary continued to point out that the TPB would take into account the guidelines as stipulated in the HKPSG and any other relevant considerations in considering the applications for PFS. Each case would be considered on individual merits. The Chairman also pointed out that the operation of the applied use had to meet the operational requirements set down by relevant Government departments such as the Fire Services Department and the Electrical and Mechanical Services Department. In response to a Member's enquiry, Mr. Simon K.M. Yu, Assistant Director/New Territories, Lands Department (LandsD), said that LandsD would take into account the requirements stipulated on statutory town plans and base on its land administration policies/practices in considering the disposal of land for PFS development.

#### Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 6:30 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no dismantling, repairing, or other workshop activities were allowed at the site during the planning approval period;
- (c) the provision of a waterworks reserve within 5m from the centreline of the affected water mains within the site at all times during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the submission of a 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 30.1.2011;

- (e) in relation to (d) above, the implementation of the 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 30.4.2011;
- (f) the submission of a 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 30.1.2011;
- (g) in relation to (f) above, the implementation of the 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 30.4.2011;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2011;
- (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 the Director of Fire Services or of the TPB by 30.4.2011;
- (j) the provision of peripheral fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.1.2011;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning condition (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (m) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the occupier of the Government land and the registered owner of the lots concerned should apply to his Office for Short Term Tenancy (STT) / Short Term Waiver (STW) to regularise the irregularities on-site. Should no STW application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. His Office did not guarantee right-of-way to the site;
- (d) to note the comments of the Director of Environmental Protection that the proposed use was under the control of Air Pollution Control (Petrol Filling Stations)(Vapour Recovery) Regulation (Cap. 311S.) Vapour recovery system should be installed and certified by competent examiners accordingly. In addition, should there be any effluent discharge from the proposed use, a discharge licence under the Water Pollution Control Ordinance (Cap. 358) should be obtained;
- (e) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;

- (f) to note the comments of the Commissioner for Transport 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 with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and the road at the east of Hung Tin Road. The applicant was reminded that adequate drainage measures should be provided along the site boundary to prevent surface runoff flowing from the site onto the nearby public roads/footpaths and road drainage. No debris and grease should be brought from the site to the nearby public roads through the site access;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that materials should not be stored around the trees trunk and the applicant should avoid any damage to the trees during the operation stage;
- (i) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations proposal in Appendix II of the Paper;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that any temporary buildings were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R Regulations 5 and emergency vehicular access should be provided under the B(P)R 41D. 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 B(P)R 19(3) at the building plan submission stage. Formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures and drainage

disposal system. Direct connection of surface channel to stormwater system without going through petrol interceptor was not acceptable;

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that no structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the waterworks reserve area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (l) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the site was in close proximity to the project limit of their PWP Item No. 7259RS – “Cycle Tracks Connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui”. The project would tentatively commence in the second quarter of 2011. The subject site should not encroach on the project limit of PWP Item No. 7259RS. The applicant should liaise with his Office for any interface issues that might arise; and
- (m) to note the comments of the Director of Electrical and Mechanical Services that there was a high pressure underground town gas transmission pipeline running along the roadside of Hung Tin Road. The applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicant should also note the requirements of the “Code of Practice on Avoiding Danger From

Gas Pipes” which was available at their webpage.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/322            Temporary Covered Storage of Recyclable Metalware  
for a Period of 3 Years in “Green Belt” zone,  
Lot 3334 (Part) in D.D. 124, Yuen Long  
(RNTPC Paper No. A/YL-PS/322)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary covered storage of recyclable metalware for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective on the considerations that the proposed development was not compatible with the planned landscape environment of the “Green Belt” (“GB”) zone; the approval of the application would set an undesirable precedent that might result in further encroachment of the “GB” zone by open storage yards; and there was no information on the landscape mitigation measures. While having no objection in principle to the application, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that no drainage proposal was



submitted by the applicant;

