

## **TOWN PLANNING BOARD**

### **Minutes of 363rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 14.12.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Principal Environmental Protection Officer (Strategic Assessment)  
Environmental Protection Department  
Mr. H.M. Wong

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Chief Engineer/Traffic Engineering (New Territories West),  
Transport Department

Mr. Y.M. Lee

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

Assistant Director/New Territories, Lands Department

Mr. C.S. Mills

**In Attendance**

Chief Town Planner/Town Planning Board

Ms. Brenda K.Y. Au

Town Planner/Town Planning Board

Ms. Paulina L.S. PUN

**Agenda Item 1**

Confirmation of the Draft Minutes of the 362nd RNTPC Meeting held on 30.11.2007

[Open Meeting]

1. The draft minutes of the 362nd RNTPC meeting held on 30.11.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) Reference of Approved Outline Zoning Plan

2. The Secretary reported that on 4.12.2007, the Chief Executive in Council referred the approved Peng Chau Outline Zoning Plan to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference of the approved OZP was notified in the Gazette on 14.12.2007.

- (ii) Town Planning Appeal Abandoned

Town Planning Appeal No. 7 of 2007

Temporary Centre for Inspection of New Vehicles and Office

for a Period of 3 Years in “Residential (Group D)” and “Recreation” zones,

Lots 4(Part), 5(Part), 6(Part) and 7(Part) in DD 124, Lots 1498BRP(Part),

1527RP, 1528RP and 1529RP in DD 125 and Adjoining Government Land,

Ha Tsuen, Yuen Long

(Application No. A/YL-HT/469)

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3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 19.4.2007 against the decision of Town Planning Board to reject on review an application for a temporary centre for inspection of new vehicles and office for a period of 3 years at a site zoned “Residential (Group D)” and “Recreation” on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/8. On 9.11.2007, the appeal was abandoned by

the appellant of his own accord. On 7.12.2007, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

4. As at 14.12.2007, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	20
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	126
Yet to be Heard	:	12
Decision Outstanding	:	3
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Total	:	267

[Mr. Edmund K.H. Leung arrived to join the meeting at this point.]

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

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/FSS/2 Application for Amendment to the Approved Fanling/Sheung Shui Outline Zoning Plan S/FSS/14 from “Commercial/Residential (3)” to “Open Space”, Government Land near Belair Monte, Planning Area 19, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. Y/FSS/2)
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[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

5. Ms. Stephanie P.H. Lai, Senior Town Planner/Shia Tin, Tai Po and North (STP/STN) and the following applicant's representatives were invited to the meeting at this point :

Mr. Lee Ping-yiu  
Mr. Lo Cheong-iu  
Mr. Hui Po-hing, Eddy  
Mr. To Chan-wing  
Mr. Chan Yin-lai  
Mr. Hon Man-sum  
Mr. Tang Kwok-yiu  
Mr. Lam Choi-ming  
Mr. Chan Wai  
Ms. Man Fei-yin

6. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited the Planning Department (PlanD)'s representative to brief Members on the background to the application.

7. Ms. Stephanie P.H. Lai presented the application and covered the following main aspects as detailed in the Paper and summarized below :

- (a) the applicant, proposed to rezone the application site adjoining Belair Monte in Planning Area 19, Fanling from "Commercial/Residential (Group 3)" ("C/R(3)") to "Open Space" ("O"). There was no specific proposal for implementing the proposed "O" zone under the application. The applicant also proposed that the land use of the ex-Luen Wo Market site, currently designated for local open space on the draft Layout Plan, be swapped with that of the application site and be reserved for commercial/residential (C/R) development;
- (b) the background of the application site was detailed in paragraph 4 of the Paper. It was highlighted that the application site was originally zoned

“Undetermined” (“U”) and was subsequently rezoned to “C/R(3)” to reflect the approval of an application submitted by the District Lands Office for a proposed C/R development. The zoning amendment, amongst others, was exhibited for public inspection in 2001 and no objection to the “C/R(3)” zoning was received. Two previous section 12A applications proposing to rezone the application site from “C/R(3)” to “O” and “Other Specified Use” annotated “Public Vehicle Park” were rejected by the Committee on 24.8.2007 and 16.11.2007 respectively. Referring to Plans Z-4 and Z-5 of the Paper, Ms. Lai said that the site was currently occupied by a fee-paying public car park under a Short Term Tenancy;

- (c) departmental comments were detailed in paragraph 8 of the Paper. It was highlighted that the Lands Department (LandsD) did not support the application as the application site had been included in the 2007/2008 Application List. The proposed rezoning would jeopardize the land sale. While the Transport Department (TD) had no in-principle objection to rezone the application site to “O”, it considered that the proposed change of use of the ex-Luen Wo Market site might cause adverse traffic impact on the local road network. Similarly, the Environmental Protection Department advised that the ex-Luen Wo Market would be subject to traffic noise impact from Shau Tau Kok Road exceeding the Hong Kong Planning Standards and Guidelines criterion of 70 dB(A). The Leisure and Cultural Services Department advised that the structure of ex-Luen Wo Market was of historical interest and should be preserved. No objection from other concerned Government departments was received;

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

- (d) a total of 2,155 public comments were received during the statutory publication periods of the application and further information. Two comments indicated objection to the application mainly on the grounds of a reduction of vehicle parking spaces leading to an increase in parking fees, and that various kinds of open space for active and passive recreational activities already existed. The remaining public commenters indicated

support to the application in consideration that there was a lack of large-scale public open space in the area, and unsuitability of commercial/residential development on the application site due to adverse air ventilation impacts and wall effect and fire risk from the nearby petrol filling station. The commenters had also suggested using the application site for different kinds of community facilities. Local views had also been collected through the District Officer/North, as set out in paragraph 8.1.8 of the Paper; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 10.4 of the Paper in that the “C/R(3)” zoning of the application site had been finalized after careful consideration by the Committee during the plan-making process and consideration of previous rezoning applications. The zoning had gone through a due process under the Town Planning Ordinance. There had been no change in planning circumstances since then. The “C/R(3)” zoning of the application site was compatible with the adjacent land uses and would optimize the use of valuable land resources. Adequate open space had been reserved/planned for Fanling/Sheung Shui New Town. There were also private open spaces within the private residential development, of which 2,010m<sup>2</sup> of open space at Grand Regentville was open to the public. There was no strong justification to rezone the application site from “C/R(3)” to “O”. As for the ex-Luen Wo Market site, it was subject to adverse traffic impact from the roads nearby. Yet, there was no submission in the application to demonstrate that the proposed C/R development would not have adverse traffic impact on the surrounding areas or would incorporate any mitigation measures to alleviate the traffic noise impact from the nearby Sha Tau Kok Road.

