

TOWN PLANNING BOARD

Minutes of 331st Meeting of the Rural and New Town Planning Committee held at 2:30 pm on 4.8.2006

Present

Director of Planning
Mrs. Ava S. Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Mr. David W.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. B.W. Chan

Dr. James C. W. Lau

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

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

Assistant Director/New Territories, Lands Department
Mr. Francis Ng

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Professor David Dudgeon

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Assistant Director (2), Home Affairs Department
Ms. Linda Law

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 330th RNTPC Meeting held on 21.7.2006

1. The draft minutes of the 330th RNTPC meeting held on 21.7.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

2. There were no matters arising from the last meeting.

Sai Kung & Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/SK-HC/132 Proposed Swimming Pool and Landscaped Area
for a House (Redevelopment)
in “Residential (Group C)2” and “Conservation Area” zones,
52 Tin Shek Road, Hing Keng Shek, Sai Kung
(RNTPC Paper No. A/SK-HC/132)

Presentation and Question Session

3. 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 swimming pool and landscaped area for a house redevelopment;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD has no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

4. Members had no question on the application.

Deliberation Session

5. The Chairperson said that the application mainly involved the redevelopment of an existing swimming pool and there was no objection from concerned Government departments.

6. 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 4.8.2010, 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 submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

7. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that prior to completion of the uprating works of the local water

supply system, water supply to the redevelopment site could not be guaranteed.

[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.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Dr. Kenneth S.S. Tang, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/NE-KLH/1 Application for Amendment to the
Draft Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/10
from "Agriculture" to "Village Type Development",
Lots 28 and 1725 in DD 7 and Lot 1029 in DD 9,
Nam Wa Po Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. Y/NE-KLH/1)

Presentation and Question Session

8. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

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| Mr. W.K. Hui | - | District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN) |
| Dr. Kenneth S.S. Tang | - | Senior Town Planner/Shan Tin, Tai Po and North
(STP/STN) |

9. The following applicants and applicant's representative were invited to the meeting at this point :

Mr. Lam Sai Keung)	Applicants
Mr. Lam Chi Keung)	
Ms. Lam Sau Han	-	Applicant's Representative

10. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Dr. Kenneth S.S. Tang, STP/STN, to brief Members on the background to the application.

11. Dr. Kenneth S.S. Tang 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 Kau Lung Hang Outline Zoning Plan (OZP) from "Agriculture" ("AGR") to "Village Type Development" ("V") zone. The applicant intended to develop three Small Houses on the site;
- (b) the application site was located within the upper indirect Water Gathering Ground (WGG). In view of the concern on water quality of WGGs, a cautious approach has been adopted in designating "V" zone extension areas. The last round of "V" zone extension proposals initiated in 1999 were met with objections from the Water Supplies Department and the Environmental Protection Department (EPD) because of the potential pollution risk of septic tanks on the water quality of the WGGs. The "V" zone extension for Nam Wa Po Village, which was to the north of the application site, was finally agreed after extensive deliberation and revisions and was expanded by 1.74 ha (equivalent to about 52 Small House sites);
- (c) no public comment was received during the statutory publication period. However, the Tai Po District Officer informed Planning Department that

two Indigenous inhabitant Representatives (IIRs) and the Resident Representative (RR) of Tai Hang objected to the application. One of the IIRs submitted two letters which stated that his village strongly objected to the zoning amendment on the grounds the application site was located between the “V” zones of both Tai Hang Village and Nam Wa Po Village and the zoning amendment would lead to overlapping of the boundaries of the two villages. The approval of this application would lead to future disputes and undesirable impacts on Tai Hang Village if it sought expansion of its “V” zone in future;

- (d) the Chief Engineer/Development (2), Water Supplies Department (CE/Dev (2), WSD) objected to the application while the Director of Environmental Protection (DEP) did not support the application as the site was located within the upper indirect WGG and would not be able to connect to existing or planned sewerage system in the area. The proposed sewage treatment system was considered unacceptable as the effluent discharge standards did not meet EPD’s standards for WGG. There was insufficient information in the applicants’ submission to demonstrate that rezoning of the application site to “V” zone would not have adverse impacts on the water quality of the WGG. The District Lands Officer/Tai Po (DLO/TP) objected to the application as the application site was outside the village ‘environs’ of Nam Wa Po Village and the land within the existing “V” zone had not yet been fully utilised for Small House development; and
- (e) PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The application site was outside the village ‘environs’ and “V” zone of any recognized villages. Development of Small Houses should be concentrated in the “V” zone and the land currently available within the “V” zone should be exhausted first before considering further expansion. The proposal would have potential to cause water pollution to the WGG. The approval of the rezoning proposal would set an undesirable precedent for other similar rezoning proposals in the area.

12. The Chairperson then invited the applicants to elaborate on their justifications for the application.

13. Mr. Lam Sai Keung made the following main points :

- (a) the application was for rezoning the subject site from “AGR” to “V”. Compared with the total “V” zone of Nam Wa Po which amounted to 2.87 hectares, the site was very small, only 559m² or about 1.9% of the total “V” zone;
- (b) to the east, south and west of the site were open storage and workshop activities, vacant/agricultural land and some village houses/temporary domestic structures. To the north of the site was good quality agricultural land which was zoned “V”. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the agricultural activity on the site was not active and its potential for agricultural rehabilitation was low. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L, Plan D) advised that the proposed amendment was unlikely to adversely affect the existing landscape character. A structure had been existed on Lot 1029 in DD 9 since 1969. Therefore, the amendment would not reduce supply of agricultural land or deviate from the planning intention of “AGR” zone;
- (c) DEP planned to provide a public sewerage system in the existing “V” zone which would commence construction in 2008 for completion in 2012. Small House developments would therefore no longer create sewerage problem in the WGG and would comply with the standards as set down in the Water Pollution Control Ordinance;
- (d) when the applicants’ request for deferral of the consideration of the subject application was considered by the Committee in March 2006, the 10-year Small House demand for Nam Wa Po Village quoted by DLO/TP was 123 whilst the land available for development amounted to 86 Small House

sites. In the current paper quoted by DLO/TP, the 10-year Small House demand figure was 107 whilst the Small House sites available were 70, which meant that 16 Small Houses had been approved and less land was available for development. There was a shortage of 37 Small House sites and the outstanding Small House demand of the indigenous villagers could not be satisfied;

