

## **TOWN PLANNING BOARD**

### **Minutes of 354th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.7.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Dr. Lily Chiang

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr. Lawrence Ngo

Assistant Director/New Territories, Lands Department  
Ms. Eugina Fok

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

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 353rd RNTPC Meeting held on 13.7.2007

[Open Meeting]

1. The draft minutes of the 353rd RNTPC meeting held on 13.7.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Closed Meeting]

**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.]

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Session Only)]

Y/SK-TMT/1            Application for Amendment to the  
Draft Tai Mong Tsai and Tsam Chuk Wan  
Outline Zoning Plan No. S/SK-TMT/3  
from “Coastal Protection Area (1)” to “Village Type Development”,  
Lot 498RP in DD 257,  
Tsam Chuk Wan, Sai Kung  
(RNTPC Paper No. Y/SK-TMT/1)

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Presentation and Question Session

6. Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung & Islands (STP/SKIs), and the following applicant/applicant's representatives were invited to the meeting at this point :

Mr. Lai Wah-hei	- Applicant
Mr. Lai Kam-tong	)
Mr. Lee Chi-fung	) Applicant's Representatives
Ms. Betty S.F Ho	)

7. The Chairperson extended a welcome and explained the hearing procedures. The Chairperson then invited Ms. Ann O.Y. Wong, STP/SKIs, to brief Members on the background to the application.

8. 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 draft Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) from "Coastal Protection Area (1)" ("CPA(1)") to "Village Type Development" ("V") zone to facilitate the development of two New Territories Exempted Houses (NTEHs);
- (b) the application site was zoned "CPA" on the draft Tai Mong Tsai and Tsam Chuk Wan Development Permission Area (DPA) Plan No. DPA/SK-TMT/1 gazetted on 29.9.2000. During the exhibition of the DPA Plan, one of the objections (Objection No. 2) objected to the "CPA" zoning of the application site as it would affect its redevelopment potential and proposed to rezone it to allow for residential development. After preliminary consideration of the objection, the Town Planning Board (TPB) decided not to propose any amendment to the DPA Plan to meet the objection on the grounds that the "CPA" zoning was appropriate, redevelopment potential of the objection site had not been affected as

'House (Redevelopment Only)' was a Column 2 use, and no information to demonstrate that the proposed rezoning would not have adverse impacts on landscape and infrastructure provision in the area;

- (c) the application site was zoned "CPA(1)" on the draft Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/1 gazetted on 26.9.2003. During the exhibition of the OZP, one objection (Objection No. 1) was received objecting to the "CPA(1)" zoning of the application site and its adjoining fish ponds, and proposing to rezone it to allow for recreational fishing. After giving preliminary and further considerations to the objection on 16.1.2004 and 14.4.2004 respectively, the TPB decided not to propose any amendment to the OZP to meet the objection;
- (d) the District Lands Officer/Sai Kung (DLO/SK) did not support the application from the Small House Policy point of view as the applicant had already been granted a small house at Lot 632 in DD 257 of Tsam Chuk Wan Village in 1980 by way of private treaty, and the current application site was outside the village 'environs' ('VE') of Tsam Chuk Wan Village. A previous application for redevelopment of house at the subject site was rejected by DLO/SK as any application for redevelopment should be made by all the registered owners of the lot. According to the records of District Survey Office, the alleged building structure could not be traced on the aerial photo taken on 17.2.1963. However, original copy of the Demarcation District (D.D.) Sheet of Wong Nai Chau (D.D. 257) in 1950 had mapped out a building line at the subject lot. Based on such records, a house was believed to be in existence at the time of conducting the survey for preparation of the then Block Crown Lease (BCL). The registered area as shown on the said BCL was 0.03 acre House;
- (e) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development would adversely affect the existing natural setting. Rezoning of the site would also set an undesirable precedent and encourage developments to spread from northwest to southeast, causing fragmentation

of the natural coastline and adversely affecting the existing attractive landscape. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application since approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative traffic impacts of similar developments on the local road network had not been assessed and ascertained;

- (f) sixteen public comments were received during the statutory publication period raising objection to the application on the grounds that the “CPA(1)” zoning was appropriate; approval of the application would destroy the integrity of the “CPA(1)” zone; setting of undesirable precedent; and potential pollution of nearby water caused by sewage leakage. Besides, one public comment questioned the legality of the ownership of the application site;
- (g) apart from DLO/SK’s advice that the alleged building structure could not be observed on the aerial photo taken in 1963, further checking of aerial photos taken in 1945 and 1956 by the Planning Department (PlanD) confirmed similar observations. No building or structure could be observed from the aerial photos including those taken on or after the first publication (i.e. 29.9.2000) of the draft DPA Plan. Other than the photo in Drawing Z-2 of the Paper, the applicant had not provided sufficient evidence to substantiate his claim for the previous existence of a house at the application site; and
- (h) PlanD did not support the application for reasons as detailed in paragraph 11.2 of the Paper. The application site formed an integral part of the continuous “CPA” zone extending from Tsam Chuk Wan to Wong Keng Tei. The area was of high scenic quality worthy of conservation, and had not been spoilt by developments. The “CPA(1)” zone was considered appropriate to safeguard the character of the natural shoreline. Approval of the rezoning proposal would set an undesirable precedent for other similar applications in the area. Also, the cumulative traffic impacts of

approving similar developments on the local road network had not been assessed and ascertained. Moreover, the application site fell outside the 'VE' of Tsam Chuk Wan Village and the applicant had already been granted a Small House by way of private treaty in 1980.

9. The Chairperson then invited the applicant and his representatives to elaborate on their justifications for the application.

10. Ms. Betty S.F Ho made the following main points:

- (a) although 'House (Redevelopment only)' was a Column 2 use under the Notes of the "CPA(1)" zone, it was restricted to redevelopment of an existing house. Since the original 'ancestral house' at the subject site had collapsed in 1970s before the first gazetting of the DPA Plan in 2000, the applicant was not qualified to apply for 'House (Redevelopment only)' under section 16 of the Town Planning Ordinance (TPO). As such, rezoning of the site to "V" was the only means for the applicant to rebuild his houses at the subject site;
- (b) the subject lot was a 'building and garden' lot held by the applicant's family for over a century. She reiterated that the applicant intended to build houses on his house lot which was entitled under the land lease. She pointed out that DLO/SK's objection to the application from the Small House Policy point of view was irrelevant as the proposed houses were different from NTEHs defined under the said policy;
- (c) by referring to the survey plan of the District Survey Office in 1983, Lot 498A to the immediate north of the application site had been resumed by the Government. The subject site (Lot 498RP) had a site area of about 260m<sup>2</sup>, of which about 111.5m<sup>2</sup> was for house use and about 154.2m<sup>2</sup> for agricultural purpose. The applicant intended to build two houses on the house part of the lot;
- (d) the Director of Agriculture, Fisheries and Conservation (DAFC)'s only

comment was that the application site was mainly grassland. DAFC had no adverse comment on the rezoning application provided that discharge or runoff from the subject site during and after construction would not pose any adverse effects on fish culture activities in the adjacent fish pond. In this regard, Ms. Ho said that the proposed redevelopment would be carefully planned with adequate sewage treatment and drainage facilities so as to ensure water quality of the nearby fishpond would not be affected. Moreover, there were two very large trees on the site which would definitely be preserved by the applicant;

- (e) within the “CPA” zone extending from Tsam Chuk Wan to Wong Keng Tei, there were some 3-storey NTEHs in the vicinity of the application site. They included a development on the opposite side of Tai Mong Tsai Road and two individual lots to the northeast of the site, all of which were zoned “V” and were small in scale. The proposed redevelopment was also small in scale as the size of the two NTEHs would be smaller than the original structure. It was compatible with the village environment and would not cause significant adverse impact to the surrounding areas; and
- (f) while the “CPA” zoning for this area was supported by the applicant, it should not deprive the applicant’s building rights under the lease. The proposed redevelopment would be carefully planned to conserve the existing ecology and more trees would be planted to beautify the environment.

11. The applicant said that he was born in the ‘ancestral house’ at the site and was now 73 years old. The house collapsed when he was in his 30s. He was very poor at that time, hence not able to redevelop the house which had become ruins. The applicant now intended to build two NTEHs at the site so that the three generations of the family could stay together and to preserve the family’s heritage.

12. Mr. Lee Chi-fung said that he was in his 50s. He recalled that there was a pier near the old house which was covered by Short Term Tenancy. People at that time had used the pier for travelling to and from Sai Kung by boats. He always visited the applicant’s old

house when he was a child. He pointed out that it was unreasonable for the TPB not to allow the owner of the subject site to build houses on his own lot.

13. Mr. Lai Kam-tong said that all his family members hoped that approval could be given by the TPB so that they could rebuild their ancestral house for the descendants' future accommodation.

14. Ms. Betty S.H. Ho supplemented that the problem faced by the applicant was that, regardless of his building rights under the lease, the proposed redevelopment was not permitted under the TPO. She believed that if the original house were not collapsed before the first publication of the DPA Plan, it would also have been zoned "V".

15. A Member asked whether it would be possible that the view of the old house from the aerial photos was obstructed. Ms. Ann O.Y. Wong said that if the 3-storey old house was in the form as shown on Drawing Z-2 of the Paper and existed on site as claimed by the applicant, it should not be difficult to be distinguished from the surrounding woodland or grassland. Moreover, DLO/SK advised that no building structure could be observed on the aerial photos taken in 1963. This Member then asked the applicant whether further evidence could be provided to prove that the photo at Drawing Z-2 of the Paper was the ancestral house previously existed on the subject site. Ms. Betty S.H. Ho drew Members' attention that there were two houses in the vicinity of the application site, which was zoned "V", but they could neither be spotted according to the aerial photos concerned. She said that the applicant did not have other evidences to prove the existence of the house, nonetheless, the most important point should be the applicant's building rights on the subject lot was clearly stated in the land lease.