8. The Chairperson then invited the applicant's representatives to elaborate on the application.

9. Mr. Lee Ping-yiu said that he would respond to the comments from PlanD and other Government departments. He made the following main points :

Supply of Open Space

- (a) all the open spaces in the area were concentrated to the north-west of Luen On Street. There was no public open space east of Luen On Street where Belair Monte, Regentville and Grand Regentville were situated. Although the PlanD's representative pointed out that there was to be public open space at Grand Regentville, only little green space with some benches were found. Elderlies of the three large-scale residential developments would have to travel all the way to public open space near Wing Fok Centre;
- (b) on the contrary, the old area of ex-Luen Wo Market which was of much lower density with only 5 to 6-storey developments, enjoyed many more facilities nearby including playgrounds, sitting-out area and gardens;
- (c) it was requested that the supply of open space be more evenly distributed to benefit the residents of the three residential developments;

Local Traffic Condition

- (d) every day during the peak commuting hours, residents of Belair Monte, Regentville and Grand Regentville had to line up at the mini-bus terminus near Regentville for the two to three mini-bus routes to and from the railway station. The queue could get up to 500m or even 1km long;
- (e) on the contrary, the ex-Luen Wo Market area was well-served by franchised mini-bus services to Ping Che and Sha Tau Kok. There was also no traffic congestion problem in the Lui Wo Hui area;
- (f) in view of the above, it was doubtful why the TD considered that a C/R development at the application site would not aggravate traffic problem to the area east of Luen On Street, but such development would worsen the condition around the ex-Luen Wo Market area. Representatives from the TD should make on-site observation;

Traffic Noise

- (g) the application site in Planning Area 19 fronting Sha Tau Kok Road, while the ex-Luen Wo Market site in Planning Area 20 was further off from the same road with a park, mini-bus stop and taxi stand acting as buffer. It was difficult to understand why a C/R development at the application site would not suffer from adverse traffic noise impact while the ex-Luen Wo Market site would;
  
- (h) the applicant represented the local residents in the area. There were no resources for technical assessments. Nonetheless, the applicant's arguments were based on daily on-site observation;

History of Luen Wo Hui

- (i) the Luen Wo Hui area was first developed in the 1950s and was a traditional low-density area. In view of its relatively small population as compared with the few thousand units in the three residential developments, that area was over-supplied with recreational facilities and open spaces. It was hoped that Members of the Committee would consider the application with the objective to achieving district harmony and more even distribution of resources;

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

- (j) the proposed "C/R" zoning for the ex-Luen Wo Market site would help the revitalization of the area. It would be similar to the successful urban renewal case of Langham Place in Mongkok;

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

Justifications for the Application

- (k) with a C/R development at the application site, the air flow for the Belair Monte and Grand Regentville would be adversely affected. It would in turn affect the general health of the residents. An open space at the application site would, however, provide as buffer from the industrial area

on the other side of Sha Tau Kok Road. To have a C/R development at the application site would worsen the interface problem; and

- (l) an open space at the application site would also serve the general public including residents of San Uk Tsuen, Lung Yeuk Tau, Wing Ling Tsuen and Ma Shi Po.

10. Mr. Lee Ping-yiu then concluded that the applicant did not raise objection to the Government's land sale policy. It was not as reported in the media that the applicant would waste Hong Kong people's tax revenue and resources. The application actually proposed a swap of land uses between the application site in Planning Area 19 and the ex-Luen Wo Market site in Planning Area 20. The Committee was urged to take into account the practical needs of the local residents and to favourably consider the applicant's proposal which would help achieve harmony in community as promised by the Chief Executive.

11. The Chairperson and Members then raised the following questions :

- (a) what was the distribution of public open spaces within the area;
- (b) whether open space provision was required within various large-scale developments;
- (c) what were the development restrictions in the "C/R(3)" zone covering the application site vis-à-vis those in the "C/R" zone covering the ex-Luen Wo Market site;
- (d) what was the condition of the local road network in the Luen Wo Hui area;
- (e) what was the programme for implementation of the planned open space at ex-Luen Wo Market site;
- (f) what was the applicant's view on the preservation of the ex-Luen Wo Market structures after the proposed swap of land uses; and

- (g) what kinds of recreational facilities were provided within Belair Monte and whether the owners were aware of the existing and planned land uses in the surrounding prior to purchasing their flats.

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

12. In response, Ms. Stephanie P.H. Lai made the following main points :

- (a) the distribution of open spaces in the area was shown on Plan Z-6 of the Paper. The existing public open spaces were located near Wing Fok Centre, Union Plaza, and along Luen Wo Road and Luen Hing Street;
- (b) podium gardens and other recreational facilities were provided within major private residential developments to serve the residents. According to the lease requirement, a public open space of 2,010m<sup>2</sup> was provided in the Grand Regentville;
- (c) the application site was zoned “C/R(3)” subject to development restrictions of a maximum domestic and non-domestic plot ratio (PR) of 5 and 9.5 respectively, and a maximum building height of not more than 123mPD. For the “C/R” zoning of the Luen Wo Hui area, developments were restricted to a maximum domestic and non-domestic PR of 3.9 and 6.7 respectively and a maximum building height of 20m for sites smaller than 340m<sup>2</sup>. For sites larger than 340m<sup>2</sup>, such as the ex-Luen Wo Market site, a maximum domestic and non-domestic PR of 5 and 9.5 respectively and a building height of 81m would be permitted;
- (d) the ex-Luen Wo Market was an old residential area and the local roads were narrow and mainly one-way. The TD had reservation on the proposal and considered that a C/R development at the ex-Luen Wo Market site would cause traffic congestion. Also, in view of the suggestion of some members of the North District Council (NDC) to preserve the ex-Luen Wo Market structures, it was the planning intention to have an open space incorporating some of the preserved structures; and

- (e) according to the LCSD, the open space at the ex-Luen Wo Market site was planned by the former Regional Council. Although there was no definite implementation programme at this stage, funding would be sought after obtaining NDC's support of the open space proposal. In fact, the District Lands Office had already secured some funding and temporary rehabilitation works of the market structures had commenced.

13. In response to Members' questions, Mr. Lee Ping-yiu made the following main points :

- (a) the ex-Luen Wo Market structures were dilapidated. A comprehensive redevelopment of the site should be more beneficial than preserving the structures; and
- (b) there was a swimming pool and some small activity spaces within Belair Monte. Nonetheless, it was considered that there should be a more even distribution of open spaces between residents of the large-scale developments and those of the Luen Wo Hui area.

