

TOWN PLANNING BOARD

Minutes of 345th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.3.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Prof. Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

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

Secretary

Absent with Apologies

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. H.L. Cheng

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 344th RNTPC Meeting held on 23.2.2007

[Open Meeting]

1. The draft minutes of the 344th RNTPC meeting held on 23.2.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Sai Kung and Islands District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/SK-PK/1 Application for Amendment to the Approved Pak Kong and
Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11
from “Conservation Area” to “Village Type Development”,
Lot 508A in DD 216,
Shan Liu, Sai Kung
(RNTPC Paper No. Y/SK-PK/1)

Presentation and Question Session

3. Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung & Islands (STP/SKIs), and

Messrs. Wong Shui-sang and Kong Chee-cheung, the applicant's representatives were invited to the meeting at this point.

4. The Chairperson extended a welcome and briefly explained the hearing procedures. She then invited Ms. Ann O.Y. Wong to brief Members on the background to the application.

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

5. Ms. Ann O.Y. Wong presented the application as detailed in the Paper and made the following main points :

- (a) the application was for amendment of the application site on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) from "Conservation Area" ("CA") to "Village Type Development" ("V") zone. The applicant intended to develop a Small House on the site;
- (b) before the gazetting of the Pak Kong Interim Development Permission Area (IDPA) Plan No. IDPA/SK-SKM/1 on 12.10.1990, the application site formed part of a well-vegetated area with mature trees. It was zoned "Unspecified Use" on the IDPA Plan. On 12.7.1991, the site was zoned "Green Belt" on the draft Pak Kong Development Permission Area (DPA) Plan No. DPA/SK-SKM/1. With a view to protecting and retaining the existing natural landscape, ecological and topographical features of the area, the site was zoned "CA" on the draft Pak Kong and Sha Kok Mei OZP No. S/SK-PK/1 which was gazetted on 1.7.1994. During the public exhibition of the draft OZP, no objection in relation to the application site was received. The "CA" zoning of the application site remained unchanged on the current OZP. The vegetation and trees at the application site were cleared between 2003-2004;
- (c) the District Lands Officer/Sai Kung (DLO/SK) supported the application under the current land policy as the site fell within the village 'environs' ('VE') of Shan Liu Village and the applicant was an indigenous villager of

the said village. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) had reservation on the application as approval of which might adversely affect the existing tree and the good quality vegetation in the adjacent conservation area, and set an undesirable precedent for similar developments in the vicinity;

- (d) two public comments were received during the statutory publication period raising objection to the application on grounds that the proposed development might have adverse impact on the existing ecology of the area and set an undesirable precedent; and

[Ms. Carmen K.M. Chan and Mr. Elvis W.K. Au arrived to join the meeting at this point.]

- (e) PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The application site was well vegetated with mature trees before gazetting of the Pak Kong IDPA Plan in 1990, and was currently an integral part of the “CA” zone on the current OZP. The “CA” zoning was considered appropriate to safeguard the natural landscape, ecological or topographical features of the nearby vegetation area and woodland and to separate sensitive natural environment such as the Ma On Shan Country Park to its north from the adverse impact of developments. According to DLO/SK, there was no outstanding Small House application in Shan Liu Village. Although the land available within the “V” zone of Shan Liu Village could not fully meet the total future Small House demand, such land should be developed first for the purpose. Approving the application would set an undesirable precedent for other similar rezoning applications in the area, of which the cumulative effect would lead to adverse impact on the existing natural landscape and the nearby vegetation area.

6. Ms. Ann O.Y. Wong drew Members’ attention to a typo in line 3 of paragraph 11.1(b) of the Paper which should read “It was estimated that about **0.65 ha** (or equivalent to about 24 Small House sites) of land were available within the “V” zone of Shan Liu Village”.

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

8. Mr. Wong Shui-sang made the following main points:

- (a) he was the elder brother of the applicant and had been living in Shan Liu Village for 60 years;
- (b) he pointed out that there was not much undeveloped private land within the "V" zone of Shan Liu Village, and such land was owned by a 'Tso Tong' of the villagers. The 'Tso Tong' could only sell the private lots to the indigenous villagers if over 80% of the descendants gave their consents. Since many villagers had already moved abroad, it was very difficult for them to obtain consents to make such private land available for Small House development;
- (c) the applicant applied to the Lands Department for a piece of government land for Small House development since 1978 but of no avail. The applicant had also tried to acquire private lot within the "V" zone in the past 15 years but in vain. The application site, acquired by the applicant in 1995, was located marginally outside the "V" zone, but fell within the 'VE' of Shan Liu Village;
- (d) DLO/SK's advice that there was no outstanding Small House application in the past 10 years was mainly due to the problem in acquiring land from the 'Tso Tong'. It should not be construed as there was no demand for Small Houses within the village; and
- (e) the application site was formerly used as pigsties, and had been left idle for more than 15 years. He clarified that the site was only covered by grass and most of the trees thereon were planted by him and of common species. The trees were not felled on purpose, but were naturally died due to seasonal change and unfavourable land condition.

9. Mr. Kong Chee-cheung supplemented the following points :
- (a) with reference to an aerial photo of the application site tabled at the meeting, which was taken in 1990 and enlarged to a scale of 1:1000, he drew Members' attention that the site was not well vegetated as claimed, and the vegetation cover was only grass and fruit trees;
 - (b) the application site was located marginally outside the "V" zone boundary and was some 70m within the 'VE' boundary. The designation of the site as "CA" zone could have been due to the fact that it had been left idle and the pigsties on site might have been covered by grass at the time of surveying. He reiterated that in reality the site did not have any conservation value; and
 - (c) the applicant was an indigenous villager of Shan Liu Village and had never exercised his right to erect his Small House in accordance with the Small House Policy due to the shortage of land within the "V" zone. The applicant was now 57 years old and had spent almost 30 years in applying for a Government site or buying land within the "V" zone at Shan Liu Village. As DLO/SK had confirmed that no Government land was available within the village, the application site owned by the applicant, which fell within the 'VE' of Shan Liu Village, was the only alternative for erecting his Small House. Noting that no objection was raised by concerned Government departments, and DLO/SK had shown his support to the application, he considered that there was no good reason to reject the application.

[Dr. Lily Chiang arrived to join the meeting at this point.]

10. A Member asked whether there was any evidence showing that all the land available within the "V" zone of Shan Liu Village was owned by the 'Tso Tong'. Mr. Wong Shui-sang said that he could provide the relevant land records if required. He reiterated that only the application site (i.e. lot 508) was available for development.