- (e) the normal processing time for a Small House application by the Lands Department was about 10 years. If there was uncertainty or delay in the processing, some villagers might not be able to obtain their Small Houses in their lifetime; and
- (f) to summarise, the application site was small, and the proposed amendment would provide land to meet the Small House demand of indigenous villagers and ensure economic provision of infrastructure and utility services. No undesirable precedent would be set. Members were requested to give sympathetic consideration to the application.

14. Members had the following comments and questions :

- (a) whether the applicants own the application site or any land in the existing “V” zone;
- (b) the reason for the discrepancy between the applicants’ assessment of 37 Small Houses shortage and the Planning Department’s assessment in paragraph 11.1(a) of the Paper; and
- (c) the programme for completion of the planned public sewerage system and whether any public sewer had been planned for the site.

15. In response, Mr. W.K. Hui, DPO/STN, said that the Small House demand figure for Nam Wa Po Village was provided by DLO/TP after consulting the Village Representative (VR). The figure might vary with time. There was still land in the “V” zone available for

building Small Houses though it was not owned by the applicants. He further said that DEP had advised that there was no planned public sewer for the site. The applicant's stated programme for the commencement of works for the planned public sewerage system in 2008 for completion in 2012 might not be up-to-date.

16. Mr. Lam Sai Keung said that EPD and DSD had both confirmed that the public sewerage system would be provided in 2012 during consultation with the North District Council and villagers in Nam Wa Po Village. There was an existing structure on Lot 1029 in DD 9 which would be connected to a public sewer. The application site was owned by the four applicants and he had also brought along the legal documents for Members' inspection. He added that land in the "V" zone was mostly private land owned by other individuals who would not sell the land to them. Of the 86 Small House sites available, 34 were in the previous "V" zone and had been left idle without application for a long time due to unknown reasons. The remaining 52 sites were in the extended part of the "V" zone. Of these 52 sites, 49 were involved in Small House grants under processing and there were only 3 left. His own application in 1982 was rejected in 1988 by DLO/TP. In view of this, he hoped Members would sympathise with his predicament.

17. Dr. Kenneth S.S. Tang referred to paragraphs 9.1.2 and 9.1.3 of the Paper and added that both WSD and EPD had confirmed that no existing or planned public sewer would be available to the site.

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

18. As the applicants and applicants' representative 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 applicants of the Committee's decision in due course. The Chairperson thanked the applicants and applicants' representative as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

19. In response to a Member's enquiry, Mr. Elvis W.K. Au advised that existing structures in Nam Wa Po Village were using septic tanks as no public sewer was provided in the area. The septic tanks were causing serious pollution in the WGG, leading to deterioration in the water quality in the WGG and therefore were not a satisfactory solution.

20. Two Members said that even though they were sympathetic with the applicants, the application could not be supported as both EPD and WSD had advised that the proposed Small Houses could not connect to public sewers. DO/TP's advice that Tai Hang villagers objected to the application and approving the application might lead to future disputes between the two villages was also noted. Other Members concurred with the views expressed.

21. The Chairperson said that the Government was only tolerating the current use of septic tanks in the area, and maintaining the boundary of the "V" zone would serve to regulate the Small House developments and in turn protect the WGG.

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

- (a) although the land available within the "Village Type Development" ("V") zone of Nam Wa Po Village could not fully meet the total future Small House demand, about 2.87 ha of land (or equivalent to about 86 Small House sites) was still available within the "V" zone of the village. In order to concentrate village type development within the "V" zone, land currently available within the "V" zone should firstly be developed before considering further expansion;
- (b) the application site was outside the village 'environs' of any recognized villages;
- (c) there was insufficient information in the applicants' submission to

demonstrate that the proposed sewage treatment system was technically acceptable and that the rezoning of the subject site to “V” would not have adverse impacts on the water quality of the Water Gathering Ground (WGG); and

- (d) the approval of the rezoning proposal would set an undesirable precedent for other similar proposals in the area. The cumulative effect of approving such proposals would result in serious deterioration of the water quality of the WGG; further encroachment of agricultural land by building development and a general degradation of the natural environment in the area.

23. The Committee also agreed to advise the applicant that the Small House supply and demand situation of Nam Wa Po Village would be closely monitored.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-KLH/349 Proposed Eight Houses
(New Territories Exempted Houses) (NTEHs)
in “Agriculture” zone,
Lot 1891 and Extension in DD 7,
Wai Tau Tsuen, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/349)
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Presentation and Question Session

24. Dr. James C.W. Lau, having current business dealings with ATAL Engineering Ltd., one of the consultants of the applicant, declared an interest in this item.

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

25. The Chairperson referred Members to the replacement page 11 of the Paper which had been faxed to them and tabled at the meeting for their information.