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

#### Deliberation Session

15. A Member said that the Luen Wo Hui area originally comprised mainly of 2-storey developments. These developments were subsequently demolished and replaced by the existing 5 to 6-storey buildings. The road network was originally designed to serve such low-density development and the streets were therefore narrow. A C/R development at the ex-Luen Wo Market site, as proposed by the applicant, would result in a development with much higher intensity and taller building height than the surrounding buildings. As it

was unlikely that redevelopment of the surrounding buildings could achieve the same building height due to small site area, the C/R development would be incompatible with the rest of the neighbourhood.

16. Another Member shared the view and said that the flat owners should be aware of the existing and planned land uses in the surrounding area when they bought their flats. This Member did not support the application.

17. A Member who was familiar with the area said that there was not much traffic problem in the area around the application site.

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

18. The Chairperson concluded that in general, there was sufficient open space provision in New Towns including the area and there were no sufficient reasons to swap the development with the planned open space in Luen Wo Hui. While recognizing that there had been a few rezoning applications relating to the application site representing the views of the locals, Members did not consider that the applicant's intention had been well justified. The case had not been justified with public interest consideration as a whole.

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

- (a) the "Commercial/Residential (3)" zone intended for commercial and/or residential development at the application site was compatible with the surrounding residential/commercial developments and would optimize the use of valuable land resources;
- (b) there was adequate local open space provision for residents in the Fanling/Sheung Shui New Town. The overall planned provision of district open space was also adequate to cope with the long-term requirements of the planned population in the New Town. There was no strong planning justification to rezone the application site from "Commercial/Residential (3)" to "Open Space"; and

- (c) there was no planning merit to rezone the “Open Space” site at the ex-Luen Wo Market to “C/R” development as a swap with the development at the application site.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/NE-TK/2 Application for Amendment to the  
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/12  
from “Agriculture” to “Recreation”, Various Lots in DD 17  
and Adjoining Government Land, Ting Kok, Tai Po  
(RNTPC Paper No. Y/NE-TK/2)
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[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

20. Dr. Kenneth S.S. Tang, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN) and the following applicant’s representatives were invited to the meeting at this point :

Mr. Kenneth To  
Mr. Chan Tang-mo  
Mr. Suen King  
Mr. Chu Chi-kwong  
Mr. Derek Lam  
Mr. Sam Mok  
Ms. Kitty Wong  
Ms. Mackie Leung  
Ms. Gladys Ng  
Ms. Louisa Chin

21. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited the Planning Department (PlanD)’s representative to brief Members on the background to the application.

22. With the aid of a PowerPoint presentation, Dr. Kenneth S.S. Tang said that the application involved a proposal to rezone the application site in Ting Kok from “Agriculture” (“AGR”) to “Recreation” (“REC”) zone for a holiday camp cum recreational facilities including a hobby farm, an education centre, water sports facilities and indoor recreation centre. He covered the following main aspects as detailed in the Paper and summarized below :

- (a) the application site was located to the south of Ting Kok Road and was partly cleared and partly fallow agricultural land overgrown with grass. Its surrounding area was predominately fallow agricultural land with scattered domestic structures. To the west of the application site was a strawberry farm. The Ting Kok Site of Special Scientific Interests (SSSI) with mangroves was located about 100m to the south-west of the application site;
- (b) the applicant’s proposal was detailed in paragraph 1 and Drawing Z-3 of the Paper. The proposed development had a total site area of about 38,264m<sup>2</sup>. The maximum plot ratio (PR) was 0.4 with a total gross floor area (GFA) of about 15,305m<sup>2</sup> and a site coverage of not more than 20%. The proposal comprised of two sections :
  - (i) the holiday camp with a total GFA of 7,654m<sup>2</sup>. There would be 86 units in 23 number of development blocks, of which 13 blocks would be 2 storeys and 10 would be 3 storeys. The maximum building height was 9.5m;
  - (ii) the recreational facilities with a total GFA of 7,651m<sup>2</sup> and a maximum of 3 storeys. The building height of an observation tower attached to the proposed education centre would reach 12.5m;
- (c) the applicant’s justifications in support of the application were detailed in paragraph 2 of the Paper;
- (d) the application site was the subject of 3 previous applications for residential,

and residential cum recreational developments. All applications were rejected by the Committee for not being in line with the planning intention, excessive scale and adverse visual impact. There was one similar rezoning application involving an area to the north of the application site for a spa resort hotel (Application No. Y/NE-TK/1). The Committee decided not to agree to this application on 1.12.2006 due to excessive scale and intensity, adverse landscape impact and that the proposed zoning not appropriate for the area;

- (e) a total of 36 public comments were received during the statutory publication periods of the application and further information. 22 commenters raised objection to the proposed development mainly on the grounds of adverse environmental and traffic impacts and adverse impact on the order and security of the area. The remaining 14 commenters indicated support to the application, considering that the proposal could utilize abandoned farmland and bring more recreational outlets; and
  
- (f) the PlanD's views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. The subject area was of high potential for agricultural rehabilitation and the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application from agricultural development point of view. The current “AGR” zoning was considered appropriate. The scale and intensity of the proposed development were considered excessive. There was scope to further reduce the site coverage, floor area and development bulk. The Environmental Protection Department (EPD) did not support the application as the application site was close to the Ting Kok SSSI and the proposed development would give rise to potential sewerage, drainage, noise and ecological concerns. Human activities and glare light would likely cause disturbance to the ecology of the SSSI. The Sewerage Impact Assessment was considered not acceptable and any proposed residential blocks on the application site fronting Ting Kok Road would be subject to traffic noise exceeding standards. Other Government departments including the Transport Department and Drainage Services Department

(DSD) had raised concerns on various technical issues which were yet to be resolved. Although the applicant undertook to improve the waterfront area, there was no firm proposal.

23. The Chairperson then invited the applicant's representatives to elaborate on the application.

24. After briefly introducing the applicant's team, Mr. Kenneth To elaborated on the application with the aid of a PowerPoint presentation. Mr. To said that since 2000, the Tourism Commission (TC) had set out the policy objective to establish and promote Hong Kong as Asia's premier international city and a world-class destination for leisure and business visitors. It aimed to broaden the range of tourism products in Hong Kong. At the aftermath of the outbreak of the Severe Acute Respiratory Syndrome (SARS), there had been an increased demand for local tourism spots in the countryside with properly designed and operated facilities and destinations. The TC commissioned the Northern New Territories (NNT) Green Tourism Development Programme in 2002 identifying the Plover Cove and Tolo Harbour as one of the study areas, particularly with opportunities for water-based tourism of island hopping sea tours. However, the NNT Green Tourism Development Programme mainly involved Government land and facilities. No privately owned sites had been included in the study.