16. In response to a Member's question, Ms. Ann O.Y. Wong said that the statement in paragraph 2(c) of the Paper, i.e. remains of the house's walls and corner stones could still be found and the dimension of the house could still be traced, was provided by the applicant in support of the application. She also said that an existing land use survey had been conducted in preparing the DPA Plan before its gazetting in 2000. According to the survey, the subject site was vacant at that time. Another Member questioned whether existence of the corner stones claimed by the applicant could be a good evidence. Ms. Ann O.Y. Wong, by referring to the site photo taken on 22.12.2006, said that the stones found on the site did

not appear to be the remains of the house's walls. In this regard, the applicant said that after the house was collapsed, it was further disturbed by cows moving around in that area.

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

17. A Member asked whether the applicant could just redevelop his house based on the house lot. Ms. Ann O.Y. Wong said that under the "CPA(1)" zoning, there was provision for 'House (Redevelopment only)' as a Column 2 use and planning permission from the TPB would be required. In this regard, the proposed development could only proceed by way of amendment to the zoning of the OZP. Ms. Wong added that there were similar requests for rezoning in this area which were rejected by the Committee mainly on grounds of planning intention and local objections. Ms. Betty S.H. Ho supplemented that the problem faced by the applicant was that he could not obtain planning permission under section 16 of the TPO as the house should be physically existing when the DPA Plan was first gazetted in 2000.

18. In response to the Chairperson's enquiry, Ms. Ann O.Y. Wong said that the objection received for the DPA Plan gazetted in 2000 was not submitted by the applicant.

19. As the applicant and his 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 and his representatives as well as PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

20. The Chairperson remarked that existence of the house at the application site was only a relevant consideration if the applicant applied for redevelopment of the house under section 16 of the TPO. A Member asked whether foundation of the house, if found, could be accepted as a proof for the previous existence of a house. The Secretary said that with the definition of 'existing building' revised as part of the Master Schedule of Notes revision,

‘existing building’ meant a house which was physically in existence when the DPA Plan concerned was first gazetted.

21. Members generally agreed that approving the rezoning request would set an undesirable precedent for other similar applications in the area, and that the current zoning was appropriate to protect the existing fish ponds of high landscape and scenic value.

22. 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 continuous “Coastal Protection Area” zone extending from Tsam Chuk Wan to Wong Kei Teng Tei in the east. The area, which was of high scenic quality worthy of conservation, had not been spoilt by development. The “Coastal Protection Area (1)” zone was considered appropriate to safeguard the character of the natural shoreline and to prevent haphazard coastal development; and
- (b) the approval of the rezoning request would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such requests would lead to adverse impacts on the existing fish pond, natural landscape, traffic provision and coastal environment in the area.

[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-TCTC/33 Proposed Amendment to the Approved Master Layout Plan (MLP) from Commercial Area (Primary School Part) to Proposed Religious Institution (Church) and Retail Use at the Podium Ground Level at Tung Chung Town Lot (TCTL) No. 3, TCTLs 1, 2, 3, 4 and 5, Tung Chung Town Centre (RNTPC Paper No. A/I-TCTC/33)
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23. The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). As the Assistant Commissioner for Transport was an alternate member for the Deputy Secretary for Transport and Housing (Transport) 1 who was a member of the Board of MTRC, Mr. Y.M. Lee of Transport Department declared an interest in this application.

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

#### Presentation and Question Session

24. 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) proposed amendment to the approved Master Layout Plan (MLP) from commercial area (primary school part) to proposed religious institution (church) and retail use at the podium ground level at TCTL 3;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eleven public comments were received during the statutory publication period. One of them agreed with the application as there was a lack of large-scale church in Tung Chung. The other comments objected to the

application on the grounds that there were already a lot of retail shops; the proposed church would only benefit a certain quarter of the community; the subject premises could not be used to serve the majority of residents in Tung Chung; no provision of international school to serve foreign residents; create visual impact and degrade the living environment; and create security problem by attracting people from all walks of life; 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 application only involved minor amendments to the MLP previously approved by the Committee. Relevant departments, including the Secretary for Education, had no objection to/adverse comments on the proposed changes. The proposed church and retail use were not incompatible with the surrounding residential developments. The proposed uses were small in scale and would unlikely cause significant adverse impacts on the locality. There were separate access for the proposed uses, hence should not create any security problem.

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

25. In response to a Member's enquiry, Ms. Ann O.Y. Wong, by referring to Appendix Ia of the Paper, said that the proposed religious institution was a church, and according to the applicant, the subject premises would be used as an assembly venue mainly for use on Saturdays and Sundays.

#### Deliberation Session

26. In response to a question from a Member, the Secretary said that religious institution was a broad use term which included church, temple and mosque etc. The current application was for the development of a church which would unlikely cause environmental concerns as expressed by some public commenters.

27. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.7.2011, 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 a revised MLP, taking into account conditions (b), (d), (e), (f) and (g) below and including a development programme, to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of kindergartens and associated car parking and/or setting-down/picking-up areas to the satisfaction of the Secretary for Education or of the TPB;
- (c) the provision of noise mitigation and air quality control measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the design and provision of a day nursery to the satisfaction of the Director of Social Welfare or of the TPB;
- (e) the building heights of the proposed development in terms of the number of storeys and metres above the principal datum to the satisfaction of the Director-General of Civil Aviation or of the TPB;
- (f) the design and implementation of the outdoor amenity and recreational facilities to minimise the adverse impacts of the “shadow effect” to the satisfaction of the Director of Planning or of the TPB; and
- (g) the detailed design and provision of car, cycle and motorcycle parking spaces, and loading and unloading bays to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approved MLP, together with the 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. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;

- (b) the general building plans and the landscaping submission should be submitted to the Lands Department for approval under the lease;
- (c) the emergency vehicular access (EVA) proposed inside the townhouse area should be generally designed exclusively for use by emergency vehicles, and emergency crash gates should be installed at both ends of the EVA to prevent entry of non-emergency vehicles; and
- (d) lease modification for implementation of the proposed religious institution (church) should be submitted to the Lands Department for approval under the lease.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/SK-HC/136 Proposed Low-density Residential Development in “Residential (Group E)” zone, Lot 300, 305RP, 306RP, 307RP, 343A2(Part), 344, 345, 346, 347 and 349RP(Part) in DD 210 and Adjoining Government Land, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/136)
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Presentation and Question Session

29. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with BMMK Ratcliffe Hoare & Co. Ltd., which was one of the consultants for the application.

[Dr. James C.W. Lau left the meeting temporarily and Mr. Y.M. Lee returned to join the

meeting at this point.]

30. 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 low-density residential development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) six public comments were received during the statutory publication period raising objection to the application on grounds of possible blocking of existing village access, drainage problem, adverse traffic impact and parking problem incurred by the proposed development. The District Officer advised that an objection against the application was received from the Mutual Aid Committee of Luk Mei Tsuen mainly on grounds of residents' imminent need for the provision of a public car park in the village. He asked for the incorporation of the public car park provision into the road improvement project on Hiram's Highway; 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. The proposed residential development was in line with the planning intention of the "Residential (Group E)" ("R(E)") zone, and its development intensity complied with the relevant plot ratio restrictions. For the environmental concerns on the compatibility with existing industrial operation, the assessment conducted by the applicant had indicated that there was no significant adverse environmental impact. Other concerns on the improvement works at Luk Cheung Road, internal traffic facilities and parking provision, landscape and tree preservation as well as archaeological issue would be addressed by imposing appropriate approval conditions. Regarding the public comments received on traffic impact, access concerns

and drainage problem, relevant Government departments had no objection to the proposed development. To minimise the potential traffic impact, an approval condition on the widening of Luk Cheung Road was recommended to be imposed. The provision of public car parking spaces would be dealt with by relevant Government departments as a separate matter.

31. In response to a Member's question, Ms. Ann O.Y. Wong said that about 22% of the application site was Government land, most of which were located at the eastern part of the site abutting Hiram's Highway. In reply to the Chairperson's query, Ms. Ann O.Y. Wong said that Lot 288RP was not included in the application site as the land owner could not be contacted. This lot had a direct access to Luk Cheung Road and would not be land-locked by the proposed development.

32. A Member asked what would be the proposed use of the Government land abutting Hiram's Highway. Ms. Ann O.Y. Wong said that, the applicant proposed to setback the development from Hiram's Highway to avoid encroachment upon the road widening project limit. According to the proposed layout plan, the Government land would form part of the setback area and a swimming pool. Ms. Wong added that the area to the immediate south of the application site was the subject of an application (No. A/SK-HC/119) for 13 houses submitted by the same applicant. The application was approved with conditions in June 2005, and one of the approval conditions was setting back of the development from the road kerb of Hiram's Highway.

#### Deliberation Session

33. By referring to Drawing A-1 of the Paper, some Members were concerned whether Lot 301, lying to the south of Lot 288RP, would become land-locked upon the approval of the current application and the development of the approved application (No. A/SK-HC/119) to its immediate south. By referring to the proposed layout plan submitted under Application No. A/SK-HC/119, the Secretary pointed out that access to Lot 301 was via an internal road of the subject development. In reply to the Chairperson's question, Ms. Eugina Fok of Lands Department (LandsD) said that if the application was approved, the applicant should apply for a land exchange to effect the proposed residential development.

She advised that in processing the application, LandsD would try to ensure that a right-of-way be provided within the proposed development to maintain an access for the residents of the lot(s) affected.

34. As the proposed development was required to setback from Hiram's Highway to facilitate the road widening project, some Members were concerned whether the Government land abutting Hiram's Highway should be included in the site boundary and counted for gross floor area (GFA) calculation. In reply to the Secretary's question on the land policy in this respect, Ms. Eugina Fok said that when the application for land exchange was received by LandsD, concerned Government departments including the works departments would be consulted on the proposed land exchange. Relevant lease conditions would be imposed not to allow any building or structure to be erected on the setback portion of the site. She added that as the road project was tentatively programmed to commence construction in 2009, there stood a possibility that the Government land concerned would not be included in the land grant.

