

TOWN PLANNING BOARD

Minutes of 351st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.6.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

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

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

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

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Professor Peter R. Hills

Dr. James C. W. Lau

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
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

1. Due to a technical problem encountered with transmission to the public viewing room, the meeting formally started at 3:00 p.m.

Agenda Item 1

Confirmation of the Draft Minutes of the 350th RNTPC Meeting held on 25.5.2007

[Open Meeting]

2. The draft minutes of the 350th RNTPC meeting held on 25.5.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

3. The Secretary reported that on 5.6.2007, the Chief Executive in Council (CE in C) approved the draft Sha Tin and draft Lamma Island Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the 2 OZPs would be notified in the Gazette on 15.6.2007.

(ii) Reference of OZPs

4. The Secretary also reported that on 5.6.2007, the CE in C referred the approved Kwun Tong (South) and approved Kwai Chung OZPs to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference of the OZPs would also be notified in the Gazette on 15.6.2007.

(iii) Invitation to attend site visit

5. The Secretary said that on 4.3.2005, an application (No. A/TM/327) for a proposed petrol filling station with ancillary car washing and lubricating facilities was approved with conditions by the Committee. On 30.4.2007, an application (No. A/TM/327-1) for Class B amendments to the approved scheme was approved by the

Committee. On 5.6.2007, the Tuen Mun District Council (DC), who had raised strong objection to the proposed development, requested Members of the Board to attend a visit to the application site for a more thorough understanding of the case. The letter from the Tuen Mun DC was tabled at the meeting for Members' reference.

6. The Secretary continued to say that based on past practice, the Board would not accept such invitations but would request the relevant District Planning Officers to attend on behalf of the Board. Members were invited to consider the matter.

7. A Member said that there was already an established practice in collecting public views. Although it appeared to be the current public sentiment for more active involvement at the local district level, a decision to accept the subject invitation would set a precedent for other similar requests in future. Careful consideration of the implication was necessary. This Member opined that the current practice in collecting public views was appropriate and the subject invitation should be declined.

8. Another Member shared the view, and added that Members could attend such local activities on individual basis rather than in the capacity of Town Planning Board Members. In response, the Chairperson confirmed that Members could act in their own capacities. She reminded Members that there had not been any precedent case that the Board accepted such invitations. The Secretary added that when the two aforementioned applications were approved by the Committee in 2005 and 2007, local views objecting to the applications had been duly taken into consideration before the Committee decided on the applications.

9. In view of the above, Members agreed that the Committee should decline the current invitation and requested the District Planning Officer/Tuen Mun and Yuen Long to attend the site visit on its behalf.

Sha Tin, Tai Po and North District

[Ms. Stephanie P.H. Lai, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

statutory publication period. The major grounds of objection were ‘fung shui’, inadequate drainage facilities, sewerage, flooding and hygiene problems, insufficient open space, and traffic and environmental concerns. A local objection on similar grounds was also received by the District Officer; and

- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper. The proposed development was considered not in line with the planning intention of the “Recreation” (“REC”) zone. No strong justification was submitted for a departure from such intention. The approval of the application would set an undesirable precedent for similar applications resulting in a cumulative loss of areas for recreational purpose and adverse cumulative traffic impact.

11. In response to a Member’s enquiry on the long-term planning of the application site, Ms. Stephanie P.H. Lai said that there was currently no definite plans and implementation programme for the recreational use.

Deliberation Session

12. The Chairperson remarked that the designation of the area as “REC” zone was to reflect the planning intention of the area for recreational developments for use of the general public.

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

- (a) the proposed residential development was not in line with the planning intention of the “Recreation” zone which was primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism/eco-tourism. There was no strong justification in the submission for a departure from the planning intention; and

- (b) the approval of the application would set an undesirable precedent for other similar applications which would result in a cumulative loss of areas for recreational purpose and cumulative traffic impact.

[The Chairperson thanked Ms. Stephanie P.H. Lai, STP/STN, for her attendance to answer Members' enquires. Ms. Lai left the meeting at this point.]

[Dr. Kenneth S.S. Tang, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/372 Temporary Open-air Public Car Park
for a Period of 3 Years
in "Village Type Development" zone,
Lots 1036A, 1156, 1157A, 1168A and 1169A in DD 19,
Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/372)
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Presentation and Question Sessions

14. 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 applied temporary open-air public car park 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. The District Officer/Tai Po received a local comment supporting the application in helping to address the existing insufficiency in car parking

spaces and hence to reduce illegal parking activities; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

15. Members had no question on the application.

Deliberation Session

16. Members noted that the applied use on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone for Small House development.