25. Mr. Kenneth To said that most of the application site had been formed for accommodating previous recreational and agricultural facilities. The application site was in the midst of a recreational hub in the Northern New Territories which comprised various recreational nodes including Pat Sin Leng Country Park, Double Haven (Yan Chau Tong), Shuen Wan, Yim Tin Tsai and Tai Mei Tuk. Other recreational facilities, including Shuen Wan temporary golf driving range, the proposed Guan Yin Statue at Tung Tsz and the proposed Lung Mei Bathing Beach to the east, would support the Ting Kok area to become a significant local tourist point.

26. Mr. Kenneth To continued to say that the proposed holiday camp was in line with the Government's broad tourism policy objectives and NNT Green Tourism Initiatives. With a plot ratio of 0.4, it was compatible with the surrounding rural setting and Ting Kok as recreational hub. The properly designed and managed facilities would replace the existing

temporary and ad hoc recreational activities in the Ting Kok area. It would mean a better utilization of land resources. The application site, situated in a tranquil and scenic natural environment and easily accessible by road and sea transport, offered an ideal setting for the proposed development. Considering the nature of the proposed development, a diverse habitat could be preserved and integrated with the design of the holiday camp for public enjoyment.

27. Mr. Kenneth To then briefly went over the conceptual development scheme in that the less active uses, mainly the overnight accommodation, was designated to the southern part of the application site which was closer to the Ting Kok SSSI. The more active uses of the visitor centre, indoor recreation centre, restaurant, education centre and hobby farm were placed at the northeastern part of the site.

28. In response to the outstanding departmental concerns, Mr. Kenneth To made the following main points :

Agricultural Use

- (a) although the AFCD considered that the potential for agricultural rehabilitation of the application site was high and did not favour the application, in reality the existing agricultural pattern in the Ting Kok area was mainly ad hoc or temporary in nature. The strawberry farm in the vicinity of the application site was no longer in operation. The nearby plant nursery was actually run like a hobby farm which was similar to the proposed scheme;
- (b) Ting Kok had never been recognized as a major agricultural area in Hong Kong. Large-scale agricultural activities with possible discharge of fertilizers and chemicals into Plover Cove would not be acceptable in this area;
- (c) while the applicant had no objection to agricultural activities, they should be in the form of hobby farms under good management;

Environmental Concerns

- (d) regarding the concerns on possible disturbance to the Ting Kok SSSI, it should be noted that the SSSI was about 100m away from the application site. In order to prevent possible adverse impacts, the proposed scheme had been designed with a landscape buffer so that the nearest hostel block was at least 120m away from the SSSI. The western site boundary was also setback to exclude a sensitive streamcourse from the development;
- (e) as mentioned earlier, the active part of the holiday camp would be concentrated in the area closer to Ting Kok Road. As such, the impact of the human activities and glare on the SSSI would be minimal;
- (f) the domestic accommodations of the camp had been setback at least 100m from Ting Kok Road and would not be adversely affected by traffic noise;

Concerns on Sewerage

- (g) the DSD had expressed concerns on the design and proper operation of the proposed sewerage equalization tank. However, the proposed facility was actually the same type to be used in the Lung Mei Bathing Beach project by the Government. There would be monitoring devices and daily log book could be submitted to relevant authorities for checking;
- (h) according to the proposal, the sewage from the development would be collected and stored underground and discharged to the Government sewers at night or during non-peak hours to avoid peak discharge time of residential uses;

Traffic Concerns

- (i) it was clarified that the traffic surveys were conducted on both Saturday and Sunday and a Traffic Impact Assessment had been conducted;
- (j) new Small House developments in the area had been absorbed in the 1% growth rate and the traffic growth projection which was in line with the growth rate provided in Territorial Population and Employment Data

Matrices had been used in the traffic assessment;

- (k) the temporary barbeque site nearby had been in existence before the submission of the current application. It had been taken into account in the traffic survey;
- (l) according to the traffic survey, there was no specific a.m. peak hour on Sundays;
- (m) since there was concern on the proposed pedestrian crossing being too close to the existing bus layby, the vehicular access to the application site would be revised so that the pedestrian crossing would be shifted farther away from the bus layby;
- (n) the TD had considered that a new bus/GMB layby should be provided on the westbound of Ting Kok Road fronting the application site. However, there were already two existing bus stops and the need for an additional one was doubtful. However, the applicant had no objection for such provision if really required;
- (o) adequate private car, cycle, motorcycle parking spaces and loading/unloading bays would be provided;

Development Intensity

- (p) the Urban Design and Landscape Section of the PlanD had no in-principle objection to the application. The concerns of the Architectural Services Department on development intensity could be dealt with in the section 16 application and detailed design stage.

29. Mr. Kenneth To then concluded the applicant's presentation and said that in order to facilitate the proposed scheme, it was suggested to incorporate a new "Recreation (1)" zone for the application site. In relation, it was recommended to amend the Notes for the "Recreation" zone to include 'Holiday Camp (not elsewhere specified)' in Column 1 and 'Holiday Camp (in "Recreation(1)" zoning only)' in Column 2. This could ensure adequate

control over the detailed design of the proposed holiday camp development through the planning permission system. Concerns of the Government departments, which were technical in nature, could also be resolved at the later stage.

30. The Chairperson and Members then raised the following questions to the applicant's representatives :

- (a) which part of the application site was owned by the applicant;
- (b) what was the form of undertaking from the other land owners whom the applicant claimed would participate in the development project;
- (c) what was the status of the rest of the private land within the application site;
- (d) what was the nature of operation of the plant nursery near the application site;
- (e) whether a lower development intensity than the proposed PR of 0.4 would be economically viable;
- (f) what was the proportion of built-up area in the proposed development scheme; and
- (g) how would the possible disturbance to the SSSI be controlled, given the holiday camp was so close to the ecologically sensitive area.

31. In response, Mr. Kenneth To made the following main points :

- (a) referring to a land status plan on the PowerPoint presentation showing the distribution of land lots, about 94.1% of the application site was private land. Out of the private land, 75.1% was owned by the applicant. While the land owners of about 12.1% of the private lots were prepared to participate in the development, 6.9% of the private lots were held by other

owners;

- (b) for those other land owners willing to take part in the development scheme, they were the related companies of the applicant and their participation was quite certain;
- (c) further negotiation would be conducted with the rest of the land owners. Nonetheless, the principle of the proposed development would not be affected by excluding these lots as they were mostly on the boundary of the application site. Revision to the detailed layout of the proposal could ensure the implementation of the scheme, while maintaining access to these lots at the same time had the respective owners decided not to take part;
- (d) the plant nursery to the east of the application site, which started operation in 2005, had already been closed down;
- (e) the proposed plot ratio of 0.4 was a general indication of the development scale only. It was drawn up with reference to the maximum domestic plot ratio of 0.2 permitted within the “REC” zone on the Ting Kok OZP. Under the current proposal, the domestic use and non-domestic uses were about 0.2 plot ratio each. Nonetheless, concern on the scale of development could be further addressed in the detailed design stage;
- (f) the proposed building structures were of 1 to 3 storeys with no more than 20% site coverage; and
- (g) the Ting Kok SSSI was mainly mangroves in water. The holiday campers would very unlikely affect the SSSI. On the contrary, a well-managed education centre would help prevent adverse impacts on the SSSI. In fact, whether the application site was used as a holiday camp, people could always have access to the mangroves.