35. In view of the implementation programme of the road project, Members generally agreed that the Government land concerned should be excluded from the application site boundary. As the site area as well as the achievable GFA would be affected, corresponding changes to the proposed layout would be necessary. Members agreed that the application should be deferred pending the submission of a revised scheme from the applicant.

36. After deliberation, the Committee decided to defer a decision on the application pending the submission of a revised scheme from the applicant with the exclusion of the Government land abutting Hiram's Highway from the site boundary. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of a revised scheme from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the revised scheme.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/SK-HC/147 Proposed Three New Territories Exempted Houses (NTEHs) (Small Houses) in “Agriculture” zone, Lots 430RP, 431B, 434L, 435F, 431RP, 433G, 434K, 435G, 433H and 434J in DD 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/147)
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[Dr. C.N. Ng and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

### 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 three NTEHs (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of potential of the application site for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as approval of the application and others would have moved the boundary between village and agricultural land westwards up the valley to the detriment of the existing landscape character. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as it would set an undesirable precedent for future similar applications and might have cumulative traffic impact which had not been assessed;
- (d) five public comments were received during the statutory publication period raising objection to the application mainly on grounds of protection of

natural environment, piecemeal development and traffic problem. They proposed that Small House development should be carried out comprehensively following guidelines set by the Lands Department to ensure the uniformity of houses and the provision of adequate car parking spaces, pedestrians and bicycle paths, green area and communal public open spaces; 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 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 Small House development in the "Village Type Development" ("V") zone. Although DAFC was not in favour of the application, the site and its surrounding area were not under active cultivation. Regarding AC for T/NT's concern on the potential cumulative traffic impact, since there was no parking space proposed for the development, the traffic impact would be minimal. The landscape concern could be addressed by imposing relevant approval conditions. For the public comments, it was noted that there was insufficient land within the "V" zone for Small House development. The allocation of land for Small House development would have to comply with the guidelines set by the Lands Department.

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 27.7.2011, 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 an 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;
- (b) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

40. The Committee also agreed to advise the applicant that extension of the inside services to the nearest government water mains for connection might be needed. 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.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/SK-PK/153 Temporary Air Duct Workshop  
for a Period of 3 Years  
in an area shown as 'Road',  
Lots 4E(Part) and 4RP(Part) in DD 212  
and Adjoining Government Land,  
Tui Min Hoi, Sai Kung  
(RNTPC Paper No. A/SK-PK/153)
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#### Presentation and Question Session

41. 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. The Committee noted that the applicant requested on 28.6.2007 for a deferment of the consideration of the application to allow time to negotiate with the landlord of Lot 4E in DD 212, which formed part of the access road in the application, for the continuous usage

of the access road.

### Deliberation Session

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

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

### **Tsuen Wan and West Kowloon District**

[Mr. Edward P.L. Li, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

### **Agenda Item 5**

#### Section 16 Application

[Open Meeting (Presentation and Question Session Only)]

A/I-MWI/40            Proposed Hotel Development  
                          in "Comprehensive Development Area" and  
                          "Other Specified Uses" annotated  
                          "Recreation and Tourism Related Uses" zones,  
                          Part of Ma Wan Lots 151, 214, 215 and 218, Ma Wan  
                          (RNTPC Paper No. A/I-MWI/40D)

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#### Presentation and Question Session

43. Mr. Edward P.L. Li, STP/TWK, said that the application was first received on 20.5.2006. The consideration of the application was subsequently deferred four times, three of which were submitted by the applicant and agreed by the Committee on 7.7.2006, 19.1.2007 and 13.4.2007 respectively. The reasons for the first two deferments were to allow time to resolve issues raised by relevant departments. The last deferment granted on 13.4.2007 was to allow time for the applicant to clarify with the Lands Department (LandsD) on the details as well as the design and implementation of the gazetted road connection to and through the application site, and to prepare supplementary information for submission as soon as the issue was clarified. The deferment proposed by the Planning Department (PlanD) and agreed by the Committee on 3.11.2006 was to seek legal advice and clarification from the applicant on development intensity issue. On 13.6.2007, the applicant requested for the fourth time to defer the consideration of the application for another two months as he had not yet received a satisfactory reply from the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT) regarding the gazetted road scheme connecting the application site. Mr. Edward P.L. Li said that a total of six months had already been allowed for the applicant to prepare further information for submission to the Committee since the granting of the first deferment about one year ago. As there was no strong justification to warrant a further deferment, it was recommended that the applicant's request should not be acceded to.

[Dr. C.N. Ng and Mr. Tony C.N. Kan returned to join the meeting at this point.]

44. In response to the Chairperson's enquiry on the relevant factors to be taken into account in granting further deferment, the Secretary said that, according to the Town Planning Board (TPB) Guidelines No. 33, a request for deferment either by the applicant or PlanD up to two months would normally be granted by the TPB and no further deferment would be granted except under very special circumstances. In considering a request for further deferment, the TPB would take into account all relevant factors, including the reasonableness of the request, duration of the deferment, and whether the right or interest of other concerned parties would be affected. The Secretary continued that in drafting the relevant TPB guidelines, views/comments from the Real Estate and Developers Association of Hong Kong (REDA) and the public had been considered and incorporated where appropriate. The guidelines were intended to ensure that consideration of applications would not be unduly deferred causing delay to development proposals and/or undue anxiety

on the public caused by the delay in making a decision on the development proposal. The Chairperson supplemented that further deferment would also create uncertainties to those public members who had submitted their comments to the TPB in response to the publication of relevant applications. In response to a Member's query, the Secretary clarified that should the Committee consider that a deferment was not warranted, it might proceed with the consideration of the application at this meeting.

#### Deliberation Session

45. In reply to a Member's question, the Secretary said that the current application would not affect the right and interest of any third parties, but local objections were received against the proposed development. This Member suggested that the applicant's current request for deferment might be agreed for the last time and the applicant should be advised of the Committee's concern on deferring the consideration of the application for a prolonged period (about one year).

46. In response to the Chairperson's query, Mr. Edward P.L. Li, by referring to Appendix Ii of the Paper, said that the applicant claimed that he had repeatedly written to the DLO/TW&KT demanding for the implementation of the gazetted road scheme authorised in 1996 but had not received a satisfactory reply. In the opinion of the applicant, the design and implementation of this gazetted road were crucial for the proposed resort hotel development. The applicant's request for further deferment of the consideration of the application was to ascertain with LandsD on issues related to the gazetted road connection. Mr. Edward P.L. Li also said that the gazetted road scheme was part of Ma Wan Park development. The road alignment had been changed under the revised Ma Wan Park development scheme which was approved by the Committee on 21.3.2003 (Application No. A/I-MWI/27). As advised by DLO/TW&KT, the gazetted road connection to the application site was now not necessary for the purposes of the Ma Wan Park development, hence the connection road would not be implemented by the Government. LandsD was considering gazetting of the deletion of this section of the authorised road scheme within the subject lots.

47. Members noted that implementation of the road scheme was outside the purview of the TPB. Therefore the justification given by the applicant for the deferment, i.e. more

time required to further liaise with LandsD on road implementation issues, was not substantiated. Moreover, the connection road did not form part of the hotel application as submitted to the TPB for consideration. Whether the application site could be provided with the road connection would be something for the applicant to sort out with relevant parties.

48. After deliberation, the Committee agreed not to accede to the applicant's request for deferment on the application for the reason that the request for deferment did not meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that sufficient time had been given to the applicant to address relevant Government departments' concerns since the last deferment and there was no strong justification in the applicant's submission to warrant a further deferment of the consideration of the application. The Chairperson suggested and Members agreed to proceed with the consideration of the application.

#### Presentation and Question Session

49. Mr. Edward P.L. Li then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories pointed out that vehicular access to Ma Wan was controlled under a permit system, and private car was not allowed to enter Ma Wan at present. He did not support relaxation of the vehicular access restriction for the proposed hotel development and also the proposed lay-by for private car. Also he had reservation on the proposed use of golf carts to provide shuttle service in addition to one limousine and two mini-buses serving between the proposed development and Tsing Yi MTR Station. A co-ordinated approach should be used in conjunction with other developments in Ma Wan. The Director of Environmental Protection

considered that surface and stormwater run-off from the proposed development during the construction and operation stages might have water quality impact to the sensitive areas of the fish rafts at Kung Tsai Wan of Ma Wan. The applicant had failed to submit further water quality impact assessment for his consideration. The Director of Agriculture, Fisheries and Conservation did not support the application mainly on grounds of no impact assessment on habitats, flora and fauna of the site; habitat fragmentation of the woodland; excessive tree felling; and no proposed mitigation measure for the habitat lost;

- (d) seven public comments were received during the statutory publication period. Five of them raising objection to/concerns on the application mainly on grounds of ecological and traffic impacts; provision of recreational facilities for residents; access arrangement to Lau Fa Tsuen; accommodation of graves within the site and disturbance to shrine/temple due to construction works; and delay to the implementation of Ma Wan Park. The other two comments were from the same commenters stating that they had 'no comment' on the application. The District Officer advised that the existing access roads should be maintained as far as possible for the convenience of the villagers in Ma Wan. Should there be any changes to the routes of the footpath due to the proposed hotel development, prior agreement from the Ma Wan Rural Committee and villagers should be obtained; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.2 of the Paper. The proposed development had occupied a large portion of the densely wooded areas at the southern part of the site when compared with the previous approved scheme (No. A/I-MWI/20). The proposed layout would result in habitat fragmentation of the woodland but no mitigation measure had been proposed for the habitat loss. The ecological assessment report had not covered the impact evaluation of the development on the habitats, flora and fauna of the application site. The scale of tree felling was extensive. Although 67 trees would be saved from felling owing to the reduced road

extent, the total number of trees to be felled amounted to 215 (compared with 190 in the previous scheme). Moreover, the current layout would remove most of the vegetation in the central part of the southern area. There was insufficient information to demonstrate that the proposed development would not cause adverse landscape, traffic and water quality impacts. Although the applicant had indicated that the ancient kiln located at the northern portion of the site would be kept intact as far as possible, there was insufficient information in the submission detailing all the potential direct and indirect impacts on the kiln, its environment and the respective mitigation measures. The Director of Fire Services considered that the proposed emergency vehicular access (EVA) for the development was not satisfactory, and non-provision of EVA to the site was not acceptable.