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the access road leading from the application site to Lam Kam Road should be properly maintained at all times during the planning approval period;
- (b) the existing drainage facilities and landscape planting on the application site should be properly maintained at all times during the planning approval period;
- (c) the preventive measures against water pollution to the upper indirect water gathering grounds should be properly maintained at all times during the planning approval period;
- (d) the development should not cause any water pollution to the upper indirect water gathering grounds at any time during the planning approval period;
- (e) parking of heavy vehicles at the application site should be prohibited at any time during the planning approval period; and

- (f) 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.

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

- (a) resolve any land issue relating to the development with other concerned owners of the application site;
- (b) note the comments of Chief Engineer/Mainland North, Drainage Services Department in paragraph 8.1.2 of the Paper;
- (c) note the detailed comments of Chief Engineer/Development(2), Water Supplies Department at Appendix III of the Paper;
- (d) note that the site was located in an area where no public sewerage connection was available; and
- (e) observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant should liaise with CLP Power Hong Kong Limited to divert the low voltage underground cables away from the vicinity of the proposed development.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TP/390 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lot 203C1 in DD 12, Ha Hang, Tai Po
(RNTPC Paper No. A/TP/390)
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Presentation and Question Sessions

19. 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 utility installation for private project (electricity package substation);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.6.2011, 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 landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

22. The Committee also agreed to advise the applicant :
- (a) to apply to the the District Lands Officer/Tai Po, Lands Department for a Short Term Waiver;
 - (b) that the proposed electricity package substation was considered as non-exempted building works and building plans should be submitted to the Building Authority for approval prior to commencement of works;
 - (c) that the development intensity of the electricity substation should be determined by the Building Authority under Building (Planning) Regulation 19(3) if the site did not abut on a street of not less than 4.5m wide;
 - (d) to follow the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when works were carried out in the vicinity of the electricity supply lines; and
 - (e) that the proposed electricity substation should be kept clear of any road/track including footpath by a minimum distance of 1m.

Agenda Item 4

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/28-1 Extension of Time for Commencement – Approved Comprehensive Residential and Recreational Development (including Shopping Centre, Church and Kindergarten), Various Lots in DD 165, 207 and 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung (RNTPC Paper No. A/NE-SSH/28-1)

23. The Secretary said that the application was submitted by Light Time Investments

Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, declared interests in this item.

[Messrs. Alfred Donald Yap and Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

24. 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 extension of time (EOT) for commencement of an approved comprehensive residential and recreational development (including shopping centre, church and kindergarten) until 13.6.2011;
- (c) departmental comments – highlighting that the Lands Department (LandsD) had no particular comment on the EOT application but advised that a land exchange would only be processed based on the proposed intensified scheme approved under Application No. A/NE-SSH/26. The Geotechnical Engineering Office (GEO) of the Civil Engineering and Development Department reiterated the previous concern on the impact of the proposed development on the natural terrain. The Education and Manpower Bureau (EMB) advised that the provision of a kindergarten and reservation of a primary school site was no longer required. Despite the above, no objection from these and other concerned Government departments was received;
- (d) the District Officer/Tai Po received a local objection to the application stating that the applicant had no intention to implement the proposal, and the gazetted road widening of Sai Sha Road was not to alleviate road traffic but to facilitate the subject residential development only. Views were also received from the Sai Kung North Rural Committee and Sai Kung North

Sap Sze Heung Villages Office requesting briefings from the applicant on the proposal; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 8.1 of the Paper. Regarding the local objection concerning the Sai Sha Road widening works, similar objection had been lodged and dealt with under the Roads (Works, Use and Compensation) Ordinance, with technical issues to be addressed at a detailed design stage. Other concerns raised by the Government departments could be addressed by imposing appropriate approval conditions.

[Dr. Lily Chiang arrived while Mr. Elvis W.K. Au returned to join the meeting at this point.]