32. As the applicant’s representatives had no further points to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures

had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

33. A Member said that the proposal was still at a preliminary stage, particularly that there was still uncertainty in the land acquisition aspect which might affect the layout of the whole development.

34. Another Member said that the Ting Kok SSSI was an environmentally sensitive area of important ecological value. However, the applicant's proposal did not have a very clear indication for conservation. This Member considered that the concerns expressed by the EPD and AFCDD had not been satisfactorily addressed. Moreover, the proposed development intensity was quite high. As such, the application could not be supported.

35. A few Members opined that the area including the application site was currently under unsystematic land uses with some ad hoc or temporary uses. The wider Ting Kok area had become a destination for recreational activities and agricultural rehabilitation in the area would unlikely be realized. Rather, the holiday camp concept might be more preferable than the existing land uses in a disorderly manner. A well-managed recreational facility might also be more beneficial for the protection of the environmentally sensitive areas.

36. A Member pointed out that while the existing disorderly land uses in the area was not satisfactory and that some kind of systematic recreational developments might be desirable, a balance had to be struck with the need for conservation. Under the current application, the proposed development intensity was considered to be excessive. Moreover, there had not been cases in which privately-run recreational facilities were successful in terms of economic returns. There was also a concern that the nature of the proposed holiday camp might change over time, jeopardizing the intention and effort towards conservation.

37. A Member said that another proposal for a spa resort hotel in the vicinity of the application site had been rejected by the Committee. Another Member added that the spa

resort proposal was at a site to the north of Ting Kok Road and was farther away from the SSSI. In comparison, the current application site was nearer to the SSSI and the proposed development would bring in large number of people affecting the ecological value of the SSSI. If any recreational development was to be considered in the area, it should be in the context of a more comprehensive land use reviews covering the Ting Kok area as a whole.

38. After discussion, the Chairperson concluded that the Committee noted that the Ting Kok area located at the entrance to the country park had good potential for recreational tourism. There was no fundamental objection to the provision of a well-managed holiday camp in the area. However, it was considered that any such development should be compatible with the nearby environmentally sensitive areas. Under the current application, the proposed development intensity was considered excessive and there was serious concern on whether the facility would be well-managed to ensure no degradation of the SSSI nearby. There were also a number of outstanding technical problems yet to be addressed. In view of the above, the application was not supported.

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

- (a) the current “Agriculture” zoning for the site on the Ting Kok Outline Zoning Plan was considered appropriate, having regard to the existing rural setting and the nearby area with high environmental and ecological value;
- (b) the scale and intensity of the development were considered to be excessive. There were still scope for further improvement on the layout design and further reduction in the development bulk of the proposed development. Insufficient information had been provided to demonstrate that the scale of the development was compatible with the nearby development, and that the development had paid due respect to the rural character of the site; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse sewerage, environmental, ecological and traffic impacts on the surrounding areas.

40. The Committee agreed to request the Planning Department to carry out a land use review on the Ting Kok area with a view to enabling development of recreational tourism in a comprehensively planned manner and achieving a proper balance between development and conservation.

[Mr. B.W. Chan left the meeting, while Dr. James C.W. Lau, Professor Nora F.Y. Tam and Mr. Alfred Donald Yap left the meeting temporarily at this point.]

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

[Open Meeting (Presentation and Question Sessions only)]

- (iii) Y/ST/4 Application for Amendment to the  
Draft Sha Tin Outline Zoning Plan No. S/ST/22  
from “Green Belt” to “Comprehensive Development Area (2)”,  
Lots 379 and 380RP in DD 186, Sha Tin  
(RNTPC Paper No. Y/ST/4)
- 

#### Presentation and Question Sessions

41. The Committee noted that the applicant requested on 6.12.2007 for a further deferment of the consideration of the application until the next Committee meeting on 4.1.2008 to allow more time to prepare supplementary information to address the Transport Department’s concerns.

#### Deliberation Session

42. After deliberation, the Committee decided to further 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 on 4.1.2008 for consideration subject to there being no further information submitted which would require publication for public comments. The Committee also agreed to advise the applicant that three weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless

under very special circumstances.

[Dr. James C.W. Lau, Professor Nora F.Y. Tam and Mr. Alfred Donald Yap returned to join the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting]

Proposed Amendments to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/13

(RNTPC Paper No. 27/07)

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43. The following Government representatives and consultants were invited to the meeting at this point :

*Civil Engineering and Development Department (CEDD) representatives*

Mr. Lau Wing Lai

Mr. Ricky Wong

*LCSD representatives*

Mr. Peter Kan

Mr. Chow Chi Man

*Architectural Services Department representative*

Mr. Lam Hang Shing

*Consultants*

Mr. Peter Shek

Mr. Terence Fong

Mr. Charles Ng

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

44. The Chairperson extended a welcome and invited the Planning Department (PlanD)'s representative to brief Members on the background to the Paper.

45. Dr. Kenneth S.S. Tang, STP/TPN, drew Members' attention to two sets of documents regarding the proposed development of a bathing beach at Lung Mei tabled at the meeting. The documents included the main conclusions of the Environmental Impact Assessment (EIA) as well as an aerial photo and photomontages concerning the beach

project.

46. With the aid of a PowerPoint presentation, Dr. Kenneth S.S. Tang then presented the proposed amendments to the Ting Kok Outline Zoning Plan (OZP) as detailed in the Paper. He said that on 24.3.2006, the Town Planning Board (the Board) agreed to a proposed extension area of about 1.02ha to the subject OZP for the proposed Lung Mei Bathing Beach. In October 2006, the CEDD proposed that the area of extension should be revised to 1.91ha due to engineering and technical considerations. The Board considered this proposal for a larger extension area on 24.11.2006. Members expressed concerns on the possible adverse traffic, environmental and ecological impacts of the proposed project, and considered that more information should be submitted for consideration. Subsequently, the CEDD confirmed that the proposed extension area for the beach would remain at 1.02ha, i.e. within the boundary originally agreed by the Board on 24.3.2006. In parallel, the CEDD carried out an EIA and a Traffic Impact Assessment (TIA) to demonstrate that the impacts of the bathing beach would be acceptable. The EIA report was published for public inspection on 23.11.2007. According to the findings of the EIA, no unacceptable environmental and ecological impacts would be caused by the proposed beach project.