26. 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 eight Houses (NTEHs);
- (c) departmental comments – the Director of Environmental Protection (DEP) and the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the application site fell within the upper indirect Water Gathering Ground (WGG) would not be served by any existing or planned sewer. The sewage treatment plant would likely be a permanent installation instead of an interim measure as proposed due to no public sewer connection. DEP also had reservation on the use of the proposed new technology in treating the sewage in the WGGs and doubted if it could meet the required quality standard. The applicant had under-estimated the operation and maintenance costs and had not provided adequate information on the ‘legal entity’ required for the construction, operation and maintenance of a communal sewage treatment plant. There was no information in the application to address the traffic noise problem of the application site. The Assistant Commissioner for Transport/New Territories, Transport Department also had reservation on application as the NTEH developments should be confined to the “V” zone where the necessary traffic and transport facilities had been planned and provided. Approval of the proposed NTEHs would set an undesirable precedent for similar applications in the future, resulting in cumulative adverse traffic impact. Moreover, the Chief Town Planner/Urban Design and Landscape did not support the application as the scope of the construction works would adversely affect the existing trees, and the

approval of the application might set an undesirable precedent, possibly leading to more similar applications in the area and the destruction of the remaining woodland in the vicinity;

- (d) three public comments were received during the statutory publication period, one jointly signed by the Wai Tau Tsuen Indigenous Inhabitant Representative and the Resident Representative, the other jointly signed by 21 Wai Tau Tsuen villagers, and the third from a resident of King's Lodge. They all objected to the application on fung shui and sewerage grounds. One local objection from the Village Representatives was received by the District Officer, objecting to the application and reiterating the fung shui ground as put forth in the public comments; and
- (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 fell within the WGG, but was unable to connect to any existing or planned public sewer. The proposed sewage treatment plant would not be an interim facility for treating sewage arising from the proposed development as proposed. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area in the long run. Both DEP and CE/Dev(2), WSD did not support the application. Concerned Government departments also objected to the application on traffic, noise and tree preservation grounds.

27. Members had no question on the application.

Deliberation Session

28. Members noted that there were objections from various concerned Government departments on water quality, traffic, noise and tree preservation grounds. As such, the application could not be supported.

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

- (a) the proposed development was located within the water gathering ground (WGG) but was unable to be connected to the existing or planned public sewers in the area. Hence, the proposed sewage treatment plant would not be an interim facility for treating sewage arising from the proposed development as the applicant had proposed. There was insufficient information in the submission to demonstrate that the proposed sewage treatment plant was technically acceptable in treating the sewage generated from similar private development in WGG to meet the required quality standard and would not cause adverse impact on the water quality in the area in the long run. There was insufficient information in the submission to demonstrate that the construction, operation and maintenance of the communal sewage treatment plant would be supported by a viable 'legal entity' and adequately covered by an operation and maintenance plan;
- (b) the application site was along a heavily trafficked highway, the traffic noise level at the proposed development was expected to exceed the Hong Kong Planning Standards and Guidelines standard. There was insufficient information in the submission to address the traffic noise problem;
- (c) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative adverse environmental and traffic impacts; and
- (d) there was insufficient information in the submission to demonstrate that all the mature trees within the application site would be retained. The approval of the application might set an undesirable precedent, leading to gradual destruction of the remaining woodland in the vicinity which was an important landscape resource to the area.

[Dr. James C.W. Lau returned to join the meeting while Mr. Tony C.N. Kan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-LYT/336 Temporary Vehicle, Machinery and Construction Equipment Repair Workshop for a Period of 3 Years in “Recreation” zone, Lot 612G in DD 85, Lau Shui Heung, Fanling (RNTPC Paper No. A/NE-LYT/336)
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Presentation and Question Session

30. 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 vehicle, machinery and construction equipment repair workshop;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

31. Members had no question on the application.

Deliberation Session

32. The Chairperson said that previous approval had been granted for the same use and the applicant had complied with the approval conditions.

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00pm to 8:00am, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles were allowed to/from the application site during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the noise mitigation measures should be maintained at all times during the planning approval period;
- (f) the permanent fence and the permanent barrier should be maintained at all times during the planning approval period;
- (g) the landscape works and existing trees on the application site should be maintained at all times during the planning approval period; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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.

34. The Committee also agreed to advise the applicant :

- (a) to seek approval of the Short Term Waiver from the District Lands Officer/North, Lands Department for the vehicle, machinery and construction equipment repair workshop;
- (b) to implement the environmental measures recommended in the 'Code of Practice on Handling the Environmental Aspects of Open Storage and Other Temporary Uses' issued by the Environmental Protection Department to minimize any possible environmental nuisance;
- (c) to observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the concerned 400kV overhead lines; and
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
 - (i) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection. The applicant was required to sort out any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
 - (iii) the application site was located within the flood pumping catchment

area associated with River Indus and River Ganges pumping stations.

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

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-MUP/52 Temporary Open Storage of Building Materials
for a Period of 3 Years
in “Agriculture” zone,
Lot 160B5 in DD 38, Sha Tau Kok Road,
Man Uk Pin, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/52)
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Presentation and Question Session

35. 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 storage of building materials;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as the application site was considered as good quality agricultural land. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site 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 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 “Agriculture” (“AGR”) zone, and DAFC was not in favour of the application. The proposed development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the site fell within Category 3 area, and there was no previous planning approval granted nor any technical submission to demonstrate the use would not generate adverse environmental impacts on the surrounding area.

36. Members had no question on the application.

Deliberation Session

37. The Chairperson remarked that the application did not comply with the relevant Town Planning Board Guidelines and there were no exceptional circumstances which would merit sympathetic considerations.