50. Members had no question on the application.

#### Deliberation Session

51. A Member asked whether a connection road would be provided for the proposed hotel development. The Secretary said that the applicant would need to review the road alignment and liaise with private land owners/Government in acquiring land required for the proposed road.

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

- (a) the proposed development would affect the natural woodland at the southern part of the application site. There was insufficient information to demonstrate that it would not have adverse ecological impact on the area;
- (b) the proposed development was inferior to the previous scheme in that the current scheme had involved extensive tree felling for site formation which was not acceptable. There was insufficient information in the submission to demonstrate that the rural landscape setting of the area would not be

adversely affected;

- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas;
- (d) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse impact on water quality in the surrounding areas, in particular on the fish rafts nearby; and
- (e) there was insufficient information in the submission to demonstrate that emergency vehicular access would be satisfactorily provided for the proposed development.

[The Chairperson thanked Mr. Edward P.L. Li, STP/TWK, for his attendance to answer Members' enquiries. Mr. Li left the meeting at this point.]

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

[Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 12A Application**

[Open Meeting (Presentation and Question Session Only)]

Y/ST/3                      Application for Amendment to the  
Approved Sha Tin Outline Zoning Plan No. S/ST/23  
from "Green Belt" to "Residential (Group C)4",  
Lot 380RP(Part) in DD 186, Sha Tin  
(RNTPC Paper No. Y/ST/3)

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Presentation and Question Session

53. The Committee noted that the applicant requested on 13.7.2007 for a deferment of the consideration of the application to allow time to prepare additional information including a Traffic Impact Assessment which was being finalised.

Deliberation Session

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and as a total of 6 months had already been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 7**

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/ST/656                      Redevelopment of Religious Institution (Temple)  
in "Village Type Development" zone,  
Lots 63 and 296 in DD 185,  
Sheung Wo Che, Sha Tin  
(RNTPC Paper No. A/ST/656)
- 

Presentation and Question Session

55. The Committee noted that the applicant requested on 12.7.2007 for a deferment of the consideration of the application to allow time to resolve concerned Government departments' concerns on technical aspects.

Deliberation Session

56. 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)]

- (ii) A/NE-KLH/364 Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking for a Period of 3 Years in “Green Belt” and “Open Storage” zones, Lots 617BRP, 618BRP, 622BRP(Part) and 626RP(Part) in DD 9, Nam Wa Po Village, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/364)
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Presentation and Question Session

57. 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 temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application since the applied use involved heavy vehicles traffic and the open vehicle park was located less than 100m from residential building. The Assistant Commissioner for Transport/New Territories did

not support the use of the existing direct vehicular access (i.e. Point A on Plan A-2 of the Paper) which might cause safety problem at this part of Tai Wo Service Road West;

- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of air and noise pollution; night-time operation; and safety problem due to movement of heavy vehicles. The District Officer advised that the Village Representatives (VRs) of Nam Wah Po objected to the application since the open vehicle park caused adverse environmental impacts and increased likelihood of traffic accidents in the village. Written comments were also received from a Tai Po District Council member and the Chairman of Tai Po Rural Committee supporting the views of the VRs; 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 “Green Belt” zone. The use of the site for open vehicle park involving heavy vehicles would generate environmental nuisance to nearby sensitive receivers.

58. In response to a Member's question, Dr. Kenneth S.S. Tang said that a previous application (No. A/NE-KLH/325) for the same use submitted by the same applicant was approved with conditions by the Committee on 25.6.2004 for a period of 3 years. The applicant had complied with all the approval conditions on 5.9.2006, and the planning approval had expired on 25.6.2007.

#### Deliberation Session

59. A Member was sympathetic to the application as the applicant had complied with all the conditions imposed on the previous approval. Though the site would be affected by the road widening project for Tolo Highway, it would not be required until end 2008. In view of the above, this Member suggested that a shorter approval period of 12 months could be considered so as to allow the applicant to relocate the operation. Members agreed. In reply to a Member's query, Dr. Kenneth S.S. Tang said that the existing temporary vehicular

access (i.e. Point A) would be closed, and the applicant would be requested to use Point B as proposed by the Transport Department. A Member was concerned about the late operation hours of the site until 11:00 p.m., which was one of the objection reasons raised by the public commenters. In this regard, Members agreed that the operation hours should be shortened to 9:00 p.m.

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 27.7.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing drainage facilities, landscape planting and proposals of preventive measures against water pollution on the application site should be maintained at all times during the planning approval period;
- (b) no night-time operation between 9:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed;
- (d) the submission of the design of the vehicular access, parking, loading and unloading spaces within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.10.2007;
- (e) in relation to (d) above, the implementation of the vehicular access, parking, loading and unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.1.2008;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further

notice;

- (g) if any of the above planning conditions (d) or (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.

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

- (a) a shorter approval period of 12 months was granted as the site would be affected by the 'Widening of Tolo Highway/Fanling Highway' project and to allow time for relocation of the operation;
- (b) any land issue relating to the development should be resolved with other concerned owner of the application site;
- (c) the use of the temporary direct access (Point A on Plan A-2 of the Paper) should be terminated with immediate effect and temporary measures to block the temporary direct access should be provided immediately. Vehicular access should be made via the existing track (Point B on Plan A-2 of the Paper);
- (d) in the event of any ground subsidence caused by the development, the applicant should indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence;
- (e) the Chief Engineer/Development(2), Water Supplies Department's comments as detailed in Appendix V of the Paper should be noted;
- (f) the 'Code of Practice on Working near Electricity Supply Lines' should be

observed when carrying out works in the vicinity of electricity supply lines;  
and

- (g) the environmental measures recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be adopted to minimise environmental nuisance.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/NE-TK/235 Proposed Temporary Barbecue Site and Car Park  
for a Period of 3 Years  
in "Agriculture" zone and an area shown as 'Road',  
Various Lots in DD 17 and DD 29,  
Ting Kok Village, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/235)
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#### Presentation and Question Session

62. 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 and car park 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 was within a well-established existing plant nursery, and there were active agricultural activities within the site and in its vicinity;
- (d) one public comment was received during the statutory publication period objecting to the application on grounds of adverse air impacts; noise nuisance from night-time operation of the barbecue site; and road safety problem, damage to roadside planting and littering at the mangrove habitat

caused by the visitors. The District Officer advised that the Indigenous Inhabitant Representatives and the Resident Representative of Ting Kok objected to the application and stated that the tranquil village environment should be maintained. They also raised concern on the adverse traffic, environmental and noise impacts of the barbecue site on the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of two years for reasons as detailed in paragraph 11.1 of the Paper. The proposed barbecue site mostly occupied the central part of the application site with most of the remaining area at the east and west retained for plant nursery and active cultivation, which was considered to be tolerable from landscape viewpoint and was not incompatible with the agricultural and recreational uses in the surrounding areas. Although DAFC did not favour the application, the proposed use would unlikely cause adverse environmental, drainage and sewerage impacts on the areas. Relevant approval conditions were recommended on the provision of access and car parking area as well as submission and implementation of drainage and landscape proposals to mitigate possible adverse impacts. A shorter approval period of two years was recommended in order to tie in with the expiry of the nearby temporary barbecue site (approved under Application No. A/NE-TK/228) on 9.3.2009 so as to closely monitor the impacts of these recreational uses on the coastal area. Regarding the local objections on traffic, environmental and noise grounds, appropriate approval conditions would be imposed to minimise the adverse impacts of the barbecue site.

63. Members had no question on the application.

#### Deliberation Session

64. A Member opined that, as the application site was located in the inner part of Ting Kok where the environment was rural and tranquil, the operation of the barbecue site until 11:00 p.m. might cause nuisance to the villagers. Dr. Kenneth S.S. Tang said that the proposed operation hours would be the same as the nearby temporary barbecue site (No.

A/NE-TK/228). Noting the nature of the barbecue site and the Director of Environmental Protection and the Commissioner of Police had no comment on the application, Members generally agreed that the operation of the barbecue site until 11:00 p.m. would be acceptable, but enforcement action should be taken to ensure that the condition on operation hours would be complied with. The Chairperson requested the Secretariat of Town Planning Board to relay Members' concern to the Central Enforcement and Prosecution Section of Planning Department.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 27.7.2009, 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 27.1.2008;
- (c) in relation to (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 27.4.2008;
- (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 27.1.2008;
- (e) in relation to (d) above, the implementation of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.4.2008;
- (f) the submission of landscape and tree preservation proposals, including provision of landscape planting along the northern site boundary to mitigate the adverse impact on existing landscape, within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;

- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals, including provision of landscape planting along the northern site boundary to mitigate the adverse impact on existing landscape, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.4.2008;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a shorter approval period of 2 years was granted with a view to monitor the operation of the barbecue site;
- (b) any land issue relating to the development should be resolved with the concerned owner(s) of the application site;
- (c) application should be made to the District Lands Officer/Tai Po for a short term waiver;
- (d) written consents should be obtained from the owners of Lots 1015RP and

1016RP for the vehicular access arrangement;

- (e) the applicant and his contractors should liaise with CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead lines. In the circumstances that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the proposed development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the overhead lines or have them replaced by underground cables;
- (f) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed when carrying out works in the vicinity of the electricity supply lines;
- (g) the Environmental Protection Department should be consulted regarding sewage treatment/disposal aspects of the proposed development; and
- (h) formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance 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 the building plan submission stage.

67. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

**Agenda Item 8**

**Section 16A Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-KTS/228-2 Application for Amendment to Permission -  
Proposed Houses (Amendments to Approved Scheme)  
in “Residential (Group C)2”, “Government, Institution or Community”,  
“Open Space”, “Green Belt” and “Agriculture” zones  
and an area shown as ‘Road’,  
Lot 2242 in DD 95,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/228-2)

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68. The application was submitted by Billion Great Investment Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this application as they had current business dealings with SHKP. Mr. Yap had tendered apologies for not attending the meeting.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

**Presentation and Question Session**

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

- (a) background to the application;
- (b) the proposed Houses (amendments to approved scheme);
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that more houses would be subject to excessive traffic noise impacts under the current layout by locating closer along Fanling Highway. However, the applicant would be required to submit traffic noise mitigation measures proposal to DEP’s satisfaction under the land lease condition for

the site;

- (d) the District Officer advised that the Chairman of Sheung Shui District Rural Committee and the Village Representative of Kwu Tung South objected to the application as construction works on site had destroyed the villagers' land, fruit trees and facilities. The construction works should stop immediately and the developer should liaise directly with the villagers to resolve the related problems; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper. The application only involved minor amendments to the previously approved scheme (No. A/NE-KTS/228). Relevant departments, including the Transport Department and the Buildings Department had no objection to the proposed changes. DEP's concerns on traffic noise impacts at the site would be addressed by implementing appropriate mitigation measures required under the lease condition. The local objections were mainly on the disturbances to existing villagers and their living environment during the construction stage of the proposed development. It should be noted that the implementation aspect of the proposed development was outside the purview of the Town Planning Board. The developer should closely monitor the construction works on site to minimise any adverse impacts to the local villagers. Notwithstanding this, the applicant would be advised to continue to brief and liaise with local villagers regarding the proposed development.

70. Members had no question on the application.

#### Deliberation Session

71. 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 7.7.2010, 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 vehicular access road, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the implementation of tree preservation and landscaping proposals as submitted by the applicant to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and implementation of sewerage treatment facilities/sewer connections to the application site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) no population intake should be allowed prior to the completion of Shek Wu Hui Sewage Treatment Works upgrading works currently scheduled in 2009;
- (f) the design and provision of fire service installations and firefighting water supplies to the satisfaction of the Director of Fire Services or of the TPB;  
and
- (g) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) approval should be sought from the District Lands Officer/North, Lands Department under the lease;

- (b) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations. Existing fresh water mains within the application site, which had been included in the rehabilitation programme under Contract No. 23/WSD/06, were affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. The applicant was required to liaise with the Water Supplies Department to resolve the likely interface problem;
- (c) the proposed roundabout at the southern portion of the application site should be deducted from the site area for the purposes of site coverage and plot ratio calculations under Building (Planning) Regulations (B(P)Rs). Any internal streets, if required, under s.16(1)(p) of the Buildings Ordinance should be deducted from the site area for the purposes of site coverage and plot ratio calculations under B(P)Rs. The provision of emergency vehicular access to all buildings within the application site should be in all aspects comply with B(P)R 41D. Each site should be self-sustainable with permissible gross floor area, plot ratio and site coverage capped under the First Schedule of B(P)R separately;
- (d) the Director of Leisure and Cultural Services and the Chief Highways Engineer/New Territories East, Highways Department should be consulted should any trees on public roads be affected;
- (e) objection would be raised by the Director of Leisure and Cultural Services if the applicant located any transplanted trees from the proposed private development onto public road;
- (f) all private facilities and structures should be constructed within the lot and maintained by the lot owner;
- (g) more intensive mitigation measures (e.g. taller noise barrier) might be required as more houses were located closer along the heavily trafficked Fanling Highway under the current proposed scheme and would be subject

to excessive traffic noise impacts;

- (h) the applicant should brief and liaise with the local villagers regarding the proposed development; and
- (i) the applicant should note the local objections as mentioned in paragraph 8.1.11 of the Paper and minimise disturbances to local villagers during the construction stage.

[The Chairperson thanked Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, STPs/STN, for their attendance to answer Members' enquiries. Dr. Tang and Ms. Lai left the meeting at this point.]

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

[Mr. W.M. Lam, Ms. M.L. Leung and Mr. Frederick Ng, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

### **Agenda Item 9**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Session Only)]

- (i) 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/144B)
- 

73. Dr. James Lau had declared an interest in this application as he had current

business dealings with Top Bright Consultants Ltd., which was one of the consultants for this application.

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

#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed shop and services (temporary motor vehicle showroom) for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories did not support the application as the submitted assessment report on public car park in Yuen Long Town Centre failed to provide adequate traffic justifications, in particular the future car parking demand and supply situation in the surrounding areas were not fully studied. Adverse traffic impacts would be generated by the proposed development on local road junctions but the applicant had not proposed necessary traffic improvement measures. He also disagreed with the assessment finding that there was no direct linkage between illegal parking and provision of parking facilities. The Commissioner of Police had reservation on cancellation of the parking facility as it would definitely reduce the number of parking spaces and aggravate the illegal parking problem in Yuen Long;
- (d) ten public comments were received during the statutory publication period raising objection to the application on the grounds that supply of public car park was insufficient in Yuen Long; drivers were deprived from covered car parking spaces and forced to use open-air car park exposed to rain and hot climate; parking fee would be raised; and illegal on-street parking would be induced. Besides, the commenters pointed out that 5/F to 13/F

of the application premises had been closed for conversion to car display centre without the provision of fire safety installation, and car repair activities were observed and storage of inflammable substances would pose fire risk; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed development would reduce a substantial portion of public car parking spaces (178 out of 419 parking spaces, i.e. 42%) within the subject multi-storey car park. Insufficient justification was provided for the proposed conversion of public car parking spaces to motor vehicle showroom. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact or undermine the provision of public car parking spaces in Yuen Long Town. Approving the application would set an undesirable precedent for similar applications in the surrounding areas, and the cumulative effect would result in a substantial loss of public car parking spaces in Yuen Long Town. Also, there were local objections to the application.

[Mr. Y.K. Cheng returned to join the meeting at this point.]

75. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed temporary motor vehicle showroom would reduce about 42% of the total provision of the subject multi-storey car park which was substantial. There was insufficient justification in the submission for the

proposed conversion, even on a temporary basis;

- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact or undermine the provision of public car park in Yuen Long Town; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in other multi-storey public car parks in Yuen Long Town, the cumulative impact of which would substantially reduce the provision of public car parking spaces in the area.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/YL-PS/263 Proposed Residential Development (Flats and Houses)  
in “Residential (Group E)2” zone,  
Lots 621ARP, 621A2, 621B2, 621BRP,  
623RP, 624, 626RP and 631 in DD 122,  
Yung Yuen Road,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/263B)
- 

#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed residential development (flats and houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received from the same commenters during the

statutory publication period raising objection to the application on ‘fung shui’ grounds. The District Officer advised that two comments were received from the Village Representatives of Ping Shan Heung objecting to the application on ‘fung shui’ grounds, and the comments had been sent to the Town Planning Board for consideration; 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 residential development would replace the existing metal foundry factory on site and was considered in line with the planning intention of the “Residential (Group E)” zone. The applicant had surveyed and demonstrated that the industrial undertakings in the surrounding areas were not in active operation and would not generate significant environmental impact. The applicant had proposed mitigation measures including single-aspect building design, orientation of buildings to minimise noise exposure and 3m-high solid fence wall to abate potential industrial noise impact. Technical assessments had demonstrated that the proposed development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Regarding the local objections, the Chief Town Planner/Urban Design and Landscape of Planning Department advised that the proposed residential development would not be in major conflict with existing trees or adversely affect the landscape. Besides, it would not encroach onto the permitted burial ground at Pak Fa Shan. Notwithstanding, to ease the local villagers’ concern, an advisory clause was recommended to remind the applicant to liaise with local villagers on their concerns.

78. Members had no question on the application.

#### Deliberation Session

79. A Member asked how local objections on ‘fung shui’ grounds would be addressed. The Secretary said that ‘fung shui’ was not a planning consideration, but landscape issues and views of local villagers would be taken into account where appropriate.

For this application, the applicant would be advised to liaise with the local villagers on the concerns raised.

80. 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 27.7.2011, 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 proposal including a tree preservation and compensatory planting scheme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission and implementation of drainage proposal for the proposed development to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of car parking facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of the road improvement works including the access road and footway, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission of a detailed archaeological investigation and implementation of mitigation measures identified therein before

commencement of construction works to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.