47. Dr. Kenneth S.S. Tang continued to say that the current proposed amendments to the OZP were mainly related to the incorporation of the Lung Mei Bathing Beach. He covered the following amendment items as detailed in paragraphs 4 and 5 of the Paper and summarized below :

Amendments to the Plan

- (a) the extension of the planning scheme boundary of the Ting Kok OZP to include a 1.02ha extension area and designating most part of this area (about 0.93ha) as “Open Space” (“O”) for the proposed bathing beach;
- (b) in connection, two areas totalling about 0.7ha were proposed to be designated as ‘Road’ to be used as the fee-paying car park for the beach;

Amendments to the Notes

- (c) to add ‘Bathing Beach’ under Column 1 of the Notes for “O” zone to cater for the proposed beach; and

- (d) to refine the control relating to filling of ponds in the “Remarks” of the “O” zone arising from the extension of the planning scheme boundary.

48. Dr. Kenneth S.S. Tang then invited Mr. Ricky Wong of the CEDD to brief Members on the works relating to the Lung Mei Bathing Beach and the EIA undertaken.

49. With the aid of a PowerPoint presentation, Mr. Ricky Wong introduced the main aspects regarding the development of Lung Mei Bathing Beach and were summarized below :

Site Layout

- (a) the works of the Lung Mei Bathing Beach included the proposed channel diversion of Lo Tsz River and construction of a new box culvert designed to lead water from upstream and surface rain water collected away from the beach area for about 100m;

Project Scope

- (b) the project included the followings :
  - (i) a 200m long beach with a groin at each end of the beach;
  - (ii) a beach building comprising public changing rooms, shower rooms, toilets, management office, first aid room, staff facilities, equipment/machinery rooms, fast food kiosks and ancillary facilities;
  - (iii) outdoor shower facilities, look-out towers and shark prevention net;
  - (iv) public car parks and landscaped areas;
  - (v) retaining structures; and
  - (vi) drainage diversion and sewerage construction works;

Status of the EIA Study

- (c) the EIA had been completed and the EIA report was under exhibition for 30 days for public comments from 23.11.2007;

Conclusions of the EIA

- (d) the EIA (covering air quality, noise, waste management, water quality, ecology, fisheries and landscape and visual impacts) had concluded that no unacceptable environmental impacts were envisaged due to the construction and operation of the proposed beach development;
- (e) no adverse residual air, noise, water quality, waste management and landscape and visual impacts were anticipated from the construction and operation of the project with the implementation of the recommended mitigation measures and good site practices;
- (f) although the proposed beach development would cause loss of habitats and seabed, the impacts were considered low/negligible because the beach was located in a low-quality habitats and the faunal species and the fish living in the intertidal part of the beach area had high mobility. No long-term unacceptable impacts on the environment were anticipated;
- (g) the coral within the study area and area within 500m of the works area would not be subject to any direct loss due to construction works or indirect loss due to change of water quality. No adverse residual impacts were expected after the implementation of recommended mitigation measures. The measures included the adoption of good construction practices (such as installation of silt curtains, restriction on dredging rate and sand filling rate, provision of on-site drainage system and silt traps) and provision of mangrove seedling planting;

Results and Recommendations of the Traffic Impact Assessment (TIA) Study

- (h) the Ting Kok Road corridor would have sufficient capacity to accommodate the traffic generated by the proposed beach, taking into account the planned developments in the vicinity, such as the proposed Tsz

Shan Monastery;

- (i) the proposed public car park included 113 fee-paying parking spaces for 100 private cars, 10 motorcycles and 3 coaches, 2 coach loading/unloading bays and 2 passenger car/taxi unloading bays which were considered commensurate with the scale of the proposed beach development;
- (j) the proposed road layout included :
  - (i) junction of Ting Kok Road and car park access designed as signalized controlled junctions;
  - (ii) local road widening to accommodate an additional right turning lane to the proposed car park at the eastbound carriageway;
  - (iii) existing bus stop at westbound carriageway to be reprovisioned; and
  - (iv) pedestrian facilities to be provided.

50. In response to a Member's enquiry on the sufficiency of the car parking spaces and future expansion plans, Mr. Ricky Wong said that the TIA had undertaken traffic surveys and on-site observation of the travel pattern/behaviour and parking duration at existing beaches, e.g. Clear Water Bay Second Beach, to come up with a recommendation of 100 car parking spaces for Lung Mei Bathing Beach. In case of inadequacy, the Leisure and Cultural Services Department (LCSD) would engage a contingency plan similar to those for other existing beaches including that during peak hours, the police would set up warning signs at major road junctions leading to the beaches and make announcements via the media to ask the public to use public transport. The LCSD would liaise with the police to work out the contingency plan for Lung Mei Bathing Beach in due course.

51. Mr. Peter Kan confirmed that the LCSD would maintain effective communication with the police to broadcast the updated traffic situation around the beach area and make recommendations for use of public transport via the radio. He also confirmed that LCSD would liaise with the relevant Government departments to work out the contingency plan for

Lung Mei Bathing Beach in detail.

52. In response to the Chairperson's and Member's enquiries on consultation with the District Council and local fishermen's association, Dr. Kenneth S.S. Tang said that it was understood that the District Council had indicated support to the proposal. Mr. Ricky Wong added that since mid-2006, the local fishermen's association had been consulted through three briefing sessions. In general, the project was supported but concerns were raised on whether the fishermen's livelihood would be affected. There were suggestions on how to maintain the water quality, including locations to set up monitoring stations on water quality, and dredging time and season. These concerns and recommendations had been taken into account in the EIA.

53. In response to the Chairperson's enquiry on the project's impact on the nearby Ting Kok Site of Specific Scientific Interest (SSSI), Mr. Terence Fong referred Members to the relevant slides in the Powerpoint presentation and said that the concerned SSSI was about 500m away from the proposed beach and was mainly made of mangroves. The possible impacts were of two folds. The dredging during construction and possible sand replenishment to the beach during operation might cause more suspended particles in the water which might flow towards the SSSI. Nonetheless, the possible impacts were tested on the 3-dimension computer model. It was found that as the dredging was small in scale, the suspended particles would be concentrated within the construction site even without the use of silt curtains. Also, after sand replenishment, the proposed groins on both ends of the beach had been tested to be effective with the computed simulation calculation in preventing the sand from being washed out of the beach area. Hence, the SSSI would not be adversely affected.

54. In response to the Chairperson's enquiry on the status of the TIA, Mr. Ricky Wong said that the Transport Department considered the TIA acceptable.