11. In response to a Member's enquiry, Ms. Ann O.Y. Wong said that the structures to the immediate west of the application site were ruins. Mr. Wong Shui-sang supplemented that they were pigsties. In response to the same Member's query, Ms. Wong said that the "CA" zoning was intended to protect and retain the existing natural landscape features of the area for conservation purpose. As the subject "CA" zone covered a wider area, the presence of some structures within the zoning boundary was not uncommon.

12. By referring to Drawing Z-1 of the Paper, Mr. Wong Shui-sang supplemented that private land owned by the 'Tso Tong' included lot 509 which was also zoned "CA", lot 502RP which was uphill land currently zoned "V" on the OZP, and lot 507 which was used for car parking purpose by local residents. He further said that the 'Tso Tong' was required to pay back the Government for the maintenance works that had been carried out by the Government on the slope adjacent to lot 507 years ago. If lot 507 could successfully be sold for small house development, the 'Tso Tong' would have the money to settle with the Government.

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

Deliberation Session

14. Some Members were sympathetic to the application and opined that the "CA" zoning for the site might not be appropriate as the site was erected with ruined structures, covered by common trees and grass and sandwiched by two local roads. Some Members however worried about the implications of setting a precedent for other similar applications as the problem associated with 'Tso Tong' land had long been an issue in the New Territories. The Chairperson reminded that Members should consider the appropriate zoning for the site taking into account the applicant's justifications and departments' advice rather than the land ownership issue. The Secretary drew Members' attention to the background history of the site in making a decision on the application in that it was zoned "GB" in 1991 and then

rezoned to “CA” in 1994, and it was only cleared with vegetation and trees in 2003/04.

15. In reply to some Members’ queries, the Secretary clarified that while ‘House (Redevelopment only)’ was a Column 2 use under the “CA” zone, the ruined pigsties on site as claimed by the applicant could not be considered as ‘house’ for the purpose of a section 16 application. The proposed Small House could only be developed by means of an application for amendment of the OZP.

16. Members generally agreed that there was insufficient information in the submission to justify the rezoning of the application site from “CA” to “V”. Nevertheless, the zoning boundaries of the concerned “CA” and “V” zones should be reviewed taking into account the conservation value of the land concerned.

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

- (a) the application site formed an integral part of the “Conservation Area” (“CA”) zone which had not yet been spoilt by any development. The “CA” zone was considered appropriate to safeguard the natural landscape, ecological or topographical features of the nearby vegetation area and woodland, and to separate sensitive natural environment such as the Ma On Shan Country Park to its north from the adverse impacts of development. There was insufficient information in the submission to justify the rezoning of the application site from “CA” to “Village Type Development” (“V”) for Small House development;
- (b) land was still available within the “V” zone of Shan Liu Village for Small House development. Development of Small Houses should be concentrated within the “V” zone. There was insufficient information to show why land could not be available within the “V” zone for the Small House development; and
- (c) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect

of approving these requests would lead to adverse impact on the existing natural landscape and the nearby vegetation area.

18. The Committee also agreed to advise the applicant that :

- (a) the Small House supply and demand situation of Shan Liu Village would be closely monitored; and
- (b) the Planning Department would review the zoning boundaries of the “CA” and “V” zones within Shan Liu Village taking into account the conservation value of the land concerned.

[Ms. Ann O.Y. Wong, STP/SKIs, returned to join the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/I-LI/9 Proposed Television Transmission Installation and Realignment of Footpath in “Conservation Area” zone, Government Land at Ling Kok Shan, Lamma Island
(RNTPC Paper No. A/I-LI/9)
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19. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with David SK Au & Associates Ltd., which was the consultant for the application.

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

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed television transmission installation and realignment of footpath;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer advised that the Chairman of South Lamma Rural Committee was concerned that the proposed works would affect the TV signal of the villages in the vicinity; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

21. In response to a Member's question, Ms. Ann O.Y. Wong said that the applicant had not proposed to discontinue the use of the adjoining existing transmission station.

Deliberation Session

22. Considering that advanced technology might require less space to accommodate the television transmission installation, a Member suggested that the applicant should be requested to reinstate and return the adjoining site to the Government if the existing transmission station became obsolete upon the operation of the new station. Members agreed that an advisory clause be added for this purpose if the application was approved.

23. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of tree preservation and landscape proposals to the satisfaction of the

Director of Planning or of the TPB.

24. The Committee also agreed to advise the applicant that :

- (a) the portion of the footpath at Ling Kok Shan, Lamma Island, to be affected by the proposed development should be properly diverted before the construction of the proposed station;
- (b) as the proposed new building would be seating on sloping ground with a gradient greater than 15 degrees, site formation works plans should be submitted to the Buildings Department for approval and consent prior to actual commencement of the site formation works; and
- (c) the adjoining site accommodating the existing transmission station should be reinstated and returned to the Government if it was obsolete upon the operation of the new station.

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

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/SK-HC/141 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Village Type Development” and “Comprehensive
Development Area” zones,
Lot 1197G in DD 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/141)
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Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

28. The Committee also agreed to advise the applicant that :

- (a) he might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. The water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the site was located at the fringe of a floodplain which was subject to regular inundation and overland flow. The applicant should ensure that

the proposed development would not adversely change the current flow characteristics and the site was properly protected from being eroded and flooded, and be responsible for flooding damage mitigation and survival measures at his own costs; and

- (c) the site fell within the Ho Chung Archaeological Site. The applicant should notify the Antiquities and Monuments Office of Leisure and Cultural Services Department two weeks prior to the commencement of construction work so as to arrange the necessary site inspection.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/SK-HC/142 Proposed New Territories Exempted House (NTEH) (Small House) in “Village Type Development” and “Comprehensive Development Area” zones, Lot 1197RP in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/142)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons as detailed in paragraph 11.1 of the Paper.