- (d) during the statutory publication period, one public comment was received from the Designing Hong Kong Limited (DHKL) raising objection to the application mainly for the reasons that the proposed use was a blight on the environment, it was not in line with the planning intention for the area, and it was not suitable in the area. DHKL also pointed out that should the Committee decide to approve the application, conditions on landscaping and peripheral fencing should be stipulated to mitigate the blight; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper :
  - the site formed a part of an extensive “GB” zone covering an area of about 44ha which was designated since the first exhibition of the draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/1 on 14.6.1996 as it was located further away from the major road networks with limited infrastructural provision. However, much of the land in the area had been cleared for unauthorised open storage yards since 2007, resulting in a deterioration of the quality of the rural environment;
  - the proposed temporary storage use at the site was not in line with the planning intention of the “GB” zone. The site was the subject of a previous application and there were five similar applications for open storage uses within the same “GB” zone. All of these applications were rejected by the Committee or the Town Planning Board (TPB) on review. Approval of the current application would set an undesirable precedent for other similar applications in the vicinity. The cumulative effect of approving these applications would result in further degradation of the environment in the area. According to the TPB Guidelines No. 10 for ‘Application for Development within the Green Belt Zone’, there was a general presumption against development within the “GB” zone; new developments would only be considered in exceptional circumstances; and they must be justified

with very strong planning grounds. In this respect, no strong planning justification had been provided in the submission for the applied use within the “GB” zone; and

- the site fell within Category 4 areas under the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ and the intention of which was to encourage the phasing out of non-conforming uses as early as possible. According to the TPB Guidelines No. 13E, applications for open storage uses would normally be rejected except under exceptional circumstances; and sympathetic consideration might only be given for applications on sites with previous planning approval and subject to no adverse departmental comment and local objection. However, the development was not in line with the TPB Guidelines No.13E. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. There were adverse departmental comments on the application. There was no information in the submission to demonstrate that the applied use would not have adverse environmental and drainage impacts on the surrounding areas. Besides, there was no previous approval granted at the site for open storage use. There was a public comment from the Designing Hong Kong Ltd. raising objection to the application.

71. The Chairman enquired if the area to the north of the site was subject to any on-going planning enforcement action. In response, Mr. W.M. Lam referred to Plan A-3 of the Paper and informed Members that the concerned area had been formed and no activity was found on the site at present. However, the Planning Authority would monitor the site situation and any unauthorized activities would be subject to planning enforcement action.

#### Deliberation Session

72. 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) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt Zone’ in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for similar use had been granted on the site; there were no exceptional circumstances to merit an approval; and there were adverse departmental comments on the environmental, drainage and landscape impacts of the development; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/497      Proposed Temporary Shop and Services (Real Estate Agency)  
for a Period of 3 Years  
in “Agriculture” and “Residential (Group C) 1” zones,  
Lot 1638 RP in D.D. 106, Yuen Kong, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/497)

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**Presentation and Question Sessions**

73.            Mr. Kepler S.Y. Yuen, STP/TMYL, referred to paragraph 12.2(i) of the Paper and informed Members that the first sentence of this sub-paragraph should read “if any of the above planning conditions (b), (c), (d), (e), (f) or (g)”. Mr. Kepler S.Y. Yuen 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 (real estate agency) for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) six public comments, including one from the Pat Heung Rural Committee and five from the local residents (four of them were the same), were received during the statutory publication period. The commenters objected/strongly objected to the application on the grounds that the proposed development was not compatible with the nearby residential developments and would spoil the rural/tranquil environment. It would also bring about security problem to the village and affect the pedestrians and passengers who were boarding/alighting buses or waiting at the bus stop close to the site due to the narrow pavement. Besides, there were many real estate agencies at Kam Sheung Road. Approval of similar

applications would set an undesirable precedent and significantly reduce the agricultural land or land suitable for planting of trees which would cause adverse landscape impact; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered not incompatible with the surrounding land uses and would provide real estate agency service to serve the neighbouring residential developments. In view of its small scale, the environmental nuisance generated by the proposed development would unlikely be significant. Relevant departments had no adverse comment on the application. The scale of the proposed development with a plot ratio of about 0.18 and a building height of 2.13m to 2.44m had not exceeded the maximum plot ratio restriction of 0.4 and building height restriction of 3 storeys (9m) under the subject “Residential (Group (C)1” (“R(C)1”) zone. There was no known programme for residential development on the “R(C)1” portion of the site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the planning intentions of the “Agriculture” (“AGR”) and “R(C)1” zones. A similar application (No. A/YL-KTS/495) located about 250m to its northeast along Kam Sheung Road was also recently approved by the Committee with conditions on 16.7.2010. Should the Committee decide to approve the application, an approval condition restricting the operation hours was recommended in paragraph 12.2(a) of the Paper in order to minimize the possible nuisance generated by the proposed development. The applicant would be advised that non-compliance with the approval condition would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. In addition, approval conditions relating to the submission and implementation of landscape and tree preservation proposals, drainage proposal and fire service installations proposal were recommended in paragraph 12.2(b) to (g) of the Paper in order to address the technical concerns from the relevant departments. As regards the local

objections, given the nature and small scale of the proposed development, significant environmental nuisance was not expected. The Director of Environmental Protection also had no adverse comment on the application. An approval condition restricting the operation hours was recommended to minimize the possible nuisance. Regarding the traffic, landscape and security concerns, relevant departments, including the Commissioner for Transport, the Chief Town Planner/Urban Design and Landscape, PlanD and the Commissioner of Police, had no adverse comment on the application. Relevant approval conditions were also recommended to address the landscape concern.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.7.2013, 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 8:00 p.m. and 10:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.1.2011;
- (c) in relation to (b) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2011;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.1.2011;