#### Deliberation Session

55. The Chairperson remarked that the Committee had previously considered and agreed with the reclamation limit of the proposed beach in early 2006. The acceptability of the proposal was further supported by the detailed technical assessments.

56. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/13 as mentioned in paragraphs 4 and 5 of the Paper and that the Amendment Plan No. S/NE-TK/13B at Annex B of the Paper (to be re-numbered to S/NE-TK/14 upon gazetting) and the Notes of the Amendment Plan (relevant amended parts of the Notes were at Annex C of the Paper) were suitable for gazetting under section 7 of the Town Planning Ordinance;
- (b) adopt the Explanatory Statement (ES) (relevant amended parts of the updated ES for the draft OZP were at Annex D of the Paper) as an expression of the planning intention and objectives of the Town Planning Board for various land-use zonings on the draft Ting Kok OZP and issued under the name of the Board; and
- (c) agree that the revised ES was suitable for exhibition for public inspection together with the draft OZP No. S/NE-TK/13B (to be re-numbered to S/NE-TK/14 upon gazetting).

[The Chairperson thanked the Government representatives and consultants for attending the meeting. They all left the meeting at this point.]

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

**Agenda Item 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-KTS/256       Proposed House  
(New Territories Exempted House – Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lots 3335H1RP, 3335H5 and 3335IRP in DD 91,  
Lin Tong Mei, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/256)
- 
- (ii)           A/NE-KTS/257       Proposed House  
(New Territories Exempted House – Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lots 3335H2A, 3335H3, 3335IBA and 3335IC in DD 91,  
Lin Tong Mei, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/257)
- 
- (iii)          A/NE-KTS/258       Proposed House  
(New Territories Exempted House – Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lots 3335H1A, 3335H2RP, 3335H4, 3335IBRP and  
3335ID in DD 91, Lin Tong Mei, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/258)
- 

57.           Noting that the three applications (No. A/NE-KTS/256, A/NE-KTS/257 and A/NE-KTS/258) were similar in nature and the application sites were located in close proximity within the same “Village Type Development” and “Green Belt” zones, the Committee agreed that the applications be considered together.

**Presentation and Question Sessions**

58.           Ms. Stephanie P.H. Lai, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – no objection from concerned Government departments to the applications was received;
- (d) two public comments on each of the application indicating support were received during the statutory publication periods of the applications; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the applications for the reasons detailed in paragraph 12.1 of the Papers.

59. Members had no question on the applications.

#### Deliberation Session

60. Members noted that the applications complied with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories.

61. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 14.12.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permissions was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of fire fighting access, 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 proposals to the satisfaction of the Director of Planning or of the TPB.

62. The Committee also agreed to advise each applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
  - (i) the application site was located within Water Supplies Department (WSD) flood pumping Water Gathering Ground;
  - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  - (iii) watermains in the vicinity of the application site could not provide the standard firefighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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



- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. The application complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories. The proposed use was not incompatible with the surrounding rural environment and there was a general shortage of land in meeting the demand for Small House development. Although the Urban Design and Landscape Section of the PlanD raised objection to the application on landscape planning point of view, there was no existing tree on the application site. The Agriculture, Fisheries and Conservation Department had no objection to the application from the nature conservation point of view. Appropriate approval conditions and advisory clauses were recommended to address the concerns on the landscape aspect, and technical concerns of the TD and CEDD.

64. Members had no question on the application.

#### Deliberation Session

65. 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 14.12.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a Geotechnical Planning Review Report to assess the natural terrain hazard as set out in the Advice Note (Appendix VI of the Paper), and the provision of mitigation measures, if necessary, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (b) the submission and implementation of proper drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscape proposals to the

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

- (d) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

66. The Committee also agreed to advise the applicant :

- (a) that he 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;
- (b) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (d) that disturbance to trees in the vicinity of the site should be avoided; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/PSK/7           Proposed Minor Relaxation of Building Height Restrictions  
in “Residential (Group B)2” and “Residential (Group B)3” zones,  
Tai Po Town Lots 187 and 188, Pak Shek Kok, Tai Po  
(RNTPC Paper No. A/PSK/7)
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Presentation and Question Sessions

67.           The Committee noted that the applicant requested on 11.12.2007 for a deferment of the consideration of the application to allow more time to prepare further information to address Government departments’ comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi)           A/ST/664           Temporary Shop and Services (Estate Agency)  
for a Period of 3 Years in “Industrial” zone,  
Workshop J(Part), G/F Universal Industrial Centre,  
19-25 Shan Mei Street, Sha Tin  
(RNTPC Paper No. A/ST/664)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary shop and services (estate agency) use for a period of 3 years;
- (c) departmental comments – no objection from the concerned Government departments, including the Fire Services Department (FSD), was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the use under application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper. Previous planning approval (Application No. A/ST/609) for the same use at the same application premises was granted and there had been no change in planning circumstances. Nonetheless, the FSD advised that the approval condition of submission of layout plan for the formulation of fire service requirement for the previously approved application was yet to be complied with. It was recommended that shorter compliance periods be imposed for the current application to monitor the submission and implementation of fire safety measures.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;





Deliberation Session

77. 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 14.12.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

78. The Committee also agreed to advise the applicant :

- (a) that his inside services might need to be extended to the nearest suitable Government water mains for connection, and to resolve any land matter 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;
- (b) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) should consult the Environmental Protection Department regarding the sewage treatment/disposal aspects of the development and the provision of the proposed septic tank;
- (d) to observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulations when the applicant and his contractors carried out works in the vicinity of electricity supply lines;
- (e) to avoid disturbance to trees in the vicinity of the site during the development works; and
- (f) to note that the permission was only given to the development under

application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

### **Sai Kung and Islands District**

[Mr. Wilfred C.H. Cheng and Ms. Ann O.Y. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Draft Planning Brief for the "Comprehensive Development Area" zone on the Approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/4  
(RNTPC Paper No. 25/07)

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

79. Ms. Ann O.Y. Wong, STP/SKIs, said that on 24.8.2007, the Committee considered the draft Planning Brief (PB) for the subject site which was zoned "Comprehensive Development Area (1)" ("CDA(1)") on the Sai Kung Outline Zoning Plan. In view of the prominent location of the site and to minimize adverse visual impact of the future development on the surroundings, Members considered that a 15m wide 'green buffer zone' (GBZ) for woodland planting be provided along the entire site boundary. In addition, the public pedestrian walkway connecting Tai Mong Tsai (TMT) Road and Mei Fuk Street should not encroach on the GBZ. The Committee agreed at that meeting that the revised draft PB was suitable for consultation with the Sai Kung District Council (SKDC).