30. Members had no question on the application.

Deliberation Session

31. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

32. The Committee also agreed to advise the applicant that :

- (a) he might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. The water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the site was located at the fringe of a floodplain which was subject to regular inundation and overland flow. The applicant should ensure that the proposed development would not adversely change the current flow characteristics and the site was properly protected from being eroded and flooded, and be responsible for flooding damage mitigation and survival measures at his own costs; and
- (c) the site fell within the Ho Chung Archaeological Site. The applicant should notify the Antiquities and Monuments Office of Leisure and Cultural Services Department two weeks prior to the commencement of construction work so as to arrange the necessary site inspection.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/SK-HC/143 Proposed New Territories Exempted Houses (NTEHs) (Small Houses) in “Agriculture” zone, Lots 433I, 434I, 497H, 433J, 434H, 497I, 433RP, 434G, 496E and 497J in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/143)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed three New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application in view of potential of the application site for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the proposed development might set a precedent which would lead to village development extending well beyond its existing boundary into the undeveloped valley floor to the detriment of existing landscape character;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development complied with the interim criteria for assessing planning application for NTEH/Small House development in that the

application site was located within the village 'environs' and there was a general shortage of land in meeting Small House development in the "Village Type Development" zone. Although DAFC did not support the application, the site and its surrounding area were not under active cultivation. Moreover, the proposed Small Houses were compatible with the surrounding rural and village environment, with existing village houses found within 90m of the application site. Regarding CTP/UD&L, PlanD's concerns, an approval condition related to the submission and implementation of landscape proposal was recommended in paragraph 11.2(b) of the Paper.

34. Members had no question on the application.

Deliberation Session

35. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

36. The Committee also agreed to advise the applicants that they might need to extend the inside services to the nearest government water mains for connection. The applicants should resolve any land matter associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/SK-HH/39 Proposed New Territories Exempted House (NTEH) (Small House) in “Village Type Development” zone and an area shown as ‘Road’, Lot 133RP in DD 212, Che Keng Tuk, Hebe Haven, Sai Kung (RNTPC Paper No. A/SK-HH/39)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eight public comments were received during the statutory publication period raising objection to the application mainly on grounds of adverse impacts on traffic, landscape and slope safety; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The applicant was an indigenous villager of Tai Long where there was a shortage of land within the “Village Type Development” (“V”) zone to meet the Small House demand. The proposed development complied with the interim criteria for assessing planning applications for NTEH/Small House development in that the application site fell entirely within the village ‘environs’ and more than 70% of the footprint fell within the “V” zone. Regarding the public comments, traffic impact generated by the

proposed Small House would be insignificant as there was no parking space proposed. Moreover, relevant approval conditions were recommended to address the landscape and slope safety concerns.

38. Members had no question on the application.

Deliberation Session

39. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a Geotechnical Planning Review Report and implementation of mitigation measures, if necessary, to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (b) the submission and implementation of landscaping proposal including landscape mitigations of retaining structures and/or slopeworks to the satisfaction of the Director of Planning or of the TPB.

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

- (a) assess the need to extend the inside services to the nearest government water mains for connection; resolve any land matter associated with the provision of water supply; be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (b) surrender the non-building area, as proposed by the applicant, for the road improvement works of Che Keng Tuk Road when required by the Government.

[Open Meeting (Presentation and Question Session Only)]

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

41. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Hyder Consulting Ltd., which was one of the consultants for the application. Since the Planning Department (PlanD) recommended and subsequently the applicant also requested the Committee to defer consideration of the application, discussion of and determination on this item was not necessary and Dr. Lau should be allowed to stay in the meeting.

42. The Committee noted that PlanD recommended deferring a decision on the application mainly on grounds that a planning brief for the subject site was being prepared by PlanD. It was therefore considered premature for the Committee to make a decision on the application at this juncture. Also, a total of 216 public comments objecting to the proposed development were received during the statutory publication period of the application. The Committee also noted that the applicant on 8.3.2007 requested for a deferment of the consideration of the application as supplementary information was being prepared to address concerns on technical issues raised by Government departments as well as public comments received.

Deliberation Session

43. 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

- (d) one public comment was received during the statutory publication period stating no comment on the application. The District Officer advised that the Waterside Owners' Committee (OC) had objected to a previous application for a Social Service Centre and the granting of liquor licence to a café within their development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. Regarding the District Officer's advice on the Waterside OC's objection against a Social Service Centre and granting of liquor licence within their development, it should be noted that the proposed church under the current application was different from the aforesaid uses. The OC had been advised of the current application and invited to give comments, but no comment was received from them within the statutory publication period.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

47. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use; and
- (b) observe the requirements of the Buildings Ordinance concerning the provision of sanitary fitments for the participants of the church and the separation of the church area from the remaining areas of the arcade by

walls and floor having a fire resistance period of not less than 2 hours.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/NE-LK/50 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” zone,
Lot 1873A in DD 39, Shek Kiu Tau Village, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/50)
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Presentation and Question Session

48. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was classified as good quality agricultural land with good irrigation water supply and has high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the application as approval of the proposed development would set an undesirable precedent for similar applications in the future, of which the resulting cumulative adverse traffic impact could be substantial;
- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of potential disturbance and degradation of the ecological value of the nearby stream, lack of minimum clearance requirement of 30m of the septic tank/soakaway pit from sensitive waters, and no provision of proper access to the Small House; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development complied with the interim criteria for assessing planning applications for NTEH/Small House development in that the application site was entirely within the village 'environs' and there was a shortage of land within the "Village Type Development" zone of Shek Kiu Tau Village to meet the future Small House demand. Regarding the public comment, DAFC advised that there was no record of any species of conservation importance in the application site and only common fish and crab species were observed in the nearby stream. The ecological impact of the proposed development should be minimal and the specification of 30m distance of the septic tank from the stream would not be necessary.

49. In response to a Member's query, Mr. W.K. Hui, DPO/STN, said that the application site was part of a previous application (No. A/NE-LK/17) for 9 NTEHs. The application was approved in 1999 taking into consideration that, inter alia, the proposed NTEHs would have insignificant environmental, traffic and drainage impacts on the surrounding areas. Moreover, concerned Government departments, including the Environmental Protection Department and Drainage Services Department, had no adverse comments on the current application.

Deliberation Session

50. 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 9.3.2011, 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 design and provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of a landscaping proposal to the

satisfaction of the Director of Planning or of the TPB; and

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

51. The Committee also agreed to advise the applicant to :

- (a) strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream;
- (b) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/NE-LK/51 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” and “Village Type Development” zones,
Government Land in DD 45,
Kai Kuk Shue Ha Village, Luk Keng
(RNTPC Paper No. A/NE-LK/51)
-

Presentation and Question Session

52. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

53. Members had no question on the application.

Deliberation Session

54. 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 9.3.2011, 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 design and provision of fire-fighting water supplies and fire service installations to the site to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

55. The Committee also agreed to advise the applicant to :

- (a) strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream;
- (b) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/NE-LYT/352 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” zone, Lot 1495BRP in DD 76, Sha Tau Kok Road, Ng Uk Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/352)
-

Presentation and Question Session

56. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period stating no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of proposals for vehicular access, parking and manoeuvring spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.9.2007;
- (b) in relation to (a) above, the implementation of proposals for vehicular access, parking and manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.12.2007;
- (c) 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 9.9.2007;
- (d) in relation to (c) 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 9.12.2007; 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.