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard agricultural land for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation;
- (b) the proposed use would cause adverse impact on agricultural activities in the vicinity of the site;
- (c) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval was granted to the site and there were adverse

following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (NTEH) (Small House) at each of the application sites;
- (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 applications for reasons as detailed in paragraph 11.1 of the respective Papers.

41. Members had no question on the applications.

Deliberation Session

42. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permissions should be valid until 4.8.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment received during the statutory publication period objected to the application on environmental, drainage, access and dumping problem and local order grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed Small House was in line with the interim criteria for consideration of application for NTEH/Small House in the New Territories. It was close to the existing/approved Small Houses in the area and the village proper of Lung Mei and was compatible with the surrounding rural and village environment. Relevant Government departments consulted had no objection to the application. Regarding the commenter's concerns, the Chief Engineer/Mainland North, Drainage Services Department advised to impose an approval condition requiring the applicant to carry out a drainage impact assessment and to propose measures to his satisfaction. The Director of Agriculture, Fisheries and Conservation advised that there was considerable distance between the application site and the Pat Sin Leng Country Park. As such, the commenter's claim that the proposed Small House would seriously affect the Country Park was not fully substantiated. Other concerned Government departments had no comment on the public comment received.

45. Members had no question on the application.

Deliberation Session

46. A Member enquired the difference between an approval condition and an advisory clause and whether the suggested advisory clause (b) on consulting the Director of Environmental Protection (DEP) regarding sewage treatment/disposal method for the proposed development should be included as an approval condition in view of the pollution from the use of septic tanks. Another Member asked if a sewage treatment plant should be used instead of septic tanks.

47. Mr. W.K. Hui, DPO/STN, advised that an approval condition was obligatory but an applicant was encouraged to follow an advisory clause. Government's requirements which were considered necessary to be fulfilled would be imposed as approval conditions. For other departmental comments which were advisory in nature, the applicant was encouraged to follow for his own benefit.

48. Mr. Elvis W.K. Au said that the requirement could be less stringent as the development was not within the Water Gathering Ground (WGG). The use of septic tanks was an acceptable measure where no public sewer was provided. This would be different for a development within the WGG where water quality was of paramount importance. He added that sewage treatment plant and packaging plant were for communal use but the management and maintenance was difficult to coordinate in villages without a legal entity such as Owners Corporation.

49. On the suggested advisory clause (a), Members noted that the Chief Engineer/Development (2), Water Supplies Department's comments were standard advisory comments.

50. A Member asked whether the public comment was vexatious in that the ground relating to adverse impacts on the Pat Sin Leng Country Park, which was at a considerable distance from the application site, was unfounded. In response, Mr. W.K. Hui said that the commenter's interest might be affected by the proposed development as he lived in the

development next to the application site.

51. 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 4.8.2010, 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 submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission of a drainage impact assessment and implementation of measures to mitigate any adverse effects that might arise to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note that the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (b) note that the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development.

existing vegetation and hinder the establishment of the woodland;

- (d) one public comment from Kadoorie Farm & Botanic Garden Corporation (KFBG) was received during the statutory publication period indicating that sizable trees (*Celtis sinensis*) in the application area were found and suggested an approval condition should be imposed to ensure no tree felling in order to maintain the trees in a healthy state, and any tree trimming should seek prior approval from the Government; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 12.1 of the respective Paper. The proposed Small Houses complied with the Interim Criteria for assessing planning applications for NTEH/Small House development. The proposed Small Houses were compatible with the surrounding rural and village environment, and were close to the existing/approved Small Houses in the area and the village proper. The proposed Small Houses would not overstrain the capacity of the existing and planned infrastructures, such as water supply and sewerage, and they would not cause adverse traffic, environmental, sewerage and fire safety impacts on the surrounding areas. Regarding the public comment from KFBG, both the Director of Agriculture, Fisheries and Conservation and CTP/UD&L advised that the trees mentioned by KFBG were not within the application site. To address the landscape concern, an approval condition on submission and implementation of landscaping and tree preservation proposals could be imposed.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 4.8.2010, and after the said date, the permissions should cease to have

effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

57. The Committee also agreed to advise the applicant of Application No. A/NE-TK/211 to :

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards; and
- (b) note that the water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

58. The Committee also agreed to advise the applicant of Application No. A/NE-TK/213 to :

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
- (b) note that the water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and

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

Tuen Mun and Yuen Long District

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

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/TM/1 Application for Amendment to the
Draft Tuen Mun Outline Zoning Plan No. S/TM/21,
from "Residential (Group B)" to "Green Belt",
Government Land adjacent to Lots 665RP, 665ARP in DD 379,
So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/1)

Presentation and Question Session

61. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Mr. Wilson Y.L. So	-	District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)
Mr. W.M. Lam	-	Senior Town Planner/TMYL (STP/TMYL)

62. The following applicant's representatives were invited to the meeting at this point :

Mr. Kenneth To) Applicant's Representatives
Ms. Kitty Wong)

Presentation and Question Session

63. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Wilson Y.L. So to brief Members on the background to the application.