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

- (a) application should be made to the District Lands Officer/Yuen Long seeking separate permission for a land exchange before any development could commence;
- (b) the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified;
- (c) the proposed road improvement works identified in the Traffic Impact Assessment Report should be completed prior to the application of occupation permit; and the provision of emergency vehicular access (EVA) to every building at the site was required under Building (Planning) Regulation 41D;
- (d) the archaeological investigation should be conducted by a qualified archaeologist who should obtain a licence from the Antiquity Authority under the Antiquities and Monuments Ordinance (Cap. 53);
- (e) the future residents of the proposed development should be informed of the purpose of the single aspect building design in the sales brochure such that the residents were well aware of the noise mitigation measures adopted;
- (f) the arrangement of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department;
- (g) the proposed stormwater drain constructed by the applicant from Yung Yuen Road to existing drains at Long Tin Road would be of diameter 1050mm but the public drain at Long Tin Road was only 900mm in diameter. The Drainage Services Department (DSD) would not take over

the proposed drainage system at Yung Yuen Road if the system was not up to DSD standard or if any part of the system was within private land. The Director of Environmental Protection should be consulted on the proposed sewer connection to Ping Ha Road; and

- (h) the applicant should liaise with the local villagers on the concerns raised in relation to the proposed development.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/YL-PS/269 Proposed Temporary Public Vehicle Park  
for Private Cars, Lorries and Coaches  
for a Period of 3 Years  
in “Government, Institution or Community” and  
“Village Type Development” zones,  
Lots 25, 28RP and 29RP(Part) in DD 121,  
Tong Fong Tsuen,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/269)
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#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars, lorries and coaches for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

- (d) 143 public comments were received during the statutory publication period, of which 140 (with 125 letters in standardised format) were from residents of Imperial Villas I and II including the two chairmen of the Incorporated Owners. They objected to the application on grounds of insufficient capacity of Ping Kwai Road to support heavy vehicles traffic; existing public vehicle parks for private cars, lorries and coaches available in the vicinity; noise and dust nuisances; safety of children and elderly; and illegal loading and unloading activities at Ping Kwai Road. The remaining three public comments were from the property management company of Imperial Villas I and II, a Yuen Long District Council member and a villager of Tong Fong Tsuen. All of them objected to the application on similar grounds with the residents of Imperial Villas I and II; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 12 months for reasons as detailed in paragraph 11.1 of the Paper. There was no immediate development proposed for the “Government, Institution or Community” (“G/IC”) zone and no Small House application within the “Village Type Development” (“V”) zone. Approval of the application on a temporary basis for 12 months would not frustrate the planning intention of the “V” zone. The provision of public car park would help meet the parking demand of local villagers in the area. To address the environmental concerns, approval conditions were recommended to prohibit the parking of lorries and coaches and restrict the operation hours. Regarding the local objections on potential environmental problem, approval conditions restricting the operation hours and types of vehicles to be parked on site would be imposed. Besides, a shorter approval period would help monitor any deterioration of the adverse impacts on the surrounding residential developments.

83. Members had no question on the application.

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

Deliberation Session

84. A Member asked for the reason of recommending approval of the application for a period of 12 months and how to address the local objections. Mr. W.M. Lam said that as there was no immediate development proposal and no Small House application received for the respective “G/IC” and “V” portions of the site, it was considered that a shorter approval period of 12 months could be tolerated and for monitoring the situation of the site. The Chairperson supplemented that ‘Public Vehicle Park (excluding container vehicle)’ was always permitted within the “G/IC” zone. Planning permission for the proposed use was only required for the eastern portion of the site which was zoned “V”. To address the local residents’ concern, the Secretary suggested that an approval condition could be imposed to provide a planting buffer at the eastern portion of the application site to screen the public vehicle park from surrounding residential developments. Members agreed.

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 27.7.2008, 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) the provision of an 8-metre wide planting buffer along the eastern boundary to screen off the site from the nearby residential developments;

- (e) the submission of landscape proposal including the planting buffer mentioned in (d) above within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.10.2007;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;
- (g) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.10.2007;
- (h) in relation to (g) above, the provision of drainage facilities identified in the 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 27.1.2008;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) any land issues relating to the development should be resolved with the

concerned owner(s) of the application site;

- (b) application should be made to the District Lands Officer/Yuen Long for a Short Term Waiver to cover the proposed structure(s);
- (c) the use of container as guard house was considered as temporary building which was subject to control under the Building (Planning) Regulations Part VII. Formal submission of any proposed new work, including any temporary structure for approval under the Buildings Ordinance was required;
- (d) the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified; and
- (e) environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department should be adopted to minimise any possible environmental nuisances.

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/YL-PS/270 Temporary Covered and Open Storage of Waste Metal for a Period of 3 Years in “Village Type Development” zone, Lots 153RP, 154 and 155RP in DD 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/270)
- 

#### Presentation and Question Session

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

- (a) background to the application;

- (b) the temporary covered and open storage of waste metal for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application as the proposed use was not compatible with the residential houses to the north of the site and it would set an undesirable precedent for more similar applications in the area if it was approved. The Assistant Commissioner for Transport/New Territories advised that approval of the application might set an undesirable precedent for other similar applications in the surrounding areas and approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. The Chief Engineer/Mainland North, Drainage Services Department commented that the applicant had not provided the details of drainage proposal in the application;
- (d) nine public comments were received during the statutory publication period raising objection to the application mainly on the grounds that the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, not compatible with the surrounding residential use, and would generate environmental pollution, noise nuisance, traffic accidents, hygiene and health problems to local residents. The District Officer advised that two written objections were received from the village representatives of Hung Uk Tsuen and Kiu Tau Wai mainly on grounds of pollution, nuisance, traffic as well as health and hygiene problems; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “V” zone. It was also not in line with the TPB Guidelines No. 13D in that no previous approval had been granted at the site for open storage use and

the development was not compatible with residential dwellings in the vicinity of the site. There were adverse departmental comments on the application, and insufficient information was provided in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar uses to proliferate in the “V” zone. Besides, there were local objections to the application.

88. Members had no question on the application.

#### Deliberation Session

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

- (a) the occupation of the site for temporary covered and open storage was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were no exceptional circumstances to merit approval and the applied use was not compatible with the residential dwellings nearby;
- (c) there was insufficient information in the submission to demonstrate that the use would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar

uses to proliferate in the “V” 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 Session Only)]

- (v)           A/YL-HT/499           Renewal of Planning Approval for  
Temporary Open Storage of Containers under  
Application No. A/YL-HT/347 for a Period of 3 Years  
in “Undetermined” zone,  
Lot 108B(Part) in DD 124,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/499)
- 

[Mr. Lawrence Ngo left the meeting temporarily at this point.]

Presentation and Question Session

90.           Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of containers under Application No. A/YL-HT/347 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road (Tin Ha Road) and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of noise and dust nuisance caused by heavy vehicles to nearby residents during loading/unloading of

containers at the site; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The approval of the application on a temporary basis would not frustrate the planning intention of the “Undetermined” zone. The open storage of containers was not incompatible with the surrounding land uses which were predominantly occupied for open storage yards, vehicle parks and various workshops. To address DEP's concern, approval conditions prohibiting night-time operation and operation on Sundays and public holidays, and restricting the stacking of containers on site were recommended to mitigate any potential environmental impacts. Regarding the local objection, it was noted that the site was hard paved and therefore dust emissions during operation would not be significant. No pollution complaint was received against the site in the past 3 years. Notwithstanding, approval conditions would be imposed to address the concern on operational noise if the application was approved.

91. Members had no question on the application.

#### Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the stacking height of containers stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence, and should not exceed 7 units at any other locations within the site at any time during the planning approval period;
- (b) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (d) the existing trees on site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/347 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/347 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.10.2007;
- (g) the repair and reinstatement of the existing run-in for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.1.2008;
- (h) 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;
- (i) if any of the above planning conditions (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.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) the lot under application was Old Schedule Agricultural Lot held under the Block Government Lease under which no structure was allowed to be erected without prior approval from the District Lands Officer/Yuen Long;
- (c) 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 this road/path/track should be clarified; and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection should be followed;
- (e) extension of the inside services to the nearest suitable Government water mains for connection might be needed for the provision of water supply to the development. 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 the private lots to Water Supplies Department's standards; and
- (f) the existing run-in should be repaired or reinstated in accordance with the latest version of Highways Department Standard Drawing Nos. H1113 and H1114.

[Mr. Lawrence Ngo returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/YL-LFS/156 Proposed Residential Development with Minor Relaxation of Plot Ratio from 0.2 to 0.2334 in “Residential (Group C)” and “Residential (Group D)” zones, Lots 10RP, 12(Part), 14B(Part), 14RP, 15A(Part), 15RP(Part), 16(Part), 17A(Part), 17B, 17C and 17RP in DD 128, Lots 2153A and 2388A2 in DD 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/156)
- 

#### Presentation and Question Session

94. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development with minor relaxation of plot ratio from 0.2 to 0.2334;
- (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 from 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.

95. Members had no question on the application.

#### Deliberation Session

96. 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 27.7.2011, 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) submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission of a drainage proposal, and provision and maintenance of the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) provision of emergency vehicular access, water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) application should be submitted to the District Lands Officer/Yuen Long for land exchange prior to implementation of the proposed residential development. The management and maintenance issues of the proposed access road should be sorted out with the Highways Department, the Transport Department and the developer of Lot 3569 in DD 129;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted Drainage Impact Assessment as detailed in paragraph 9.1.2(b) of the Paper;
- (c) the applicant should take on board to implement all the noise mitigation measures recommended in the noise impact assessment;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)'s comments that consideration should be

given to break down the scale of the proposed residential development by leaving more spacing between houses and adopting appropriate façade design, finishes and soft landscape etc. to avoid adverse visual impact. The proposed perimeter plantings to provide screening of the development should be blended harmoniously with the surrounding landscape. The applicant should also note CTP/UD&L, PlanD's comments on the submitted Landscape Master Plan and the proposed noise barrier as detailed in paragraphs 9.1.4 (f) and (h) of the Paper respectively;

- (e) to note Assistant Commissioner for Transport/New Territories' comments that how the vehicle parking and loading/unloading provisions were in accordance with the Hong Kong Planning Standards and Guidelines should be elaborated; whether the existing and proposed road facilities including footways and pedestrian crossings, etc. in the vicinity of the proposed development were adequate for commuting of the locals and future occupants should be assessed; the land status and management/maintenance responsibilities of the access road leading to the site should be clarified; and the relevant lands/maintenance authorities should be consulted accordingly;
- (f) to note the Chief Highways Engineer/New Territories West, Highways Department's comments that the maintenance responsibilities of the proposed access road and its associated works outside the boundary of the site should be clarified, and the proposed access road should be maintained by the applicant;
- (g) recreational facilities (i.e. resident club house), unless exempted, were accountable for gross floor area and site coverage calculations under the Buildings Ordinance. Building (Planning) Regulation 41D regarding the provision of emergency vehicular access (EVA) was applicable;
- (h) the arrangement of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue (MoA Code) which was administered by the Buildings Department. No provision of

EVA to serve at least one major façade of the Club House was unsatisfactory under the MoA Code. Detailed fire safety requirements would be formulated by the Director of Fire Services after the receipt of formal submission of general building plans; and

- (i) existing water mains would be affected, and the applicant should bear the cost of any necessary diversion works affected by the proposed development.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/YL-LFS/159 Proposed Temporary Open Storage of Plastic and Metal Ware for a Period of 3 Years in “Residential (Group E)” zone, Lots 2201(Part), 2219RP(Part), 2225(Part) and 2341(Part) in DD 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/159)
- 

#### Presentation and Question Session

98. Ms. M.L. Leung, 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 plastic and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and the access road (Deep Bay Road) and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. There was no immediate development proposal for the site and approval of the proposed use on a temporary basis would not frustrate the planning intention of the “Residential (Group E)” zone. To address DEP's concern, approval conditions prohibiting night-time operation and operation on Sundays and public holidays and restricting workshop activities on site and types of vehicles to be used were recommended to mitigate any potential environmental impacts.