59. The Committee also agreed to advise the applicant to :

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments that :
 - (i) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
 - (ii) the entrance/exit of the vehicle park should be kept away from the existing fire hydrant No. PH 3558 to avoid disturbance or damage of the fire hydrant;

- (b) implement relevant environmental measures as recommended in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’; and
- (c) apply to the District Lands Office/North, Lands Department for a Short Term Waiver for the regularization of structures erected on site.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/NE-LT/369 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 1063A1 and 1063A2 in DD 8, San Tong Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/369)
-

Presentation and Question Session

60. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of active agricultural activities in the vicinity and potential of the application site for agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development complied with the interim criteria for assessing planning applications for NTEH/Small House development in that the application site was within the village 'environs' of San Tong Village and there was a shortage of land in meeting the Small House demand in the "Village Type Development" zone of the village. Although DAFC did not favour the application from agricultural development point of view, all other relevant departments had no objection to the application.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of a septic tank and soakaway pit system for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any water course to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB; and

- (e) the re-provision of the existing footpath traversing the application site to the satisfaction of the Director of Lands or of the TPB.

63. The Committee also agreed to advise the applicant that :

- (a) the whole sewerage system should be properly maintained and desludged at regular intervals. The sludge should be carried away and disposed of outside the water gathering grounds;
- (b) there were low voltage cables in the vicinity of the site. The applicant and his contractors should observe the ‘Code of Practice on Working near Electricity Supply Lines’ when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structures within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the concerned cables away from the vicinity of the proposed development; and
- (c) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/NE-TK/226 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lots 443RP and 444RP in DD 28,
Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/226)
-

Presentation and Question Session

64. Dr. Kenneth S.S. Tang, 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 Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application due to its potential adverse impact on the existing landscape character and landscape resources;
- (d) one public comment was received during the statutory publication period stating that the Village Representatives of Tai Mei Tuk had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The proposed NTEH complied with the interim criteria for assessing planning applications for NTEH/Small House development in that the majority of the site and the footprint of the proposed Small House fell within the village ‘environs’ and there was a general shortage of land in meeting the Small House demand in the “Village Type Development” zone. Regarding the objection from the landscape aspect, it was noted that there were two approved applications (No. A/NE-TK/211 and 213) to the south of the site. The proposed Small House would therefore not be incompatible with the surrounding rural environment. In this respect, the Director of Agriculture, Fisheries and Conservation had no strong view against the application from nature conservation point of view.

65. Members had no question on the application.

Deliberation Session

66. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

67. The Committee also agreed to advise the applicant that :

- (a) extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve the land matters associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal method for the proposed development; and
- (c) the permission was only given to the development under application. If the provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/NE-TK/227 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 518A2 in DD 26,
Shuen Wan Lei Uk Village, Tai Po
(RNTPC Paper No. A/NE-TK/227)
-

Presentation and Question Session

68. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period stating that the Indigenous Inhabitant Representative of Shuen Wan Lei Uk Village had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

69. Members had no question on the application.

Deliberation Session

70. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

71. The Committee also agreed to advise the applicant that :

- (a) extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve the land matters associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) site formation submission covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed development should be made to the Building Authority for approval as required under the provision of the Buildings Ordinance;
- (c) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal method for the proposed development; and
- (d) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session Only)]

- (viii) A/NE-TK/228 Temporary Barbecue Site for a Period of 3 Years
in “Agriculture” zone and an area shown as ‘Road’,
Various Lots in DD 17, Ting Kok Village,
Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/228)
-

Presentation and Question Session

72. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary barbecue site for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site area under the current application had increased almost three-fold over the previous application (from about 2 500m² increased to 7 100m²) which would affect the agricultural activities in the vicinity as well as the potential of the application site and the area for agricultural rehabilitation and conversion into full-scale leisure farm, plant nursery or horticultural garden;
- (d) four public comments were received during the statutory publication period. One of them supported the application on grounds of meeting demand for barbecue sites in Tai Po District, serving as a recreation outlet for locals as well as promoting tourism and stimulating economic growth. The other three commenters objected to the application as the barbecue site had generated adverse environmental impacts, such as waste and noise pollution, and caused public security problems in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.2 of the Paper. The proposed barbecue site was not incompatible with the floricultural gardens

and the leisure farm in the vicinity, and was compatible with the recreational uses in the surrounding areas. It would unlikely cause adverse traffic, environmental, drainage, landscape, hygiene and sewerage impacts on the surrounding areas. Relevant Government departments had no objection to/adverse comment on the application. Approval conditions on the provision of access and car parking area, drainage and landscape proposals as well as environmental measures could be imposed to alleviate any potential impacts. Regarding DAFC's comment on the significant increase in site area, it should be noted that the application site was basically similar to the previous application (No. A/NE-TK/207), with additional area for car parking and other ancillary facilities included in the current application. Nevertheless, a shorter approval period of two years was recommended in order to tie in with the expiry of the nearby temporary barbecue site (Application No. A/NE-TK/208) so that impacts of such recreational uses at the coastal area could be closely monitored.

[Dr. Lily Chiang left the meeting at this point.]

73. A Member, noting that there was no public stormwater drainage/sewerage connection in the area, was concerned about the sewage treatment/disposal method of the barbecue site as many visitors would come to the site on holidays and it was located in proximity to the Ting Kok Site of Special Scientific Interest (SSSI). Mr. W.K. Hui, DPO/STN, said that, based on their site inspection and relevant departments' comments, the barbecue site would unlikely cause adverse drainage, sewage and hygiene impacts on the surrounding areas. Besides, approval conditions on the submission of drainage proposals and the provision of precautionary/protective measures to ensure no adverse impacts on the SSSI would be imposed to address the environmental concerns if the application was approved.