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 4 years until 13.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the conditions (b), (h), (i), (l), (n) and (q) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan, including a tree survey, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised hazard assessment on the Ma On Shan Water Treatment Works and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the implementation of the mitigation measures identified in the agreed environmental impact assessment on the widening of Sai Sha Road to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission and implementation of mitigation measures against water and noise pollution to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of a revised drainage impact assessment and the implementation of the mitigation measures and other drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission of a revised ecological impact assessment, taking into account the revised Master Layout Plan, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the design and implementation of improvement works on the vehicular access road network for the proposed development and the adjoining villages, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of not less than 160 private car-parking spaces, 20 coach-parking spaces and public transport facilities in the adjoining “Government, Institution or Community” zone to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) no occupation of the residential development, except for 124 dwelling units, prior to the opening of Route T7 and subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;

- (k) the diversion of water mains to be affected by the proposed development and the provision of water supply facilities to the satisfaction of the Director of Water Supplies or of the TPB;
- (l) the provision of a kindergarten and the reservation and formation of a primary school site to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (m) the submission of a natural terrain hazard assessment and the implementation of the mitigation measures identified therein, as proposed by the applicant, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (n) the provision of public open space facilities in the “Open Space” zone adjoining the “Comprehensive Development Area” zone and Tseng Tau Village, and the management of the open space which should be kept open daily for public use, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (o) the submission of a detailed maintenance and management plan for the proposed golf course and the implementation of the proposals made therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (p) the operation of the proposed golf course should be subject to a renewable short-term permission for a period of not more than one year to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (q) the submission of an implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved Master Layout Plan (MLP), together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Effort should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the internal road might have to be excluded from site area for the purpose of calculation of plot ratio and site coverage under the Buildings Ordinance;
- (c) the new guidelines for the natural terrain hazard assessment and appropriate mitigation strategy given in the Geotechnical Engineering Office Special Report No. SPR 1/2002 should be followed;
- (d) no disturbance should be made to the historic buildings in the adjacent Tai Tung Wo Liu, Che Ha, Tseng Tau, Kwun Hang, Nai Chung and Ma Kwu Lam Villages and shrines in Che Ha, Tseng Tau, Ma Kwu Lam and Nga Yiu Tau Villages;
- (e) the applicant should submit an application for amendments to the approved scheme to take account of the Secretary for Education and Manpower's advice as stated in paragraph 7.1.4 of the Paper;
- (f) the applicant should brief the Sai Kung North Rural Committee, Sai Kung North Sap Sze Heung Villages Office and concerned village representatives on the proposed development; and
- (g) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and

36 should be referred to for details.

[The Chairperson thanked Dr. Kenneth S.S. Tang, STP/STN, for his attendance to answer Members' enquires. 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. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

[Messrs. Alfred Donald Yap and Y.K. Cheng returned to join the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/358 Proposed Comprehensive Residential Development with Ancillary Club House in "Comprehensive Development Area" zone, Lots 398RP, 406RP, 407, 408RP, 409, 410RP, 411RP, 412B, 412RP, 413, 442RP, 443RP, 444, 445A, 445RP, 446A, 446RP, 447, 448, 449, 450, 451, 453(Part), 454, 455, 456, 457, 458, 459(Part), 462(Part), 464RP, and 466RP in DD 374 and Lots 248RP, 249ARP, 249B, 250RP, 251, 253(Part) and 255RP(Part) in DD 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun (RNTPC Paper No. A/TM/358)
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28. The Secretary said that the application was submitted by Fill Year Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, declared interests in this item. Nonetheless, the Committee noted that the applicant requested on 23.5.2007

for a deferment of the consideration of the application to allow more time to prepare supplementary information to address Government departments' comments. Messrs. Yap and Cheng were allowed to stay at the meeting.

Deliberation Session

29. 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 Sessions Only)]

- (ii) A/TM-LTYYY/152 Temporary Tyre Repairing Workshop and Storage of Tools for a Period of 3 Years in "Open Space" zone, Lot 2977BRP(Part) in DD 124 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/152)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary tyre repairing workshop and storage of tools for a period of 3 years;
- (c) departmental comments – highlighting that the Lands Department (LandsD) did not support the application as it involved the use of Government land.