- (e) in relation to (d) 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 30.4.2011;
- (f) 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 30.1.2011;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2011;
- (h) 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;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that the vehicular access on the southern side of the site would pass through a short stretch of Government land (GL) and opened onto Kam Sheung Road. His Office did not provide maintenance works to the GL nor guarantee right-of-way. Besides, there were unauthorized structures (including converted containers) in the proposal. Should the application be approved,

the registered owner of the lot concerned should apply to his Office for a Short Term Waiver (STW) to regularize such irregularities. Should no STW application be received/approved and the irregularities persist on the site, his Office would consider taking appropriate lease enforcement action against the registered owner;

- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that additional screen planting along the Kam Sheung Road frontage should be implemented for the proposed development;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not cause any adverse drainage impact to the adjacent area and the existing drainage facilities;
- (e) to note the comments of the Commissioner for Transport that the ingress/ egress of the site did not abut on Kam Sheung Road. The land status of the strip of land between the site and Kam Sheung Road should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to note the comments of the Director of Fire Services 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 should observe that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans if the temporary structure did not exceed 230m<sup>2</sup>, and was in the form of open shed without storage or storage of indisputable non-combustibles or standalone container used as office and stores (except Dangerous Goods). Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his Department for consideration; and

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/YL-PH/608 Proposed Temporary Open Storage of Second-Hand Vehicles for Display and Export for a Period of 2 Years in “Agriculture” and “Open Storage” zones, Lot 1845 (Part) in D.D. 111 and Lots 9 (Part), 10 RP (Part), 12 (Part), 13 RP (Part), 14, 32 (Part), 33 (Part), 35 s.A and 35 s.B in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/608)

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77. The Committee noted that on 14.7.2010, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for a period of two months so as to allow more time for him to prepare supplementary information in response to the departmental comments.

78. 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 27**

**Section 16 Application**

[Open Meeting]

A/YL-TT/264 Temporary Open Storage of Recycling Materials with Ancillary Workshop for a Period of 1 Year in “Village Type Development” zone, Lot 1613 RP (Part) in D.D. 119, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/264)

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79. The Committee noted that on 16.7.2010, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for a period of two months so as to allow more time for him to submit further information to address the departmental comments and to substantiate his case.

80. 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 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/265            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 257 in D.D. 116, Yeung Uk Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/265)

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81. The Secretary reported that a comment on the application from a member of the public was received by the Secretariat of the Town Planning Board (TPB) on 20.7.2010. According to section 16(2F) of the Town Planning Ordinance (the Ordinance), any comment on a section 16 application had to be made to the TPB within the first three weeks of the period during which the application was available for public inspection. Section 16(2H)(a) stipulated that any comment made after the expiration of the period of three weeks should be treated as not having been made. For the subject application, the statutory public inspection period was from 15.6.2010 to 6.7.2010. As the concerned comment was made on 20.7.2010 which was after the expiration of the statutory public inspection period, it had to be treated as not having been made under the Ordinance. On 23.7.2010, the Secretariat of the TPB notified this member of the public accordingly. On 28.7.2010, this member of the public

made a complaint against the TPB for not processing his comment and requested his comment be put before the Committee at this meeting. The relevant correspondence between the Secretariat of the TPB and this member of the public had been tabled at the meeting for Members' information. The Committee noted that this comment was received on 20.7.2010 after the expiration of the statutory time limit and agreed that it should be treated as not having been made under the Ordinance.