74. In response to this Member's further enquiry, Mr. W.K. Hui said that there was provision of septic tanks for the toilets on site. Mr. Elvis W.K. Au said that the use of septic tanks was an acceptable measure in the New Territories where no public sewer was provided. He did not anticipate any environmental problems of using septic tanks in this case which was intended for temporary use.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 9.3.2009, 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 after 11:00 p.m. was allowed on the site during the planning approval period;
- (b) the submission of vehicular access and parking proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.9.2007;
- (c) in relation to planning condition (b) above, the implementation of vehicular access and parking proposals within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.12.2007;
- (d) 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 9.9.2007;
- (e) in relation to planning condition (d) 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 9.12.2007;
- (f) the submission of landscape proposals, 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 9.9.2007;
- (g) in relation to planning condition (f) above, the implementation of landscape proposals, 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 9.12.2007;

- (h) the provision of precautionary/protective measures within 6 months from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 9.9.2007;
- (i) 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;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

76. The Committee also agreed to advise the applicant that :

- (a) a shorter approval period of 2 years was granted so as to monitor the operation of the barbecue site;
- (b) the owners of the lots concerned should apply to the Tai Po District Lands Office for a short term waiver for the proposed temporary structures on the site and the applicant should apply for a short term tenancy in respect of the occupation of unleased Government land;
- (c) any food business conducted at the site should be covered by relevant license/permit issued by the Food and Environmental Hygiene Department;

and

- (d) the Environmental Protection Department should be consulted regarding sewage treatment/disposal aspects of the proposed development.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/TP/389 Proposed House
in “Green Belt” zone,
Lot 523 in DD 21, Pun Shan Chau Village, Tai Po
(RNTPC Paper No. A/TP/389)
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Presentation and Question Session

77. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

78. Members had no question on the application.

Deliberation Session

79. 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 9.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission of a Geotechnical Planning Review Report and implementation of mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office (GEO), Civil Engineering and Development Department or of the TPB.

80. The Committee also agreed to advise the applicant to :

- (a) apply to the Lands Department for an in-situ exchange;
- (b) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (c) note that if the nearby access road was less than 4.5m wide, the development intensity would be determined by the Building Authority under Building (Planning) Regulation 19(3);
- (d) submit site formation works to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (e) take appropriate measures to avoid affecting a large tree to the south of the application site;
- (f) make reference to the GEO publication No. 1/2000 – Technical Guideline

on Landscape Treatment and Bio-engineering for Man-made Slopes and Retaining Walls when preparing the building plan submission and the landscape submission under the Town Planning Ordinance; and

- (g) complete slope remedial works to the satisfaction of the District Lands Officer/Tai Po, and discharge the Closure Order pertinent to the application site.

[Open Meeting (Presentation and Question Session Only)]

- (x) A/ST/648 Renewal of the Temporary Planning Approval for Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in “Residential (Group A)” zone, Car Park at May Shing Court, Sha Tin (RNTPC Paper No. A/ST/648)
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81. The application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

- Mrs. Ava S.Y. Ng - being a member of the Strategic as the Director of Planning Planning Committee (SPC) of HKHA;

- Ms. Margaret Hsia - being an alternate member for the as the Assistant Director (2) of Director of Home Affairs who was a Home Affairs Department member of the SPC of HKHA;

- Mr. C.S. Mills - being an alternate member for the as the Assistant Director (New Director of Lands who was a member Territories) of Lands Department of HKHA; and

- Messrs. B.W. Chan and Y.K. Cheng - being former HKHA members.

82. The Committee noted that Ms. Margaret Hsia and Mr. C.S. Mills had tendered

their apologies for being unable to attend the meeting.

[The Chairperson and Messrs. B.W. Chan and Y.K. Cheng left the meeting temporarily while the Vice-chairman took over the chairmanship at this point.]

Presentation and Question Session

83. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of the temporary planning approval for public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from a Sha Tin District Council Member was received during the statutory publication period suggesting that residents of May Shing Court should be given priority in the letting of parking spaces and adequate car parking spaces should be reserved for visitors; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. Regarding the public comment, the applicant had confirmed that residents of May Shing Court would be accorded the highest priority in the letting of monthly vehicle parking spaces and only surplus parking spaces would be let to non-residents. For the provision of parking spaces for visitors, the applicant could be advised to let certain portion of surplus parking spaces on an hourly basis for such purpose.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 26.3.2007 to 26.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the proposed number of car parking spaces to be let to non-residents to be agreed with the Commissioner for Transport.

86. The Committee also agreed to advise the applicant that :

- (a) in letting the surplus parking spaces, priority should be given to the residents of May Shing Court;
- (b) some of the surplus parking spaces should be set aside on hourly basis for visitors; and
- (c) as the application site was within the dam break flood plain of Lower Shing Mun Dam of Lower Shing Mun Reservoir, the applicant was advised to carry out an assessment on the impacts of dam break on the proposed development and make his own provisions. The applicant was also advised to liaise with the Reservoir Safety Section of Water Supplies Department if data of dam safety was required.

[The Chairperson and Messrs. B.W. Chan and Y.K. Cheng returned to join the meeting at this point.]

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Dr. Tang left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Frederick S.T. Ng, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/TM-LTY Y/150 Temporary Covered Loading and Unloading Area and Warehouse Extension for a Period of 3 Years in “Residential (Group E)” zone, Lot 446 in DD 130 and Adjoining Government Land, San Hing Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/150)
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Presentation and Question Session

87. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary covered loading and unloading area and warehouse extension for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication periods of the application and the further information. The commenters

objected to the application on grounds that the frequent in-coming and out-going of vehicles would generate a risk to the safety of local villagers crossing the roads, and the proposed development would create adverse traffic impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. Regarding the public comments, the Transport Department had no objection to the application. Besides, an approval condition prohibiting the use of heavy vehicles (i.e. over 24 tonnes) for operation on the site was recommended in paragraph 11.3(c) of the Paper to address the traffic safety concern.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicles of 24 tonnes or more, container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) all loading/unloading activities should be carried out within the site and no reversing of vehicles was allowed from vehicular access of the site at any

time during the planning approval period;

- (e) the submission of a traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.9.2007;
- (f) in relation to (e) above, the implementation of improvement measures identified in the traffic impact assessment within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.12.2007;
- (g) 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 9.9.2007;
- (h) in relation to (g) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2007;
- (i) 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 9.9.2007;
- (j) in relation to (i) above, the provision of drainage facilities identified in the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2007;
- (k) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.9.2007;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice;