The Leisure and Cultural Services Department (LCSD) confirmed that there was no development plan for the subject area zoned “Open Space” (“O”) for the next 3 years. No objection from other concerned Government departments was received;

- (d) three public comments objecting to the application were received during the statutory publication period. The major grounds of objection were adverse traffic impact, environmental nuisance and impact on the daily life of the residents; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper. Although the applied use was not in line with the planning intention of the “O” zone, it could cater for the local demand for tyre repairing service. According to the LCSD, there was no development programme for the “O” zone and the applied temporary use would not frustrate the long-term planning intention. The applied use would unlikely generate adverse impacts on the surrounding areas and concerned Government departments had no objection to the application. Two previous applications for the same use had been approved by the Committee before. Regarding the local concerns, it was noted that the Transport Department and Environmental Protection Department had no objection to the application.

31. In response to a Member’s enquiry on the use of Government land, Mr. Wilson W.S. Chan said that only a very small strip of Government land (5.1m) was involved in the application. The LandsD raised objection to the application because the application for a Short Term Tenancy was yet to be submitted. It was recommended to include an appropriate advisory clause to remind the applicant to liaise with the LandsD to resolve the issue.

32. Mr. C.S. Mills said that the occupation of Government land without approval should not be encouraged. Nonetheless, the LandsD would process the case according to the usual practice should the application be approved by the Committee.

Deliberation Session

33. Members noted that there was no development programme for the “O” zone and considered that the temporary use currently applied for could be tolerated on this occasion, while emphasizing that the issue would be reconsidered, if any further period of temporary grant of permission were applied for in future.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities on the site should be maintained at all times during the approval period;
- (b) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should on the same date be revoked immediately without further notice; and
- (c) 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.

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

- (a) resolve any land issues relating to the development with the concerned land owner;
- (b) liaise with the District Lands Officer/Tuen Mun, Lands Department on the encroachment on Government land;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that tyres should not be placed outside the site;

- (d) note the Director of Fire Services' comments that the number of rubber tyres kept in storage within the premises should not exceed 500. If the number was exceeded, a Category 9A Dangerous Goods Licence for rubber tyres might be required and fire safety requirements would then be formulated accordingly;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of the proposed development was required under the BO; and the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the site; and
- (f) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TM-LTY Y/153 Temporary Open Storage for Materials
for a Period of 3 Years
in "Residential (Group E)" zone,
Lots 180(Part) and 181(Part) in DD 130 and
Adjoining Government Land, Tuen Tze Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/153)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of materials for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances from the applied use were expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. Local views supporting the application subject to no destruction to the surrounding environment and no impact on the local drainage system were received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the applied use was not in line with the planning intention of the “Residential (Group E)” zone to phase out the existing industrial uses. There was no strong justification for a departure from such intention. The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses as it was not compatible with the surrounding residential dwellings which were susceptible to environmental nuisances generated by the applied use, and no previous approval had been granted at the subject site. There was insufficient information to demonstrate that the applied use would not generate adverse environmental and drainage impacts. Approval of the application would set an undesirable precedent leading to cumulative impact on environmental degradation.

37. Members had no question on the application.

38. Members noted that the application did not comply with the relevant Town Planning Board Guidelines and there was no previous approval granted by the Committee.

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

- (a) the development was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone which was for phasing out of existing industrial uses through redevelopment for residential use. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines PG-No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that the development was not compatible with the residential dwellings in the vicinity; there was no previous approval granted at the site; residential dwellings located in close proximity to the site would be susceptible to the adverse environmental nuisances generated by the development; and there were adverse comments from concerned departments;
- (c) there was insufficient information to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “R(E)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TM-LTYT/154 Proposed Temporary Private Vehicle Park (Private Cars)
for a Period of 3 Years
in “Village Type Development” zone,
Lot 581(Part) in DD 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTYT/154)
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Presentation and Question Sessions

40. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private vehicle park (private cars) 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 was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the proposed use could be tolerated for the reasons detailed in paragraph 11.1 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the proposal could satisfy some of the local parking demand. Given the temporary nature of the proposal, the long-term planning intention of the “V” zone would not be affected. The proposed use was considered not incompatible with the rural character of the surrounding areas and would unlikely cause adverse impacts.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes in weight, including container vehicles and container trailers, were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2007;
- (f) in relation to (e) above, the implementation of the landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2008;
- (g) 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;

- (h) if any of the above planning conditions (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 the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the other concerned land owner(s);
- (b) note the District Lands Officer/Tuen Mun, Lands Department's comment on the need to apply to his office for Short Term Waiver to regularize the existing structures erected on the site;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comment that the site was in an area where no public stormwater drainage connection was available. The applicant should arrange his own stormwater disposal facilities;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of the proposed development was required under the BO; and note the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the site; and
- (e) follow the "Code of Practice on Handling Environmental Aspects of

Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL/149 Proposed Institution Use (Temporary Club and Office)
in “Village Type Development” zone,
Government Land Adjoining Lot 1774 in DD 120
(Ex-Chi Ching School), Fraser Village, Tai Tong Road,
Yuen Long
(RNTPC Paper No. A/YL/149)
-

Presentation and Question Sessions

44. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed institution use (temporary club and office) for a period of 5 years;
- (c) departmental comments – no objection from the concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

45. Members had no question on the application.

Deliberation Session

46. Referring to the proposed approval conditions set out in paragraph 10.2 of the Paper, Mr. C.S. Mills said that since the application site was Government land yet to be granted to the applicant for the proposed use, it might not be realistic to require the applicant to satisfy the conditions on maintenance of the existing drainage facilities and provision of fire service installations within the proposed time frame. He suggested that it was more appropriate to incorporate these requirements into the future Short Term Tenancy (STT) agreement.

47. In response to the Chairperson's question, Mr. Wilson Y.L. So said that provided that the LandsD would ensure inclusion of all the conditions and requirements in the STT agreement, he did not foresee any problem on Mr. Mills' suggestion.

48. In response to another Member's enquiry on the applicant's responsibility to maintain the building structure, Mr. C.S. Mills affirmed that such requirement could also be included in the STT agreement. Nonetheless, the applicant would need to secure policy support for the proposal first. The non-profit-making status of the organization was also being verified. These procedures would involve a substantial amount of time.

49. After some discussion, Members agreed that the approval conditions as recommended in paragraph 10.2 of the Paper be suitably revised to exclude the related time elements.

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 7.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of existing drainage facilities on application site to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that should the application be approved, his office would not guarantee right-of-way to any proposed Short Term Tenancy application;
- (b) 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 relevant lands and maintenance authorities should be consulted accordingly; and
- (c) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site fell within Scheduled Area No. 2 and might be underlain by cavernous marble. For any development or redevelopment of the site, extensive geotechnical investigation would be required. Such investigations might reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site. Any private development proposals were required to be submitted to the Building Authority for approval.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTS/394 Proposed Temporary Public Vehicle Park for Private Cars and Vans for a Period of 3 Years
in "Village Type Development" and "Agriculture" zones,
Lot 390RP(Part) in DD 106, Tin Sam San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-KTS/394)
-

Presentation and Question Sessions

- 52. Mr. Wilson Y.L. So, DPO/TMYL, said that the solid boundary wall along the

eastern periphery of the site as mentioned in paragraphs 2(d)(vi) and 11.3(e) of the Paper should read “2.5m” instead of “5m”.

53. Mr. Wilson Y.L. So then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle parks for private cars and vans for a period of 3 years;
- (c) departmental comments – no objection from the concerned Government departments was received;
- (d) one public comment objecting to the application on grounds of air and noise pollution and adverse impact on the rural environment was received during the statutory publication period. The objector also doubted if the development was intended as lorry parking rather than to serve the local residents; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, within which the majority of the application site fell, it could satisfy some of the local parking demand. Given its temporary nature and that no Small House application on the site had yet been received, the long-term planning intention of the “V” zone would not be frustrated. Concerned Government departments, including the Environmental Protection Department (EPD), raised no objection to the application. In order to address the local concerns on possible environmental impacts, appropriate approval conditions were recommended.

54. A Member, referring to Appendix II of the Paper, said that a previous application

(No. A/YL-KTS/349) for open storage use of private cars and vans was rejected by the Committee for reasons including adverse environmental impacts and environmental degradation and asked about the difference between that application and the current one. In response, Mr. Wilson Y.L. So said that the EPD did not support the previous application for the said open storage use and there were strong local objections from Tin Sum Village and some Rural Committee members. For the current application, only one local objection was received and no objection from concerned Government departments including the EPD was received. He said that, in general, more favourable consideration would be given to parking of private cars and vans in the “V” zone as compared to open storage uses.

Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes in weight, including container trailers/tractors was allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (e) the provision of a 2.5m high solid boundary wall along the eastern site periphery and 2.5m galvanized sheets/wire-mesh along the site periphery, as proposed by the applicant, within 6 months from the date of planning

approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2007;

- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2007;
- (g) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.12.2007;
- (h) in relation to (g) above, the implementation of the run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.3.2008;
- (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 7.12.2007;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2008;
- (k) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted 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 7.12.2007;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during planning approval, 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 to an amenity area to the satisfaction to the satisfaction of the Director of Planning or of the TPB.

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

57. 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 the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver so as to regularize the unauthorized structures erected on site;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the status of the strip of land between the site and Kam Sheung Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed.;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisances; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. Nonetheless, the application site fell within an area zoned “Village Type Development” (“V”) zone. In order not to jeopardize the planning intention of the “V” zone for Small House development, a planning permission on a temporary basis for a period of 3 years was recommended.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installation proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.12.2007;
- (b) in relation to (a) 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 7.3.2008;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (d) 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.

62. 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 the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and apply to his office for Short Term Wavier to regularize the irregularities on site;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;
- (d) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that granting of planning permission should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO). Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage;
- (e) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of building plans; and

- (f) note the comments of the Director of Health that any location in the vicinity of the proposed radio base station that was accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields for workers and public respectively in the ‘Code of Practice for the Protection of Workers and Members of the Public against Non-Ionising Radiation Hazards from Radio Transmitting Equipment’ issued by the Office of the Telecommunications Authority (OFTA), and that compliance with the above OFTA code should be verified by direct on-site measurement by the relevant parties upon commissioning of the concerned base station.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-HT/489 Temporary Open Storage of Used Electrical Appliances and Metal Wares for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3265RP(Part), 3266RP(Part), 3268(Part), 3269(Part), 3270(Part) and 3272(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/489)
-

Presentation and Question Sessions

63. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of used electrical appliances and metal wares for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the

applied use was expected. No objection from other concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper in that there was no immediate development proposal for the area zoned “Comprehensive Development Area” (“CDA”). Hence, the temporary nature of the applied use would not frustrate the planning intention of the “CDA” zone. Previous applications for similar open storage uses had been approved by the Committee and there had not been any material change in planning circumstances. Although the DEP did not support the application, its concerns could be addressed by imposing appropriate approval conditions.

64. A Member noted that there was a hostel for the mentally disabled (the hostel) to the immediate north of the application site and enquired whether the required fire service installations in the proposed approval condition in paragraph 12.3(i) of the Paper were adequate. This view was shared by another Member who pointed out that the hostel should be distinguished from ordinary residential accommodation as the occupiers might have difficulties to follow the fire safety instructions in terms of fire accidents.

65. Mr. Wilson Y.L. So replied that the application had been circulated to relevant Government departments including the Fire Services Department (FSD) for comments. Referring to paragraph 10.1.8 of the Paper, Mr. So said that the condition was suggested in accordance with the advice from the FSD which raised no objection to the application subject to a 9-litre water type/3kg dry powder fire extinguisher being provided in each of the container converted site offices. FSD's comments should have been based on the assessment of the applied use and on-site situation.

66. Mr. Wilson Y.L. So added that the two uses had been co-existing for a number of years. As shown on Plan A-2 of the Paper, there was a gap between the application site and

the hostel which might serve as a buffer to a certain extent. Within the statutory publication period of the application, no public comments or local views were received. Moreover, new approval conditions had been suggested compared with those of the previous approval, including no night-time operation; no operation on Sundays and public holidays, and no cutting, dismantling, melting, cleansing and workshop activities were allowed on the site. These conditions would minimize any possible disturbances from the applied use to the surrounding uses.

Deliberation Session

67. While having no in-principle objection to the application, a Member said that in view of the amount of goods stored on the application site as shown on Plan A-4 of the Paper, there was concern on the adequacy of the suggested fire service installations in case of fire. Another Member also raised concern on the safety of those residing in the hostel who might not react quickly in case of emergency like a fire in the vicinity. This Member suggested that the FSD be requested to reconfirm that the fire service installations suggested would be adequate, taking into consideration that the hostel was in close proximity to the application site.

68. Members considered that a decision on the application should be deferred, subject to further consultation with the FSD on the level of fire service installations to be provided on the application site.