99. Members had no question on the application.

#### Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.7.2010, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling or workshop activity, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no vehicle exceeding 5 tonnes, including heavy goods vehicle and container trailer, as proposed by the applicant, was allowed for the operation of the site at any time during the planning approval period;

- (e) 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;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.4.2008;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.1.2008;
- (i) in relation to (h) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.4.2008;
- (j) 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 27.1.2008;
- (k) 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;
- (l) if any of the above planning conditions (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.

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

- (a) any land issue relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) the site situated on old schedule agricultural lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from the District Lands Officer/Yuen Long (DLO/YL). Application should be made to the DLO/YL for a Short Term Wavier to regularise the unauthorised structure on site and the proposed structures under the planning application;
- (c) environmental mitigation measures recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department should be complied with in order to minimise the possible environmental nuisance;
- (d) the land status and management/maintenance responsibilities of the road/path/track leading to the site should be clarified. The relevant lands/maintenance authorities should also be consulted accordingly;
- (e) DLO/YL should be consulted and relevant lot owners' consent should be obtained regarding all proposed drainage works outside the subject lot. The applicant was required to properly maintain his drainage facilities and rectify those facilities if they were found inadequate/ineffective during operation. The connection details to the open channel for the open storage yard under Application No. A/YL-LFS/138 should be shown; and
- (f) the proposed open storage of plastic might involve the storage/use of

dangerous goods. The applicant should approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the premises for such purpose where necessary.

[Open Meeting (Presentation and Question Session Only)]

- (viii)      A/YL-NSW/177      Renewal of Planning Approval for  
Temporary ‘Private Swimming Pool and Garden’ Uses  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3734B1 and 3734RP in DD 104,  
Pok Wai Village, Yuen Long  
(RNTPC Paper No. A/YL-NSW/177)
- 

Presentation and Question Session

102.      Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary ‘private swimming pool and garden’ uses 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 from 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.

103.      Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed swimming pool should not be open to members of the public;
- (b) the drainage facilities on the site implemented under Application No. A/YL-NSW/151 should be maintained at all times during the planning approval period;
- (c) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;
- (d) in relation to (c) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.4.2008;
- (e) 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;
- (f) if any of the above planning conditions (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; and
- (g) 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.

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

- (a) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Tam Mi;
- (b) application should be made for a discharge licence under the Water Pollution Control Ordinance; and
- (c) a valid swimming pool licence should be obtained in accordance with the Swimming Pools Regulation under section 42 of the Public Health and Municipal Services Ordinance (Cap. 132). The applicant should consult the Food and Environmental Hygiene Department on the licensing requirements for the proposed use.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/YL-NTM/214 Temporary Container Vehicle Park  
for a Period of 3 Years  
in “Open Storage” zone,  
Lots 145(Part), 146(Part), 147, 149, 150, 157, 158  
and 160(Part) in DD 98 and Adjoining Government Land,  
Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/214)
- 

Presentation and Question Session

106. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container vehicle park for a period of 3 years;

- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application since the landowners/operator had failed to apply for regularization of unauthorised structures and occupation of Government land subsequent to the previous planning approval;
- (d) one public comment was received during the statutory publication period raising objection to the application mainly on the grounds that the proposed development was not compatible with the surrounding land uses and would deteriorate the natural landscape and ecology; 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 temporary container vehicle park was not incompatible with the surrounding uses and generally in line with the planning intention of the “Open Storage” zone. Two previous planning applications for container trailer park submitted by the same applicant had been approved since 2000. The approval conditions in respect of landscaping, drainage, paving and fencing under the two previous permissions had all been complied with. The current application basically sought permission for a continuous use of the site as a temporary container vehicle park. For the local objection, the concerns on environment and landscape could be addressed by imposing appropriate approval conditions as recommended in paragraphs 12.5(a) to (e) of the Paper.

107. Members had no question on the application.

#### Deliberation Session

108. A Member asked whether there was any mechanism to ensure that the applicant would apply for the regularisation of unauthorised structures on the site. The Chairperson pointed out that regularisation of unauthorised structures would be a lands matter which was outside the purview of the Town Planning Board. Being the lands authority, it would be up to the Lands Department to take appropriate enforcement actions under the lease.

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.7.2010, 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 on Mondays to Saturdays between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays before 10:00 a.m. and after 5:00 p.m. 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 existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the compensation of the missing trees according to the accepted landscape proposal under the previous approved Application No. A/YL-NTM/101 within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;
- (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.

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

- (a) any land issue relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) application should be made to the District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land. Any unauthorised structures on site would be subject to lease enforcement action by the Lands Department;
- (c) no public sewerage maintained by the Drainage Services Department was currently available for connection. Agreement should be obtained from the Director of Environmental Protection regarding sewage disposal and treatment;
- (d) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed to minimise potential environmental impacts on the surrounding areas;
- (e) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kwu Tung Road; and
- (f) 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



Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no machinery repairing or breaking, metal cutting or drilling, paint spraying, hammering and other workshop activities should be carried out at any time on the site during the planning approval period;
- (b) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) the drainage facilities on the application site should be properly maintained at all times during the planning approval period;
- (d) the vehicular ingress/egress points on the application site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/243 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.1.2008;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.1.2008;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.4.2008;
- (h) 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;

- (i) if any of the above planning conditions (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 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.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) 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 the District Lands Officer/Yuen Long (DLO/YL). Formal application should be submitted to the DLO/YL for Short Term Waiver and Short Term Tenancy for regularization of the unauthorised structures and illegal occupation of Government land within the site;
- (c) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed in operating the business on site;
- (d) diversion of the affected water mains was required, and all costs associated with the diversion work should be borne by the applicant. In case diversion was not practicable, 3m wide waterworks reserves each measuring 1.5m from the centre line of these water mains should be provided. No structure should be erected over any waterworks reserve,

and such area should not be used for storage purposes or for parking or storage of any vehicles. Free access should be maintained and provided to the Water Authority and his officers, agents and contractors and his or their workmen at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under the said area;

- (e) 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. Formal submission of any proposed new works including any temporary structure for approval under the BO was required; and
- (f) relevant building plans incorporated with the proposed fire service installations should be submitted to the Fire Services Department for approval even though the submission of general building plans was not required under the BO.

115. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

[Open Meeting (Presentation and Question Session Only)]

- (xi) A/YL-ST/335 Temporary Open Storage of Recyclable Metal with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone, Lot 156BRP(Part) in DD 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/335)
- 

116. 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. The Committee noted that Dr. Lau had already left the meeting.

#### Presentation and Question Session

117. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of recyclable metal with ancillary office 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 raising objection to the application on grounds of noise and dust pollution caused by movement of heavy vehicles and handling of goods on site; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Residential (Group D)” (“R(D)”) zone since there was no immediate development proposal for this part of the “R(D)” zone. For the local objection on environmental nuisance, it could be addressed by imposing appropriate approval conditions to restrict the operation hours and prohibit operation on Sundays and public holidays as recommended in paragraphs 12.4 (a) and (b) of the Paper.

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 27.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 8:00 a.m., 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) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.1.2008;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.4.2008;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/260 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.1.2008;
- (g) the provision of 9-litre water type/3 kg 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 27.1.2008;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further

notice;

- (i) if any of the above planning conditions (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 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.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) the lot under application was Old Schedule Agricultural Lot 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 (DLO/YL). Formal application should be submitted to the DLO/YL for Short Term Waiver and Short Term Tenancy for regularization of the unauthorised structures and illegal occupation of Government land within the site;
- (c) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed to minimise potential environmental impacts on the surrounding areas; and
- (d) 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. Use of container as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of

any proposed new works including any temporary structure for approval under the BO was required.

121. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

[Open Meeting (Presentation and Question Session Only)]

- (xii) A/YL-KTS/398 Proposed Temporary Animal Boarding Establishment  
for a Period of 5 Years  
in “Agriculture” zone,  
Lot 1159RP in DD 106,  
Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/398)
- 

Presentation and Question Session

122. 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 animal boarding establishment for a period of 5 years;
- (c) departmental comments – the Director of Environmental Protection commented that if the applicant could not maintain a good housekeeping practice, nuisance such as dog barking noise from the proposed use would be a concern to the nearby sensitive receivers especially at the night time;
- (d) 22 public comments (including one with a total of 48 signatures) were received during the statutory publication period objecting to the application mainly on the grounds that the proposed development would create noise

(dog barking), smell, waste, air (dog hair), disease and hygiene problems to the surrounding areas and was incompatible with the adjacent deluxe residential development (Seasons Palace). The serenity of the environment, the health of local residents and the value of the property would be adversely affected; 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 application was not in line with the planning intention of the “Agriculture” zone. The proposed use providing pet training and temporary residential services for dogs was not compatible with the adjacent large-scale residential development (Seasons Palace). There was no technical submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. The site fell within the Shui Lau Tin Archaeological Site and there was no information to demonstrate that there would be no adverse impact on the archaeological site. Besides, there were strong local objections against the application.

123. Members had no question on the application.

#### Deliberation Session

124. In response to the Chairperson's enquiry, Mr. Frederick S.T. Ng clarified that, as the proposed development would involve building works covering some 30% of the site and excavation for the construction of a swimming pool, it might affect the long-term use of the site for agricultural purposes.