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

90. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Tuen Mun, Lands Department for cancellation of existing Short Term Tenancy and Short Term Waiver and re-issuance of new ones to regularize the structures erected on the lot and on the tenancy area;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any new building works to be erected on the site required formal submission under the Buildings Ordinance (BO). The granting of this planning approval should not be construed as cordoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Attention was also drawn to Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the development;
- (c) note the Director of Fire Services (D of FS)' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Relevant building plans incorporated with the proposed fire safety installations should also be submitted to D of FS for approval even though the submission of general

building plans was not required under the BO; and

- (d) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

[Professor Peter R. Hills left the meeting, and Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/TM-LTY Y/151 Proposed Residential Development with Retail Facilities with a Minor Relaxation of Building Height Restriction (Amendments to the Scheme Previously Approved under Application No. A/TM-LTY Y/93) in "Commercial" zone, Lots 531RP, 532DRP and 532RP in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/151)
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Presentation and Question Session

91. The Committee noted that the applicant requested on 22.2.2007 for a deferment of the consideration of the application to allow time to address the comments raised by Government Departments on the application.

Deliberation Session

92. 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.

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development did not include any parking or loading/unloading provision or any access road claiming that the assembly hall would only accommodate 20-30 persons. However, with a total GFA of 613m², the whole development was expected to have the capacity of holding more people. There was insufficient information to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas. A traffic study with regard to a realistic capacity of the development was required before the magnitude of traffic impact could be estimated. Moreover, the proposed development did not include any provision of vehicular access/emergency vehicular access (EVA) nor any alternative for EVA which was not acceptable from fire safety and building perspectives. In this respect, the Director of Fire Services would raise objection to the application if there was no provision of EVA for the development.

94. Members had no question on the application.

Deliberation Session

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

- (a) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas; and
- (b) there was no provision of emergency vehicular access to serve the proposed development.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/YL/143 Temporary Place of Recreation and Eating Place with Ancillary Outdoor Barbecue Area for a Period of 3 Years in “Village Type Development” zone, Lots 236RP(Part), 237RP(Part) and 238RP(Part) in DD 115, Ying Lung Wai, Yuen Long Town
(RNTPC Paper No. A/YL/143)
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Presentation and Question Session

96. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. However, the Committee noted that the applicant requested on 13.2.2007 for a deferment of the consideration of the application to allow time to prepare an Environmental Assessment report. As a request for deferment was received from the applicant, Members agreed that Dr. Lau should be allowed to stay in the meeting.

Deliberation Session

97. 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.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/YL/144 Proposed Shop and Services (Temporary Motor Vehicle Showroom) for a Period of 3 Years in “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” zone, 8/F to 13/F, Golden Plaza, 28 Shui Che Kwun Street, Yuen Long (RNTPC Paper No. A/YL/144)
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Presentation and Question Session

98. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. However, the Committee noted that the applicant requested on 6.3.2007 for a deferment of the consideration of the application to allow time to prepare an assessment of the future car parking demand/supply situation to address the Transport Department’s concern. As a request for deferment was received from the applicant, Members agreed that Dr. Lau should be allowed to stay in the meeting.

Deliberation Session

99. 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.

[Mr. Michael K.C. Lai left the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/YL-HT/473 Temporary Open Storage of Containers with Ancillary Office and Repair Workshops for a Period of 3 Years in “Recreation” zone, Lots 1333, 1334, 1335, 1336 and 1337 in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/473)
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Presentation and Question Session

100. Mr. Frederick S.T. Ng, 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 containers with ancillary office and repair workshops for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road (San Wai Road and Tin Ha Road) and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period of the application raising objection on grounds of unauthorized use of land (i.e. Lots No. 1331 and 1338 in DD 125) within the application site. The concerned lots were subsequently excluded from the application site by the applicant. Another public comment was received from the same commenter during the statutory publication period of the further information on the application. The commenter did not agree that the application had satisfied the “owner’s consent”, “owner’s notification” and/or “reasonable steps” requirements, and re-iterated that no consent had been obtained from the owners of the land concerned; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons as detailed in paragraph 12.2 of the Paper. The application was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that a previous application (No. A/YL-HT/113) had been approved for part of the site. The proposed development was not incompatible with the surrounding areas which were mainly used for open storage of containers or construction machinery/materials. Regarding DEP's concern on the environmental nuisance to sensitive receivers, it could be addressed by imposing approval conditions as recommended in paragraphs 12.3 (a) and (b) of the Paper.

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

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.9.2007;
- (d) in relation to (c) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2007;

- (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 9.9.2007;
- (f) in relation to (e) 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 9.12.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.9.2007;
- (h) 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;
- (i) if any of the above planning conditions (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.

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

104. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long for Short Term Wavier for erection of structures on the site;
- (c) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (d) clarify the land status and management/maintenance responsibilities of the access road leading to the site and consult the relevant lands/maintenance authorities; and
- (e) approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the premises for tyre repair and vehicle repair workshops in which activities involving storage/use of dangerous goods were likely.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/YL-HT/477 Temporary Open Storage of New/Used Vehicles (Private Cars, Light and Medium Goods Vehicles) with Ancillary Workshops and Storage for a Period of 3 Years in "Undetermined" zone, Lots 1824ARP(Part), 1824BRP(Part), 1824C(Part), 1827B(Part), 1827B1, 1828(Part), 1844(Part), 1845(Part), 1846(Part), 1848 and 1849(Part) in DD 125, and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/477)
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Presentation and Question Session

105. Mr. Frederick S.T. Ng, 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 new/used vehicles (private cars, light and medium goods vehicles) with ancillary workshops and storage for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period raising objection to/concerns on the application in the aspects of noise impacts to nearby residents at Tin Oi Estate, Tin Shui Estate and Kingswood Villas; pollution problems related to dust, noise, waste dumping and storage of waste cars; traffic congestion on narrow rural roads; and road surface damages due to loaded trucks; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. Regarding the public comments raising concerns on operational noise impacts, it should be noted that the site was about 150m away and separated by the elevated Tin Ying Road and a nullah from Kingswood Villas. With respect to the pollution concern, it was noted that no waste vehicle, container vehicle or heavy goods vehicle was proposed to be stored on site. Besides, approval conditions were recommended in paragraphs 12.5(b) and (c) of the Paper to address the environmental concern.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no storage or parking of container vehicles and heavy vehicles should be carried out on the site at any time during the planning approval period;
- (b) no vehicle dismantling, repairing or workshop activities should be carried out on the site at any time during the planning approval period;
- (c) no night-time operation between 5:00 p.m. and 9:00 a.m. on Mondays to Fridays and between 12:00 noon and 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (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 9.9.2007;
- (f) in relation to (e) above, the provision 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 9.12.2007;
- (g) the submission of a 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 9.9.2007;
- (h) the implementation of the accepted landscape proposal and the tree preservation proposal in relation to (g) above within 9 months from the date

of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2007;