64. Mr. Wilson Y.L. So presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning of the application site on the draft Tuen Mun Outline Zoning Plan (OZP) from "Residential (Group B)" ("R(B)") to "Green Belt" ("GB");
- (b) the site was zoned "R(B)" on the first draft Tuen Mun OZP gazetted on 29.7.1983. No objection to the zoning of the site was received at that time. On 16.8.1988, the then Governor in Council approved the draft Tuen Mun OZP No. S/TM/6. The "R(B)" zoning of the site has remained unchanged in the past 23 years;
- (c) the site was largely zoned "Residential (Group 3)" ("R3") on the draft departmental Layout Plan (LP). According to the LP, development of the site was restricted to a maximum plot ratio (PR) of 1.3, a maximum site coverage (SC) of 30% and a maximum building height of 15m and 5 storeys. The Explanatory Statement of the LP also stated that appropriate noise mitigation measures were required to minimize adverse noise impact generated from traffic along Castle Peak Road. Such development restrictions would be incorporated into the lease conditions

of the site upon land disposal;

- (d) the justifications put forth by the applicant were detailed in paragraph 2 of the Paper;
- (e) the District Lands Officer/Tuen Mun advised that majority of the application site was a proposed sale site for private residential purpose to meet housing needs of the society. The concern of the applicant could be addressed through a coherent design to integrate the future residential development with its surroundings. Control could also be exercised through the “Preservation of trees” clause in the land sale conditions to ensure that no trees were felled without prior consent of Government. If approval was given, it would be subject to compensatory landscaping scheme;
- (f) the Director of Agriculture, Fisheries and Conservation advised that the site was not of significant ecological value as it was small and isolated from other natural environment, and the vegetation was mostly common fruit trees or landscape planting except a large *Ficus microcarpa*;
- (g) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that rezoning the site to “GB” would help preserve the existing vegetation. However, given the lower site level of the application site as compared to the adjacent “V” zone, the proposed building height would not block the view of the “V” zone. The development intensity of the site was considered acceptable from the urban design viewpoint;
- (h) the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the existing “R(B)” zoning of the site would not have adverse traffic impact on the road network. The exact location of the vehicular access to the site via Ka Wo Li Hill Road could be selected to preserve the *Ficus microcarpa*;

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

- (i) 41 public comments, mainly from residents of Kar Wo Lei, supporting the rezoning were received during the statutory public inspection period. The commenters supported the application on the grounds that residential development on the site would create adverse environmental, traffic, landscape and visual impacts;
- (j) PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The “R(B)” zoning of the site had gone through a due statutory planning process. The “R(B)” zone was to meet the housing needs in Tuen Mun. Rezoning of the site from “R(B)” to “GB” would sterilize its development potential and deprive Tuen Mun of a housing site for medium-density housing development. Noise barriers had already been provided along Castle Peak Road fronting the western boundary of the application site to shield off the traffic noise. Given the planning context and zoning history, there was no strong justification to rezone the site to “GB”; and
- (k) the commenters’ concerns could be addressed by imposing control on aspects like design and tree preservation in the land lease governing the site.

65. The Chairperson then invited the applicants’ representatives to elaborate on their justifications for the application.

66. With the aid of powerpoint presentation, Mr. Kenneth To made the following main points :

- (a) the original “R(B)”, which included the application site, was a much larger site sandwiched by two roads. The majority of this large “R(B)” zone (i.e. the north-eastern part) was rezoned to “Village Type Development”

(“V”) in 1990, which was fully developed by 2005. The “R(B)” zone that remained comprised two existing house lots (Lots no. 665RP and 665S.A.RP in DD 379) and the application site;

- (b) Castle Peak Road – So Kwun Wat Section had been widened since 1990s and noise barrier had been erected. However, no direct road frontage was provided. With the noise barrier in the west, steep slopes in the north and trees in the south, the only possible access was by cutting through the slope and demolishing the ruins in the east of application site. The slope cutting would inevitably destroy the landscape on the site and had adverse visual impact;
- (c) as shown in the LP (extract at Plan Z-1a of the Paper) and the aerial photo, the application site formed part of the adjacent green corridor and a larger green belt to the east of the site and was an important habitat for birds;
- (d) CTP/UD&L also advised that although there was no particular rare tree species within the subject site, the existing vegetation was densely grown on the slope which further reinforced the landscape screening effect and formed a distinctive landscape character in the vicinity. Some mature trees were also found on the slope and flat area of the site which had high landscape value;
- (e) the application site comprised a tree-covered knoll and well vegetated steep slopes. Mature fruit trees of over 50 years old, which were of high landscape value due to their size and form, were found on the Government land outside Lot 665RP in DD 379 and a *Ficus microcarpa* with extensive root system and girth of 1.3m was found in the middle of the site. As such, the developable area was very limited and development of this small portion would inevitably destroy the vegetated slopes;
- (f) with the developable area estimated to be only 960m², limited development intensity at a plot ratio of 1.3, the modest property price in

Tuen Mun, the very high additional engineering costs in providing a road access, site formation and slope stabilization, and the need for noise mitigation measures, limited land revenue could be raised from sale of the site; and

- (g) in conclusion, the proposed “R(B)” zoning was not desirable as the Town Planning Board could not control the future development parameters and design of the development. Also, the site formation and provision of access to effect the development would have adverse impacts on the slopes and vegetation on the site. On the contrary, rezoning the site from “R(B)” to “GB” would provide benefits far outweighed the loss of Government land sale revenue.

67. Members had the following questions on the application :

- (a) whether the applicant was the owner of the application site or the adjacent lots;
- (b) whether the applicant’s claim that access to the site could not be provided was substantiated; and
- (c) when would the site be put for land sale.

68. In response, Mr. Kenneth To advised that the applicant lived in the “V” zone along Ka Wo Li Hill Road, and was not the owner of the adjoining lots. According to the Town Planning Ordinance, there was no requirement for the applicant to own the land under application and any individual could apply for application for amendment of an OZP under section 12A of the Ordinance.