#### Presentation and Question Sessions

82. 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 house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application as the site was beyond 300 feet from the edge of the last village type house built before the implementation of the Small House Policy on 1.12.1972. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site and its vicinity were currently used as orchard and vegetable field. As the farming activity in the area was very active, he did not support the application from the agricultural point of view. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the proposed development would impose moderate changes or disturbances to the existing landscape character and resources due to site formation works, hard paving of the building area and removal of vegetation. Approval of the application would also attract more similar uses into the area which would further deteriorate the landscape quality of the farmlands and undermine the intactness of the “Agriculture” (“AGR”) zone;

- (d) during the statutory publication period, three public comments were received from the villagers of Yeung Uk Tsuen and Designing Hong Kong Limited. The villagers of Yeung Uk Tsuen objected to the application mainly on the grounds that the site was a piece of agricultural land and was rural in character; the proposed Small House would involve tree felling, attract construction vehicles and increase the traffic flow of Long Ho Road which would pose safety hazards to the residents nearby; the site was not within the boundary of the ‘village environs’; there was no information in the submission to demonstrate that the proposed Small House would not cause fung shui, drainage, traffic, visual and landscape impacts on the surrounding areas; and approval of the application would set an undesirable precedent. Designing Hong Kong Limited also objected to the application mainly on the grounds that the area was zoned “AGR” and the area lacked a plan for a sustainable layout of infrastructure and development and a quality urban design;
- (e) the District Officer (Yuen Long) advised that a group of villagers in Yeung Uk Tsuen objected to the application. While the major grounds of objection were similar to those raised by the villagers of Yeung Uk Tsuen in their public comments, they also pointed out the proposed development would affect the ecological setting of the area; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ as both the application site and the footprint of the proposed Small House fell beyond 300 feet from the edge of the last village type house of Yeung Uk Tsuen built before the implementation of the Small House Policy on 1.12.1972. As such, although there was no agreed ‘village environs’ for Yeung Uk Village, DLO/YL did not support the application. Besides, there was no general shortage of land in meeting the Small House demand in the subject “Village Type Development” (“V”) zone. Hence, the

subject application did not warrant sympathetic consideration. The applicant also failed to demonstrate why suitable sites within the area zoned “V” could not be made available for the proposed Small House. The proposed Small House was not in line with the planning intention of the “AGR” zone. DAFC also did not support the application from the agricultural point of view. No strong planning justification had been given in the submission to justify for a departure from the planning intention. Moreover, as the proposed Small House would impose moderate changes or disturbances to the existing landscape character and resources and approval of the application might attract more similar uses into the area, there was landscape concern on the application. There were public comments raising objection to the application and local objections against the application were received by the District Officer (Yuen Long). The applicant quoted a previously approved application (No. A/DPA/YL-TT/14) for NTEH development as a similar case to the current application. However, Application No. A/DPA/YL-TT/14 was submitted at the time when the area was designated as “Unspecified Use” on the draft Tai Tong Development Permission Area Plan No. DPA/YL-TT/1 in 1992. That application was submitted by DLO/YL on behalf of two villagers for the erection of three Small Houses as the then existing house lots of the two villagers fell within the resumption limit of the Yuen Long Southern Bypass project and the concerned lots under that application were identified for Small House re-site purpose. Although the site of Application No. A/DPA/YL-TT/14 was located at Chuk San Tsuen, which was a non-recognised village without a village ‘environs’, there were no adverse departmental comments and no local objections against Application No. A/DPA/YL-TT/14.

83. Members had no question on the application.

#### Deliberation Session

84. 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) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that there was no general shortage of land in meeting the demand of Small House development in the subject “Village Type Development” (“V”) zone. The applicant failed to demonstrate in the submission why suitable sites within the area zoned “V” could not be made available for the proposed Small House development; and
- (b) the proposed development was not in line with the planning intention of the “Agriculture” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify for a departure from the planning intention.

### **Agenda Item 29**

#### **Section 16 Application**

[Open Meeting]

A/YL-TYST/483      Proposed House (New Territories Exempted House – Small House)  
in “Residential (Group D)” and “Village Type Development” zones,  
Lot 1551 RP in D.D. 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/483)

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85.            The Committee noted that on 15.7.2010, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for a period of one month so as to allow time for him to revise the information for the application.

86.            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 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.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/484 Proposed Temporary Organic Farm cum Barbecue and Leisure Activity Area for a Period of 3 Years in “Green Belt” and “Residential (Group D)” zones, Lot 242 (Part) in D.D. 119, Lots 867 S.A (Part), 867 S.B (Part), 871, 930 (Part) and 932 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/484)