- (i) 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 9.9.2007;
- (j) in relation to (i) 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 9.12.2007;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

108. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that the application lots were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from the District Lands Officer/Yuen Long, Lands Department. The unauthorized structures on

site and the unauthorized occupation of Government land should be regularized through application of Short Term Waiver and Short Term Tenancy;

- (c) clarify the land status and the management and maintenance responsibilities of the road/path/track leading to the site. The relevant lands/maintenance authorities should be consulted accordingly;
- (d) provide peripheral channel at the southern boundary of the site to intercept the flow within the site flowing into adjacent lots; ensure that the existing channels were adequate to discharge the additional flow from the site; construct and maintain all proposed drainage facilities at the applicant's own costs, and properly maintain the drainage facilities and rectify those facilities if they were found to be inadequate/ineffective during the operation. The applicant should be liable for and should indemnify claims and demands arising from any damage or nuisance caused by a failure of his drainage facilities;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection; and
- (f) submit relevant building plans incorporated with the proposed fire service installations to the Fire Services Department for approval.

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

[Open Meeting (Presentation and Question Session Only)]

- (viii) A/YL-KTN/263 Proposed Temporary Open Storage of Building Materials and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lots 375CRP(Part), 376(Part), 377ARP, 377BRP, 377CRP, 378RP, 379RP, 380(Part), 381RP, 382, 383, 384(Part) and 412 in DD 110, Tsat Sing Kong, Yuen Long
(RNTPC Paper No. A/YL-KTN/263)
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Presentation and Question Session

110. The Committee noted that the applicant requested on 15.2.2007 for a deferment of the consideration of the application to allow time to resolve further concerns on technical aspects by relevant Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/YL-KTN/273 Temporary Place of Recreation Use (including Barbecue Spot and Picnic Area) for a Period of 3 Years in “Village Type Development” and “Agriculture” zones, Lots 676(Part), 678(Part), 679(Part), 680(Part), 681(Part), 682(Part), 684RP(Part) and 1615(Part) in DD 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/273)
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Presentation and Question Session

112. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. However, the Committee noted that the applicant requested on 22.2.2007 for a deferment of the consideration of the application for one month to prepare additional information to address departmental comments and local concerns. As a request for deferment was received from the applicant, Members agreed that Dr. Lau should be allowed to stay in the meeting.

Deliberation Session

113. 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.

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

[Open Meeting (Presentation and Question Session Only)]

- (x) A/YL-LFS/155 Proposed Public Utility Installation (Telecommunications Radio Base Station) in “Green Belt” zone,
Lot 1621(Part) in DD 129,
Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/155)
-

Presentation and Question Session

114. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. There was no justification provided in the submission to locate the proposed development some 300-400m away from its intended catchment including Tin Heng and Tin Chak Estates. Also, there was no information to demonstrate the absence of suitable alternative site for the proposed development other than the subject site within the “Green Belt” zone. Moreover, no justification was given to accommodate the proposed facility on a standalone site rather than on the rooftop of buildings in the Tin Shui Wai New Town.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to reject the application and the reason was that there was no justification in the submission to demonstrate the absence of suitable alternative site for the proposed development other than the subject site which was located in the “Green Belt” zone.

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

[Open Meeting (Presentation and Question Session Only)]

- (xi) A/YL-NTM/209 Temporary Public Vehicle Park (including Container Vehicles) with Ancillary Site Offices for a Period of 3 Years in “Open Storage” zone, Lots 324(Part), 326RP(Part), 327(Part), 328RP(Part), 441RP, 442, 443B(Part) and 444CRP(Part) in DD 96, Lots 17(Part) and 21C(Part) in DD 98, and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/209)
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Presentation and Question Session

117. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (including container vehicles) with ancillary site offices for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

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

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the northern part of the site to avoid encroachment onto the work limit of the “Improvement to San Tin Interchange” project as when required by Government departments;
- (b) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.9.2007;
- (c) in relation to (b) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2007;
- (d) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.9.2007;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2007 ;

- (f) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.9.2007;
- (g) 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;
- (h) if any of the above planning conditions (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; 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.

120. The Committee also agreed to advise the applicant to :

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Office/Yuen Long (DLO/YL) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that DLO/YL should be consulted regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the application site in future. The applicant's drainage proposal/works as well as the site boundary should be reviewed in order not to cause encroachment upon areas outside his jurisdiction. No public stormwater drainage maintained by DSD was currently available for

connection. The area was probably served by some of the existing local village drains or roadside drains which were maintained by the Yuen Long District Office or the Highways Department respectively. If the proposed discharge point was to either one of these drains, agreement should be sought from the relevant departments on the proposal. For sewage disposal and treatment, agreement from the Environmental Protection Department (EPD) should be obtained;

- (d) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by EPD to minimize potential environmental impacts on the surrounding areas;
- (e) approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the site for storage/use of dangerous goods; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage.

[Open Meeting (Presentation and Question Session Only)]

- (xii) A/YL-PH/536 Temporary Religious Institution (Assembly Hall)
for a Period of 3 Years
in "Village Type Development" zone,
Lots 2018B2(Part) and 2018C1B(Part) in DD 111,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/536)
-

Presentation and Question Session

121. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary religious institution (assembly hall) for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the applicant/landowner had no intention to apply for regularization of the unauthorized structures erected thereon and the existing occupation boundary of the structure on site was larger than that under the current application;
- (d) four public comments were received during the statutory publication period raising strong objection to the application on grounds that the development had been a nuisance to the local villagers for several years, and it would affect the local customs of the villages. The commenters were also concerned about the environmental hygiene, noise nuisance and security threat that might be brought about by the development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The development was not in line with the planning intention of the “Village Type Development” zone. In this regard, DLO/YL advised that a Small House application to the north of the application site was approved on 19.7.2006. While a previous application (No. A/YL-PH/481) for the same use was approved by the Town Planning Board on review on 11.3.2005 for a period up to 31.3.2007 on an exceptional basis which was to tally with the tenancy contract and to allow time for the applicant who undertook to relocate the proposed use elsewhere, the application was revoked on 11.9.2005 due to non-compliance with approval conditions relating to the

submission of proposals on landscape, drainage facilities, emergency vehicular access, water supplies for fire-fighting and fire service installations. There was no information in the current application to demonstrate that the applicant had made genuine efforts to comply with the approval conditions nor to find alternative sites for the development. Without the provision of any technical submissions in the application, there was no information to demonstrate that the development would have no adverse drainage and landscape impacts on the surrounding areas.