69. Mr. Wilson Y.L. So, DPO/TMYL, advised that the access to the site could be provided along Ka Wo Li Hill Road as the frontage along Castle Peak Road – So Kwun Wat Section was occupied by a noise barrier. In fact, the noise barrier was built with the intention of medium density residential developments on the application site and the

adjoining private lots under the “R(B)” zoning. The two private lots (Lots 665RP and 665sARP in DD 379) to the south-east were covered by lease under GN364 which permitted two-third site coverage and a building height of 2 storeys. The access to these two lots was on Government land and could also serve the application site. According to AC for T/NT, access to the site could be provided from the current driveway leading to and pass through the eastern part of these two lots. The site was currently occupied by some Government land licences and unauthorized structures. Prior to land disposal, clearance of existing structures would be necessary. As such, there would be adequate space for development and provision of the access, without affecting the Ficus microcarpa and mature trees on the site.

70. Mr. Francis Ng advised that there was not yet a fixed programme for the sale of the application site but it would not be put for sale in this financial year.

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

Deliberation Session

72. A Member said that a reasonable balance should be struck between conservation and development. The site had been zoned for “R(B)” use to meet the housing needs. It was also noted that AC for T/NT had confirmed that a vehicular access could be provided without affecting the Ficus microcarpa on the site. As such, the application was not supported. Another Member concurred and said that the applicant’s justification for rezoning the site were not sufficient.

73. A Member noted that the application site had been zoned “R(B)” since 1983 when the vegetation on the site might not be as mature as the present state. The site and the adjacent two private lots formed an integrated “R(B)” zone. The residents in the neighbourhood should have been aware of the “R(B)” zoning of the site before they moved in, as a due consultation and gazetting process of the OZP had been gone through.

74. Members were of the view that the “R(B)” zoning of the application site was appropriate and should be maintained.

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

(a) the site was located in the midst of a low to medium-density residential neighborhood. The “Residential (Group B)” zoning was considered appropriate as it would optimize the use of valuable land resources. There was however no strong justification to rezone the site to “Green Belt”; and

(b) the concerns on visual and landscape impacts due to the proposed residential development could be addressed by imposing control on aspects like design and tree preservation in the land lease governing the site.

General Issue

76. A Member asked whether PlanD’s representatives could provide more information in response to the applicant’s arguments put forth at the meeting, which would help Members make an informed decision on a case.

77. In response, the Secretary advised that for a s.12A application, the arguments put forth by the applicant in the meeting were rebuttal in response to PlanD’s views set out in the paper provided to the applicant a week before the meeting. As such, PlanD’s representatives could not prepare for responses to the applicant’s arguments beforehand, and according to the meeting procedures, PlanD’s representatives would only provide explanations in response to Members’ questions.

78. The Chairperson explained that PlanD’s representatives would respond to Members’ questions as far as possible. If there was any critical information which the

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping and tree preservation proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2007;
- (b) in relation to (a) above, the implementation of the landscaping and tree preservation proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 4.5.2007;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2007;
- (d) in relation to (c) above, the provision of drainage facilities proposed within 9 months to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2007;
- (e) the provision of a 3kg dry powder/9 litres water type fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2007;
- (f) if any of the above planning conditions (a), (b), (c), (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

- (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.

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

- (a) note that a temporary planning approval for a period of 3 years was granted so as to monitor the development;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply for Short Term Waiver (STW) to regularize the irregularities on site. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (d) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that existing water main would be affected. A waterworks reserve within 1.5 meters from the centerline of the water main should be provided to WSD;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works including any temporary structure for approval under the Buildings Ordinance was required. 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 under B(P)R19(3) during the building plan submission stage;

- (f) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any possible environmental nuisances; and
- (g) note the Director of Electrical and Mechanical Services’ comments that the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult China Light and Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-LFS/146 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Recreation” zone, Lots 2207RP(Part), 2213ARP, 2213B, 2214RP and 2215ARP in DD 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/146)
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Presentation and Question Session

83. 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 open storage of construction materials;
- (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 Assistant Commissioner for Transport/New Territories, Transport Department commented that the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas resulting in cumulative adverse traffic impact on the nearby road network. The Chief Engineer/Mainland North, Drainage Services Department considered the drainage proposal incomplete. The Chief Town Planner/Urban Design and Landscape had reservation from the landscape planning point of view as the site was currently in agricultural use. The proposed development would have negative impact on the existing rural landscape character and the submitted landscape proposal could not mitigate the negative impact;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and

[Messrs. Elvis W.K. Au and 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 did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D) in that the application site fell within Category 4 areas and no previous planning approval had been granted for the site. Adverse comments were received from concerned Government departments on environmental, traffic, drainage and landscape aspects. There was no exceptional circumstances to merit approval. A similar application (No.

A/YL-LFS/144) for open storage of construction materials located to the east of the application site across Deep Bay Road within the “REC” and “Residential (Group E)” zones was rejected recently by the Committee.

84. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous approval granted for the application site and there were adverse departmental comments from concerned Government departments on environmental, traffic, drainage and landscape aspects; and
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-PS/248 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” and “Undetermined” zones, Lots 390(Part), 391(Part), 392(Part), 394(Part), 395(Part) in DD 122 and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/248)
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Presentation and Question Session

86. 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 public vehicle park for private car and light goods vehicle;
- (c) departmental comments – the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) commented that approval of the application might set an undesirable precedent for other similar applications in the surrounding area. Approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. Other concerned Government departments had no objection or no adverse comments on the application;
- (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 has no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that previous approval had been given and all approval conditions, except the requirement prohibiting the parking of lorries, heavy goods vehicles and container vehicles, had been complied with. Concerned Government departments generally had no objection to the application. On AC for T/NT, TD’s concern on the setting of an undesirable precedent, similar applications had been approved within the same “V” zone by the Committee. Besides, as compared with the previously approved application (No. A/YL-PS/180), the scale of development under the current application had been reduced. Hence, the cumulative traffic impact on the existing road network generated by the development should

not be significant. To closely monitor the situation, approval conditions prohibiting parking of heavy vehicles and restricting the operation hours could be imposed.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.8.2009, 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 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 night-time operation between 8:00 pm and 8:00 am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities on site as previously implemented on site under planning application No. A/YL-PS/180 within 3 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the TPB by 4.11.2006;

- (g) the provision of a 9-litres water type/3 kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2007;
- (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 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.