69. After deliberation, the Committee decided to defer a decision on the application pending further consultation with the Fire Services Department on the provision of fire service installations required for the application site, in the light of the presence of a hostel for the mentally disabled nearby. The application would be submitted to the Committee for further consideration upon receipt of further advice from the Fire Services Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-HT/490 Temporary Open Storage of Second-hand Vehicles, Metals, Machineries, Parts and Ancillary Site Office for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 92(Part), 93RP(Part) and 94(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/490)
-

Presentation and Question Sessions

70. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of second-hand vehicles, metals, machineries, parts and ancillary site office 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 was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2010, 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 from 11:00 p.m. to 7:00 a.m. on Mondays to Saturdays was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, melting, cleansing and workshop activities should be carried out on the site during the planning approval period;
- (d) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/243 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/243 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2007;
- (g) the submission of 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 7.12.2007;
- (h) in relation to (g) above, the implementation of the accepted 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 7.3.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted 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 7.12.2007;

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

73. 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 the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office and apply to his office for Short Term Waiver to regularize the unauthorized structure on site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and

that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and

- (e) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)”. The proposed road improvement project was scheduled to commence in end 2007. The applicant should not be entitled for any compensation thereof.

[The Chairperson thanked Mr. Wilson Y.L. So and Mr. Wilson W.S. Chan for their attendance to answer Members’ enquires. Messrs. So and Chan left the meeting at this point.]

Sai Kung and Islands District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-HC/146 Proposed Two Houses
(New Territories Exempted House) (Small House)
in “Agriculture” zone,
Lots 627A5, 627A6, 627E and 627F in DD 244,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/146)
-

Presentation and Question Sessions

74. Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the application site fell within one of the major high quality agricultural land in Sai Kung. The potential for agricultural rehabilitation was high. No objection from other concerned Government departments was received;
- (d) seven public comments objecting to the application were received during the statutory publication period. The major grounds of objection were availability of land within the “Village Type Development” (“V”) zone for Small House development, protection of natural environment, piecemeal development and adverse traffic impact. It was proposed that guidelines be set out for orderly development so that sufficient land would be reserved for car parking spaces, pedestrian and bicycle paths, and open space; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. Although the AFCD did not favour the application, the application site was not under active cultivation. The proposed development was considered compatible with the surrounding rural and village environment. Although there were local objections, the application complied with the interim criteria for assessing planning application for NTEH/Small House development in that the application site was located within the ‘village environ’ and there was a general shortage of land in meeting the Small House demand in the “V” zone. Concerned Government departments, including the Lands Department, Transport Department and Environmental

Protection Department, did not raise objection to the application.

75. Members had no question on the application.

Deliberation Session

76. 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 7.6.2011, 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 Director of Leisure and Cultural Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of Director of Planning or of the TPB.

77. The Committee also agreed to advise the applicant that the inside services might need to be extended to the nearest government water mains for connection. The applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots and resolving any land matter associated with the provision of water supply.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) 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)
-

Presentation and Question Sessions

78. The Secretary said that the application was submitted with Hyder Consulting Ltd. (Hyder) being one of the applicants' consultants. Dr. James C.W. Lau, having current business dealings with Hyder, had declared an interest in this item. The Committee noted that Dr. Lau had sent his apologies for being unable to attend the meeting.

79. The Committee also noted that the applicant requested on 7.5.2007 for a deferment of the consideration of the application to allow more time to prepare supplementary information to address Government departments' concerns and public comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(iii) A/SLC/85 Proposed 2 Houses
(New Territories Exempted Houses)
in "Green Belt" zone,
Lot 664 in DD 333, Shap Long Kau Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/85)

Presentation and Question Sessions

81. Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

- (b) the proposed 2 houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – highlighting the Transport Department’s advice that the approval of the application might set a precedent for similar applications resulting in cumulative adverse traffic impact. The Urban Design and Landscape Section of the Planning Department (PlanD) objected to the application as the extensive clearance of natural vegetation and site formation works resulting from the development of the application site were detrimental to the existing landscape. The Geotechnical Engineering Office of the Civil Engineering and Development Department raised concerns that the proposed development might affect or be affected by the unregistered slope to the back of the application site. No objection from other concerned Government departments was received;
- (d) 20 public comments objecting to the application were received during the statutory publication period. The grounds of objection included the clearance of vegetation, adverse impact on the stability of the adjacent slope, general presumption against development in the “Green Belt” (“GB”) zone, adverse environmental, traffic and sewerage impacts, development of Small House outside the “Village Type Development” (“V”) zone and setting of an undesirable precedent; and
- (e) the PlanD’s views – the PlanD did not support the application for the reasons detailed in paragraph 12.3 of the Paper in that the proposed development was not in line with the planning intention of the “GB” zone. There was insufficient information in the submission to demonstrate that the proposed development would have no adverse geotechnical and landscape impacts on the surrounding areas. The approval of the application might set an undesirable precedent for similar applications resulting in adverse impacts on the landscape character and the environment.