122. Members had no question on the application.

Deliberation Session

123. The Chairperson remarked that an opportunity had been given to the applicant in approving the previous application No. A/YL-PH/481 so as to allow time for the applicant to relocate the proposed development.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There was no strong justification in the submission for a departure from such planning intention; and
- (b) there was no information to demonstrate that the development would have no adverse drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (xiii) A/YL-PS/266 Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years in “Village Type Development” zone, Lots 429, 431(Part), 436(Part), 437, 438, 446(Part), 447(Part) and 449RP(Part) in DD 122, Hang Mei Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/266)
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Presentation and Question Session

125. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars, lorries and coaches for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long objected to the application as the concerned lots owner failed to apply for regularization of the unauthorized structures on the application site and encroachment of the site on the adjoining Government land. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected;
- (d) two public comments were received during the statutory publication period raising objection to the application on grounds that the site was used for illegal activities such as gambling establishments, drugs dens and black-market petrol etc. which had disturbed the peaceful life in the area; the site was being changed to areas of foul water and squatters; and vehicle parking was not compatible with the surrounding residential/school uses as well as the Ping Shan Heritage Trail, and would have adverse impact on

pedestrian safety; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. A previous application No. A/YL-PS/243 for the same use on the site was approved by the Committee on 28.4.2006, considering that the provision of public parking spaces would help meeting parking demand in the area and tourists to the Ping Shan Heritage Trail. Regarding DEP's objection, the major reason was on the parking of lorries and coaches which might have adverse impacts on the surrounding residential uses. In granting permission under Application No. A/YL-PS/243, the Committee had restricted the use of the site for parking of private cars and light goods vehicles only. The same restrictions as well as restriction on operation hours for the current application were also recommended in paragraphs 11.3 (b) and (c) of the Paper. For the public comments related to illegal activities at the site, the Commissioner of Police advised that there was no evidence to substantiate the allegations. Should there be any illegal activities, appropriate enforcement action would be taken by relevant departments. With regard to the concerns on pedestrian safety, an approval condition prohibiting the parking of lorries and coaches was recommended in paragraph 11.3 (b) of the Paper to alleviate the potential vehicular/pedestrian conflict.

126. In response to a Member's query, Mr. Wilson Y.L. So, DPO/TMYL, clarified that the previous approved Application No. A/YL-PS/243 was revoked due to non-compliance with an approval condition relating to submission of the condition record of existing drainage facilities on site.

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

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (d) all the existing landscape planting on the site, including replacement of dead plants, should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities implemented under Application No. A/YL-PS/123 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.6.2007;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (i) upon 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.

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

129. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long (DLO/YL) for a Short Term Waiver and Short Term Tenancy for the erection of structure(s). DLO/YL reserved the right to take enforcement action against the unauthorized erection of structures on agricultural lots and the adjoining Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;
- (d) check and clarify the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (e) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that no ground excavation work should be involved in the proposed development; and

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

[Open Meeting (Presentation and Question Session Only)]

- (xiv) A/YL-TT/202 Temporary Place of Recreation, Sports or Culture (Barbecue Area, Hobby Farm and Mini-motorcycle Playing Ground) for a Period of 3 Years in “Agriculture” zone, Lots 1418(Part), 1419(Part), 1420(Part), 1421(Part), 1422(Part), 1423(Part), 1426(Part), 1427(Part), 1428(Part), 1429(Part), 1430(Part) and 1431(Part) in DD 118, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/202)
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Presentation and Question Session

130. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (barbecue area, hobby farm and mini-motorcycle playing ground) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the mini-motorcycle playing and barbecue activities on the site were potential noise emitters which would cause noise nuisance to nearby sensitive receivers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from an agricultural development point of view. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had gave concern on the drainage impact of the development to the

adjacent area of the site in view of its large size and hard paving;

- (d) two public comments were received during the statutory publication period of the application. One of them expressing support to the development as it could provide the villagers a place for leisure and recreation and boost the local tourist industry; but was concerned for the environmental impact generated by the development, particularly the noise generated by mini-motorcycle activities. The other commenter objected to the application on grounds of noise impact of the mini-motorcycle activities on the daily life of Nam Hang Tsuen villagers. Moreover, three public comments were received during the statutory publication periods of the further information on the application. All the three commenters objected to the application as the mini-motorcycle activities generated loud noise until late hours at night which had significantly affected the daily life of Nam Hang Tsuen villagers. It also attracted many motorcycles to run on Tai Shu Ha Road West at high speed causing danger to nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone. In this regard, DAFC did not support the application from an agricultural development point of view. DEP also did not support the application on noise nuisance grounds as the village settlements of Sung Shan New Village and Nam Hang Tsuen were some 300-500m away. Moreover, there was insufficient information in the submission on the arrangement of vehicular/pedestrian access to the site, parking spaces and loading/unloading bays. CE/MN, DSD had grave concern on the drainage impact brought about by the development to the adjacent areas. There was no information to demonstrate that the development would not cause any increase in the flooding susceptibility of the adjacent areas. In addition, public complaints and local objections had been received against the application on grounds of severe noise impact to the surrounding areas.

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was in line with the Town Planning Board Guidelines No. 13D in that the surrounding areas were mixed with open storage yards and warehouses and the departmental concerns could be addressed through the implementation of appropriate approval conditions. Regarding DEP's concern, it should be noted that there was no residential dwelling along the access track leading to the site. Besides, the potential environmental impact could be addressed by imposing approval conditions as recommended in paragraphs 12.3 (a) and (b) of the Paper.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on

the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented on site under Application No. A/YL-TYST/248 should be maintained at all times during the planning approval period;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.6.2007;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) 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
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

136. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) note that a shorter compliance period was granted so as to monitor the fulfilment of approval condition;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department for regularization of the unauthorized structures on the application site and encroachment of the site on the adjoining Government land;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (g) approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the premises for storage of wooden panel where necessary.

Remarks

137. The Chairperson said that the remaining item in the Agenda would not be open

for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.