125. 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 “Agriculture” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain

fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed development was not compatible with the adjacent large-scale residential development which would be susceptible to potential adverse environmental nuisances; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage and archaeological impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (xiii)      A/YL-PH/541      Temporary Open Storage of Private Cars Prior to Sale  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 582RP(Part) in DD 111 and Adjoining Government Land,  
San Lung Wai, Fan Kam Road,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/541)
- 

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

Presentation and Question Session

126.      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 temporary open storage of private cars prior to sale for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection advised that interface problem might exist and the open storage use should be phased out in the residential zone as early as possible;
- (d) one public comment was received during the statutory publication period stating no objection to the application. However, the commenter indicated that villagers of Chuk Hang and San Lung Wai raised concern that the applied use should not exceed the boundary of the application site since an area near Fan Kam Road outside the site boundary had previously been enclosed causing obstruction to pedestrians; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The continuous occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” zone. In this regard, the District Lands Officer/Yuen Long advised that three Small House applications were being processed in the vicinity of the site. Moreover, the site fell within Category 4 areas under the Town Planning Board Guidelines No. 13D of which the intention was to encourage the phasing out of non-conforming uses as early as possible. Planning permissions had been granted for similar use on the site since 2000. Therefore, sufficient time had already been given to relocate the use to other locations and the Committee had advised the previous applicant (Application No. A/YL-PH/514) that no further renewal of approval would be given. With more than 90 ha of land zoned “Open Storage” (“OS”) on the Pat Heung Outline Zoning Plan, there was no information in the submission to demonstrate why suitable sites within the “OS” zones could not be made available for the applied use.

127. Members had no question on the application.

Deliberation Session

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

- (a) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” zone which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects; and
- (b) it was not in line with the Town Planning Board Guidelines No. 13D in which the site fell within Category 4 areas, the intention was to encourage the phasing out of such non-conforming uses as early as possible. Sufficient time had already been given to provide time to relocate the use to other locations. There was no information in the submission to demonstrate why suitable sites within the “Open Storage” zone could not be made available for the applied use.

[Open Meeting (Presentation and Question Session Only)]

- (xiv) A/YL-PH/542 Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Residential (Group D)” zone, Lot 55(Part) in DD 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/542)
- 

#### Presentation and Question Session

129. 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 construction materials and

machinery for a period of 3 years;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories did not support the application as the width of the proposed access road between Fan Kam Road and the site was not sufficient for two-way traffic of medium to heavy goods vehicles, especially in road bends. Also, there was no information on the location and size of run-in on Fan Kam Road. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site (less than 10m) and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department commented that a drainage proposal should be submitted to demonstrate that all the existing flow paths and the runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points. The Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application as the proposed development was considered as a landscape value detractor to the existing rural landscape with large area of greenery, mature trees, streams and mountainous backdrop. The Director of Electrical and Mechanical Services objected to the application from electrical safety and reliability of electricity supply points of view due to the presence of 11kV overhead lines and poles within and in the vicinity of the site;
  
- (d) one public comment was received during the statutory publication period objecting to the application mainly on grounds of proximity of the site to residential dwellings; noise, dust and traffic impacts generated by movement of heavy vehicles, loading/unloading and delivery of construction materials in and out of the village; and affecting sewage disposal of adjoining residential dwelling; and

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The

proposed development was not in line with the planning intention of the “Residential (Group D)” zone. It was also not compatible with the residential dwellings in the immediate vicinity. No information had been submitted to demonstrate that the proposed development would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas. The application did not comply with the Town Planning Board Guidelines No. 13D in that the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals had been submitted to demonstrate that the applied use would not generate adverse impacts on the surrounding areas.

130. Members had no question on the application.

#### Deliberation Session

131. 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 “Residential (Group D)” zone on the Outline Zoning Plan, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (TPB). No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the residential dwellings in the immediate vicinity; and
- (c) the proposed development did not comply with the TPB Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that

the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals had been submitted to demonstrate that the applied use would not generate adverse environmental, drainage, traffic and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (xv)           A/YL-SK/142       Proposed Filling of Land and Pond  
for Permitted New Territories Exempted Houses  
in “Village Type Development” zone,  
Lots 693A, 693B, 693C, 693RP(Part), 701A, 701B, 701C,  
701D, 701E, 701F, 701G, 701H(Part), 701I(Part), 701J,  
701RP(Part), 702A, 702B, 702C(Part), 702RP(Part), 706A,  
706B, 706RP, 707A, 707B, 707C(Part), 707D(Part),  
707E(Part), 707F(Part), 707G(Part) and 707RP in DD 112,  
Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/142)
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Presentation and Question Session

132.           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 filling of land and pond for permitted New Territories Exempted Houses (NTEHs);
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant had not provided any information to demonstrate that the proposed pond filling would not cause any adverse impact in the flooding susceptibility to the adjacent areas. Before the satisfactory completion of a drainage impact

assessment (DIA) and associated flood mitigation measures, the applicant should not carry out any filling of pond and land on the site;

- (d) two public comments were received during the statutory publication period objecting to the application on grounds of air pollution, drainage, environmental hygiene and ecological problems; 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 extent of the pond and land filling activity was considered excessive. There was no DIA included in the submission to demonstrate that the proposal would not cause any adverse impact in terms of flooding susceptibility to the adjacent areas. Although the development of NTEHs in the “Village Type Development” zone was always permitted, there was no information in the submission to demonstrate that there was a pressing need or programme for the building of NTEHs within the site. In this connection, the District Lands Officer/Yuen Long advised that there was no Small House application in respect of the site. Besides, there were local objections to the application.

133. In response to a Member's question, Mr. Frederick S.T. Ng said that according to the information from the applicant, the land and pond filling would be undertaken on the whole site. By referring to the aerial photo on Plan A-3 of the Paper, a large pond was still found on the site.

#### Deliberation Session

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

- (a) there was no information in the submission to demonstrate that the proposed pond and land filling activity would not have adverse drainage impact; and

- (b) there was no immediate need or programme for New Territories Exempted House development on the application site. The proposed pond and land filling was therefore not justified.

[Open Meeting (Presentation and Question Session Only)]

- (xvi) A/YL-TYST/343 Proposed Flats and Minor Relaxation of Plot Ratio and Building Height Restrictions of “Residential (Group B)1” zone in “Residential (Group B)1”, “Government, Institution or Community” and “Green Belt” zones, Lot 2131 in DD 121, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/343)
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#### Presentation and Question Session

135. The Committee noted that the applicant requested on 26.6.2007 and 28.6.2007 for a deferment of the consideration of the application to allow time for submitting supplementary information to address the outstanding technical concerns raised by the Environmental Protection Department (EPD). The applicant indicated that he had engaged a new environmental consultant to liaise with EPD and take additional industrial noise measurements and assessments. Longer time than expected was required to prepare the supplementary information largely due to the complexity of the issues involved in addressing industrial noise impacts and identifying effective mitigation measures.

#### Deliberation Session

136. 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 as a

total of 6 months had already been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 10**

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

[Open Meeting (Presentation and Question Session Only)]

A/YL-KTS/384-1 Application for Amendment to Permission –  
Temporary Public Car Park (Private Vehicles and Lorries)  
for a Period of 3 Years in “Agriculture” zone,  
Lots 111RP, 112(Part), 113(Part), 115RP, 116(Part)  
and 117RP in DD 113 and Adjoining Government Land,  
Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/384-1)

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#### **Presentation and Question Session**

137. Mr. Frederick S.T. Ng, STP/TMYL, informed that paragraph 5.1 of the Paper should read as “The site was the subject of 5 previous planning applications” instead of 4 previous applications. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car park (private vehicles and lorries) for a period of 3 years – proposed amendments to an approved scheme;
- (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 local objection was received from the District Officer; 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. The proposed reduction in site area by 8.3% and the change in car parking layout were minor amendments and there was no change in other major development parameters of the proposal. Although DAFC did not favour the application from an agricultural rehabilitation viewpoint, the previous application (No. A/YL-KTS/384) was approved by the Town Planning Board on review on 12.1.2007 on sympathetic ground mainly on the consideration that the site had been used as works area for the construction of the West Rail and it might take years for the applicant to rehabilitate the site for agricultural activities.

138. Members had no question on the application.

#### Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis until 12.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium or heavy good vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors was allowed to be parked on the site at any time during the planning approval period;
- (b) 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;
- (c) no right turning vehicle from the access road to Kam Ho Road was allowed at any time during the planning approval period;
- (d) no vehicle exceeding 7 metres long was allowed to enter the site through Kam Ho Road at any time during the planning approval period;

- (e) the implementation of accepted landscape proposal to the satisfaction of the Director of Planning or of the TPB by 12.1.2008;
- (f) the submission of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2007;
- (g) in relation to (f) above, the implementation of the drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB by 12.1.2008;
- (h) the provision of a 3kg dry powder/9 litre water type fire extinguisher in the site office to the satisfaction of the Director of Fire Services or of the TPB by 12.10.2007;
- (i) 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;
- (j) if any of the above conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) the District Lands Officer/Yuen Long reserved the right to take enforcement/control action against unauthorised structures. Application

for Short Term Waiver/Short Term Tenancy should be submitted to regularise the irregularities on site;

- (c) the right-of-way to the site might not be guaranteed;
- (d) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Ho Road;
- (e) all unauthorised building works/structures should be removed. 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
- (f) environmental mitigation measures set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be adopted to minimise any possible environmental nuisances.

[The Chairperson thanked Mr. W.M. Lam, Ms. M.L. Leung and Mr. Frederick S.T. Ng, STPs/TMYL, for their attendance to answer Members' enquiries. Messrs. Lam and Ng and Ms. Leung left the meeting at this point.]

### **Agenda Item 11**

#### **Any Other Business**

141. There being no other business, the meeting was closed at 6:05 p.m..