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

- (a) note that shorter compliance period was granted in order to closely monitor the compliance of approval conditions imposed;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his office for a Short Term Waiver and Short Term Tenancy to regularize the irregularities on the site. His office reserved all rights to take enforcement/control action against these irregularities;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO) and that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site; and
- (f) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-ST/315 Temporary Public Car/Lorry Park with Ancillary Facilities
(including Canteen and Site Office)
for a Period of 3 Years
in "Village Type Development" zone,
Lots 153(Part), 154A(Part), 154B(Part), 155(Part),
156(Part), 157(Part), 194(Part), 195(Part), 196(Part),
197(Part), 198RP(Part) and 199RP(Part) in DD 102
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/315)
-

Presentation and Question Session

90. 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 public car/lorry park with ancillary facilities (including canteen and site office);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned Government departments had no adverse comments on or objection to the application;
- (d) a public comment from the owner of Lot 152 in DD 102 adjoining the application site received during the statutory publication period stated that there was no objection to the application but urged the Committee to impose control on unregulated raising of the site level, the artificial lighting at night and the drainage problems brought about by the development; and
- (e) the Planning Department (PlanD)’s views – PlanD has no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The proposed public vehicle car park was generally in line with the planning intention of the “V” zone and could cater for the demand for parking by the nearby villages. Previous approval had been given before. DEP’s concern could be addressed by imposing appropriate approval conditions to restrict parking of heavy goods vehicles and container vehicles on the site, and the site operation hours. The applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’. To address the commenter’s

concern, the applicant had proposed mitigation measures on the lighting aspect. Approval conditions on mitigating the lighting impacts, and provision and implementation of drainage proposals to the satisfaction of concerned Government departments could also be imposed.

91. In response to a Member's enquiry on whether the suggested approval condition on no operation between 11pm and 7am could address the commenter's concern on the lighting impact, Mr. Wilson Y.L. So advised that the operation hours was considered appropriate. In fact, the applicant had proposed various measures to mitigate the lighting impact as stated in the applicant's letter at Appendix II of the Paper, and another approval condition had also been recommended in this respect.

Deliberation Session

92. A Member asked whether the operation of the temporary public car/lorry park would be adversely affected if the restriction on operation hours was extended to between 10pm and before 7am. Another Member asked where the commenter resided.

93. Mr. Wilson Y.L. So advised that the commenter lived in Lot 152 in DD 102 which was located to the immediate north-west of the application site but at some distance from the ingress/egress point. If no operation was allowed after 10pm, the residents in the area would be benefited though it might affect the operation of the public car/lorry park to some extent.

94. A Member cautioned that the Committee should be consistent in setting operation hours for operators in the area, and the applicant should not be affected by a more restrictive condition on operation hours unless there was sufficient reason.

95. In response to a Member's suggestion that the operator could be advised to dim the lights at that part of the site after 10pm, the Chairperson drew Members' attention to Appendix V of the Paper, in which the commenter stated that the current operator had been reasonable and had dimmed the lights but he was concerned if another operator took up the site in future. The Chairperson said that approval condition (f) would require provision of

mitigation measures to minimize the nuisance of artificial lighting on site to the residents nearby to the satisfaction of the Director of Planning.

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 pm to 7:00 am should be carried out on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (c) no heavy goods vehicles and container vehicles were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (e) the landscape planting on the application site should be maintained at all times during the approval period;
- (f) the provision of mitigation measures to minimize the nuisance of artificial lighting on site to the residents nearby as proposed by the applicant within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2006;
- (g) the provision of replacement tree planting for the site according to the accepted landscape proposals under Application No. A/YL-ST/245 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2006;

- (h) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2006;
- (i) in relation to (h) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2007;
- (j) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.11.2006;
- (k) in relation to (j) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.2.2007;
- (l) the provision of fire service installations on site within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2006;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

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

- (a) note that shorter compliance period was granted in order to closely monitor the compliance of approval conditions imposed, in particular, the rectification of the current drainage conditions on site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments to apply for Short Term Waiver and Short Term Tenancy to regularize the unauthorized structures on site and illegal occupation of Government land;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's advice to clarify the land status and management responsibility of the access road between the site and Castle Peak Road – San Tin;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (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. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required; and

- (g) note the Director of Food and Environmental Hygiene's advice that the canteen should be used exclusively of the persons employed in the work place (visitors or drivers were not deemed as employees); a conspicuous notice of "Only Used for Employees" should be displayed at the entrance of the canteen; the canteen should be operated by the applicant or his agent; the operation of the public car/lorry park, office and staff canteen should not create any environmental nuisance to the surroundings; and the refuse generated by the proposed park and ancillary facilities were regarded as trade refuse. The management of the park was responsible for its removal and disposal at their expense.