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

87. 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, including that the application site was the subject of a previous application (No. A/YL-TYST/358) for a proposed temporary barbecue site cum green recreational playground for a period of three years which was rejected by the Committee on 22.6.2007 for the reasons given in paragraph 6 of the Paper;
- (b) the proposed temporary organic farm cum barbecue and leisure activity area for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP)



did not support the application as there were sensitive receivers of residential uses located in close proximity to the site with the nearest one at about 15m to its northeast, and environmental nuisance was expected. The proposed development, which involved human chatting and shouting, was anticipated to generate noise nuisance. Ash and odour from the proposed development might also cause air pollution. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective as the proposed development was not compatible with the existing rural landscape character of the area; the vehicular traffic generated by the proposed development would adversely affect the existing landscape character; the trees proposed to be planted around the site as green buffer were not compatible with the landscape resources in the vicinity; and approval of the application would set an undesirable precedent for similar applications which would jeopardize the landscape quality of the area. Noting that the site, except the proposed organic farm, would be paved with no reinstatement proposals, the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the proposed development might result in irreversible loss of greenery and gradual degradation of the “Green Belt” (“GB”) zone;

- (d) during the statutory publication period, four public comments on the application were received from three villagers of Shan Ha Tsuen, a Yuen Long District Council (YLDC) Member and Designing Hong Kong Limited. They all objected to the application. The three villagers of Shan Ha Tsuen were concerned that the proposed development would attract outsiders and spoil the tranquil living environment of the village. It would also bring about public order, water pollution, sewage, environmental hygiene, traffic and exhaust emission problems. As most villagers made a living outside the village, there was also concern that the land might be occupied and used by other people, resulting in adverse possession of land. The YLDC Member was concerned that the noise, smoke and ashes generated by the proposed development would cause nuisance to the nearby residents. As the majority of the site was zoned

“GB”, Designing Hong Kong Limited considered that the proposed development was not in line with the planning intention for the area. While the narrow village road was unable to support the traffic generated by the proposed development, the noise, sewage and waste impacts of the proposed development would also affect the nearby residents; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development involving a commercially operated barbecue area was not in line with the planning intention of the “GB” and “R(D)” zones. There was no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis. The proposed development which would attract visitors and group activities was incompatible with the rural and tranquil character of the surrounding areas. In this respect, DEP did not support the application and the applicant failed to demonstrate that the proposed development would not have adverse environmental impact on the surrounding areas. The site was only accessible via a narrow local track leading from Long Hon Road. Despite the applicant’s claim that the visitors of the proposed development would not be more than 50 people at a time, the site with an area of about 1.1 ha was large in size and could accommodate many more visitors than as claimed. Moreover, the applicant had not demonstrated clearly the traffic impact of the proposed development. Although the applicant proposed to construct a vehicular bridge over the nullah to connect the site with Long Hon Road, there was no detail in the submission on how the proposed bridge would be designed, constructed, used and maintained. The District Lands Officer/Yuen Long also advised that constructing the proposed bridge on Government land without formal approval was not acceptable. In addition, the proposed development was not compatible with the surrounding landscape, which was generally vegetated and predominantly rural in character. The vehicular traffic generated by the proposed development would also adversely affect the existing rural landscape character of the area. In this respect, CTP/UD&L, PlanD objected to the application from the landscape planning perspective. DAFC was also

concerned that the proposed development might result in irreversible loss of greenery and gradual degradation of the “GB” zone. As such, the proposed development would have adverse landscape impact on the surrounding areas. Although the applicant claimed that the current application was mainly for an organic farm/hobby farm with barbecue and leisure activity area being ancillary to the use, the barbecue area was generally incompatible with the surrounding rural environment and the main source of environmental nuisance. Moreover, the barbecue area occupied a substantial portion (about 30%) of the site. The adverse impacts generated by the current application would thus be similar to those of the previously rejected Application No. A/YL-TYST/358. No similar application had been approved in the same “GB” or “R(D)” zones. Approval of the application would set an undesirable precedent for similar uses to proliferate into the “GB” and “R(D)” zones, the cumulative effect of which would result in a general degradation of the environment of the area.

88. Members had no question on the application.

#### Deliberation Session

89. 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) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) and “Residential (Group D)” (“R(D)”) zones. There was no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the proposed development which attracted visitors and group activities was incompatible with the rural and tranquil character of the surrounding areas;
- (c) the proposed development would generate adverse environmental and

landscape impacts on the surrounding areas;

- (d) the applicant failed to demonstrate in the submission how the proposed vehicular bridge connecting the application site with Long Hon Road, which was an essential component for the operation of the proposed development, would be constructed and used; and
- (e) approval of the application would set an undesirable precedent for similar applications within the “GB” and “R(D)” zones, the cumulative effect of which would result in a general degradation of the rural character of the area.

[The Chairman thanked Mr. Kepler S.Y. Yuen, STP/TMYL, for his attendance to answer Members' enquires. Mr. Yuen left the meeting at this point.]

**Agenda Item 31**

Any Other Business

90. There being no other business, the meeting was closed at 5:05 p.m..