82. In response to a Member’s enquiry, Mr. Michael C.F. Chan said that while some

of the existing houses in the vicinity of the application site fell within the same “GB” zone and had been approved by the Board/the Committee, some other houses were Small Houses falling within the ‘village environs’ of Shap Long Kau Tsuen and/or the “Village Type Development” zone.

83. In response to another Member’s enquiry on considerations relevant to applications for NTEH by non-indigenous villagers, Mr. Michael C.F. Chan said that in this particular case, the relevant considerations included the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone, whether the applicant had building right and the impacts generated by the proposed development.

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84. In response to the Chairperson’s enquiries on whether there had been any house on the application site and whether the Village Representatives (VRs) of Shap Long had expressed any views on the application, Mr. Michael C.F. Chan replied that there was no record of any house development on the application site before and the VRs did not express any views on the application.

85. A Member noted that under the lease, a non-industrial development of not more than 3 storeys with a built-over area of 1,300ft² (121m²) was permitted on the application site. Mr. C.S. Mills said that the lease was executed 30 years ago before the land was zoned “GB”. Although the proposed development was permitted under the lease, it required planning permission under the “GB” zone. He went on to say that the unauthorized site formation works beyond the application site came to light as a result of complaint. He did not support the application as approval of it might encourage unauthorized site formation work. Should the application be rejected by the Committee, the Lands Department would consider appropriate actions.

86. Upon the Chairperson’s enquiry, the Secretary clarified that according to the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone, there was a presumption against development. According to paragraph 2(b) of the Guidelines, an application for new development within the “GB” zone would only be considered in exceptional circumstances. She then referred Members to the Interim Criteria

for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), which was also relevant to the consideration of the subject application. According to the Interim Criteria, development of NTEH/Small House outside both the ‘village environs’ and “V” zone would normally be not approved unless under very exceptional circumstances, one of which was that the application site had a building status under the lease. Compared with the previous application (No. A/SLT/34) approved by the Committee, there was no significant change in planning circumstances under the current application, apart from the illegal site formation works and clearance of vegetation taken place. In this respect, as confirmed by Mr. Michael C.F. Chan, there was no evidence to attribute the carrying out of the illegal activities to any party.

87. A Member referred to paragraph 2(g) of the Town Planning Board Guidelines No. 10 which stated that the development within the “GB” should not involve extensive clearance of existing natural vegetation or affect the existing natural landscape. The proposed development did not comply with the Guidelines in this respect. Moreover, 20 public comments objecting to the application had been received. After balancing various factors, this Member opined that the current application should not be supported.

88. In response to another Member’s enquiry, Mr. Michael C.F. Chan said that no objection was received when the application site was zoned to “GB”.

89. The Chairperson concluded that the application site involved a previously approved application and it had a building status under the lease. The scale of the proposed development was permissible under the lease. The illegal site formation works and vegetation clearance should not be a material consideration, unless there was solid proof of the relationship of the responsible party and the applicant. On the other hand, the proposed development was within the “GB” zone and the applicant had not provided sufficient information in the submission to address the relevant impacts. With due regard to the Town Planning Board Guidelines, the application could not be supported.

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

- (a) the proposed development was not in line with the planning intention of the

“Green Belt” (“GB”) zone which was to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. No strong justification had been given in the submission for a departure from the planning intention;

- (b) there was insufficient information in the submission to demonstrate that the proposed development would have no adverse geotechnical and landscape impacts to the surrounding areas; and
- (c) approval of the proposed development would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in encroachment on the “GB” zone and would degrade the environment of the area.

[The Chairperson thanked Mr. Michael C.F. Chan, DPO/SKIs, for his attendance to answer Members’ enquires. Mr. Chan left the meeting at this point.]

Agenda Item 7

Any Other Business

91. There being no other business, the meeting was closed at 4:20 p.m..