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-ST/316 Temporary Public Vehicle Park
(including Private Cars, Container Vehicles
and Heavy Goods Vehicles)
and Ancillary Facilities
(including Vehicle Repair Area, Site Offices and Canteen)
for a Period of 3 Years
in "Undetermined" zone,
Lots 253, 254, 255, 256, 257, 258, 259, 260, 261(Part),
262(Part), 264(Part), 265, 266, 267, 268, 270,
279BRP(Part), 280 and 372DRP(Part) in DD 99
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/316)
-

Presentation and Question Session

98. 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 public vehicle park (including private cars, container vehicles and heavy goods vehicles) and ancillary facilities (including vehicle repair area, site offices and canteen);
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the site was close to a project limit of Spur Line rail project, and subsequent to the previous planning approval, the landowners had failed to apply to his office for regularization of the unauthorized structures on the subject lots. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) was concerned that the approval condition on provision of the drainage facilities proposed in the approved Drainage Impact Assessments (DIA) under the previous Application No. A/YL-ST/239 remained outstanding. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the adjoining roads and junctions in Lok Ma Chau Road was operating near capacity and the number of vehicles using Lok Ma Chau Road would be increased due to the operation of a new Public Transport Interchange (PTI) near the terminus of the Lok Ma Chau Spur Line in mid-2007. The Commissioner for Police (C of P) had similar concerns particularly because Lok Ma Chau Road would be the sole vehicular access and emergency vehicular access to the Spur Line Terminus PTI. Any obstruction caused by large vehicles on the carriageway would not be tolerated;
- (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 has no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application site fell within Category 1 areas in the Town Planning Board

Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D). The site was zoned “Undetermined” which was intended to facilitate the planning and development of the Spur Line project, but it fell outside the gazetted boundary of the Spur Line rail project. Sympathetic consideration could be given for temporary uses of the site in the interim. The current vehicle park on the site was not incompatible with the surrounding land uses including container vehicle parks and open storage yards. Previous approval under Application No. A/YL-ST/239 had been given. All similar applications within the same “U” zone which would not affect the implementation of the Spur Line project were approved by the Committee. An appropriate drainage condition requiring the completion of the drainage works on the site within 3 months would be imposed. DLO/YL’s reservation due to the unauthorized structures erected on the site was a land administration issue to be sorted out by the applicant with the relevant authority. In this connection, an advisory clause was suggested. To address the concerns of AC for T/NT, TD and C of P, a shorter approval period of 12 months was recommended so as to minimize any traffic impact on Lok Ma Chau Road after the opening of the PTI. Moreover, appropriate approval conditions requiring the submission of a revised traffic impact assessment taking into account the postulated traffic impacts of the future PTI on the road network and implementation of traffic management scheme proposed were also recommended.

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 12 months until 4.8.2007, 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 site at any time during the planning approval period;

- (b) the landscape planting on the application site should be maintained at all times during the approval period;
- (c) the provision of replacement tree planting for the site according to the accepted landscape proposals under Application No. A/YL-ST/239 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2006;
- (d) the implementation of the drainage facilities proposed in the approved Drainage Impact Assessment under Application No. A/YL-ST/239 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2006;
- (e) the submission of a revised Traffic Impact Assessment (TIA) within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 4.11.2006;
- (f) in relation to (e) above, the implementation of the traffic management scheme as proposed in the approved revised TIA within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB 4.2.2007;
- (g) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.11.2006;
- (h) in relation to (g) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.2.2007;

- (i) the provision of fire service installations on site within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2006;
- (j) 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;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) note shorter compliance period was granted in order to closely monitor the compliance of approval conditions imposed;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver and Short Term Tenancy to regularize the unauthorized structures on site and illegal occupation of Government land;
- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the

surrounding areas;

- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (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;
- (f) note the Chief Engineer/Development (2), Water Supplies Department's advice that existing water mains would be affected. Diversion of the affected water mains was required, and all costs associated with the diversion works should be borne by the applicant. In case diversion was not practicable, 3-metre wide waterworks reserves each measuring 1.5 metres 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 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. The Government should not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site; and
- (g) note the Director of Food and Environmental Hygiene's advice that the canteen should be used exclusively for the persons employed in the work place (visitors or drivers were not deemed as employees); a conspicuous notice of "Only Used for Employees" should be displayed at the entrance of the canteen; the canteen should be operated by the applicant or his agent; the operation of the container vehicle park, vehicle repair workshops,

office and staff canteen should not create any environmental nuisance to the surroundings; the refuse generated by the proposed park and ancillary facilities were regarded as trade refuse; and the management of the park was responsible for its removal and disposal at their expense.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. W.M. Lam, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Lam left the meeting at this point.]

Agenda Item 8

Any Other Business

[Open Meeting (Presentation and Question Session only)]

A/YL-PS/243-1 Extension of Time for Compliance with Planning Condition –
Temporary Public Vehicle Park for Private Cars, Lorries and Coaches
for a Period of 3 Years
in “Village Type Development” zone,
Lots 429, 431(Part), 436(Part), 437, 438, 446(Part),
447(Part) and 449RP(Part) in DD 122,
Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/243-1)

102. The Secretary reported that an extension of time for compliance with planning conditions under Application No. A/YL-PS/243 was received on 26.7.2006. The application was approved by the Board for temporary public vehicle park for private cars, lorries and coaches for a period of 3 years up to 28.4.2009 subject to approval conditions. Approval condition (f) relating to submission of the condition record of the existing drainage facilities on site as previously implemented under planning application No. A/YL-PS/123 within 3 months from the date of planning approval was yet to be complied with. The applicant requested for extension of time for compliance with condition (f), but when the application was submitted to the Committee for consideration at this meeting, the deadline of 28.7.2006 for complying with the condition had already expired. In accordance with the practice

adopted by the TPB, such late application would not be considered as there would be insufficient time for obtaining departmental comments. In fact, the approval had already expired at the time of consideration by the Committee.

103. Members agreed not to consider the application for extension of time as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the approval condition.

104. There being no other business, the meeting was closed at 5:00 pm.