80. Ms. Ann O.Y. Wong reported that on 24.9.2007, the SKDC was consulted and there was general support to the PB. Specific comments and questions raised by the SKDC were detailed in paragraph 3 of the Paper and summarized as follows :

Upgrading of TMT Road

- (a) the proposed upgrading of TMT Road should be wide enough to accommodate a two-lane dual carriageway;
- (b) adequate public crossing facilities (including, e.g. underground subways) to facilitate the pedestrian circulation in the area were required;

Non-excavation Area

- (c) what would be the Government's measures in preserving the architectural heritage within the 'non-excavation area' (NEA);

Flush Water

- (d) salt water should be used for flushing purposes for the development of the site.

81. Ms. Ann O.Y. Wong went on to say that on 15.10.2007, the owners of the subject site submitted their views on the revised PB suggesting that the proposed GBZ should be used for soft green landscaping purposes instead of 'woodland planting' and its width should be reduced from 15m to 3m along Wai Man Road, Mei Yuen Street and Mei Fuk Street/western boundary of the site.

82. Ms. Ann O.Y. Wong said that the concerned Government departments' responses to SKDC's comments/questions and the landowners' suggestions were detailed in paragraph 5 of the Paper and summarized below :

Upgrading of TMT Road

- (a) the Highways Department advised that the detailed design of the TMT Road might be subject to change depending on the findings of the 'Hiram's Highway Improvement Stage 2 – Investigation Study' which had

commenced in October 2007 and local consultation on the findings. The proposed at-grade or grade-separated pedestrian crossing facilities would also be investigated;

Non-excavation Area

- (b) the Antiquities and Monuments Office of the Leisure and Cultural Services Department advised that the developer would be requested to incorporate the NEA into the design of the development scheme and maintain the NEA. In case the NEA would be developed, an engineering proposal taking into account the archaeological heritage preservation should be required for submission to the AMO;

Flush Water

- (c) the Water Supplies Department advised that at present, there was no plan to implement a new system to effect salt water for flush purpose for the site.

83. Ms. Ann O.Y. Wong said that for the reasons detailed in paragraph 6.2 of the Paper, the Planning Department did not support the landowners' proposals mentioned in paragraph 81 above. The purposes of the proposed 15m-wide GBZ for woodland planting were to reflect the existing landscape character and to create an attractive 'Gateway' to Sai Kung in view of the site's prominent location. The landowners' proposal would result in mere lawn areas or low shrubs of a very different character. It was considered that with sensitive landscape design and appropriate spacing of trees, the proposed woodland planting within the GBZ would not necessary block the breezeway and the open views of the residential blocks.

84. Members had no question on the Paper.

Deliberation Session

85. After deliberation, the Committee decided to :

- (a) note the Sai Kung District Council's comments/questions and the landowners' comments on the revised draft PB as detailed in paragraph 3

and 4 of the Paper; and

- (b) endorse the revised draft Planning Brief at Appendix D of the Paper.

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

### **Agenda Item 7**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBS/6 Proposed Temporary Private Swimming Pool and Plant Room for a Period of 3 Years in “Village Type Development” zone, Lot 87E in DD 230, Sheung Sze Wan, Sai Kung (RNTPC Paper No. A/SK-CWBS/6)
- 

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

86. 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 temporary private swimming pool and plant room for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment, suggesting that the Village Representative (VR) of Sheung Sze Wan Village be consulted, was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to

the application for the reasons detailed in paragraph 10.1 of the Paper. Although the proposed use was not in line with the planning intention of the “Village Type Development” (“V”) zone, its temporary nature would not frustrate the long-term intention of the “V” zone and there was no general shortage of land to meet the Small House demand. Considering its small scale, adverse traffic, infrastructural and landscape impacts were unlikely. In view of the public comment, the VR of Sheung Sze Wan Village was consulted on the application and no comment was received.

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 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (b) in relation to (a) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.9.2008;
- (c) the provision of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.

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

- (a) liaise with the District Lands Officer, Sai Kung, Lands Department on the application for a short term waiver to temporarily waive the non-building covenant;
- (b) note the comments of Chief Engineer/Development (2), Water Supplies Department that the existing local water supply system was of limited capacity and upgrading work to the existing water supply system was required for supply to the temporary swimming pool. Prior to completion of the upgrading work, water supply to the application site could not be guaranteed;
- (c) note the comments of the Chief Building Surveyor/New Territories East, Buildings Department that formal approval and consent under the Buildings Ordinance should be obtained prior to the commencement of the proposed development;
- (d) note the comments of the Director of Environmental Protection that the applicant should follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses issued by Environmental Protection Department; and
- (e) note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the works should not adversely affect the nearby public road during and after construction.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TKO/83 Proposed Educational Institution (Post-secondary College)  
(Amendments to Approved Scheme)  
in “Residential (Group A)” zone,  
Tseung Kwan O Town Lot 92 in Area 73B,  
Tseung Kwan O  
(RNTPC Paper No. A/TKO/83)
-

Presentation and Question Sessions

90. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed educational institution (post-secondary college - amendments to an approved scheme);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

91. Members had no question on the application.

Deliberation Session

92. 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 14.12.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

93. The Committee also agreed to advise the applicant to apply to the Director of Lands for a lease modification for the proposed development.

[The Chairperson thanked Mr. Wilfred C.H. Cheng and Ms. Ann O.Y. Wong, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Cheng and Ms. Wong left the meeting at this point.]

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

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

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

#### **Agenda Item 8**

[Open Meeting]

Proposed Amendments to the Approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/8  
(RNTPC Paper No. 26/07)

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94. Mr. Alfred Donald Yap noted that Heung Yee Kuk (HYK) had been consulted on the proposed amendments to the Ha Tsuen Outline Zoning Plan (OZP) and declared an interest in this item for being a Member of HYK. However, the Committee considered that as the subject matter was related to the procedural plan-making process and that the discussion of the whole item would be conducted in open meeting, Mr. Yap could remain in the meeting.

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

95. With the aid of a PowerPoint presentation, Mr. Wilson Y.L. So, DPO/TMYL, presented the proposed amendments to the OZP as detailed in the Paper and made the following main points :

##### **Background**

(a) At the request of the Town Planning Board, the Planning Department

(PlanD) undertook the Ha Tsuen Land Use Review, particularly on the “Recreation” (“REC”) zone along San Wai Road with a view to rezoning the area, where appropriate, for “Open Storage” (“OS”) uses;

- (b) on 25.5.2007, the Committee agreed to the recommended zoning proposals of the land use review for incorporation into the Ha Tsuen OZP. The Committee also directed that the Yuen Long District Council (YLDC) and the Ha Tsuen Rural Committee (HTRC) should be consulted before the proposed amendments to the OZP were to be gazetted under the Town Planning Ordinance;

Major Proposed Amendments – Referring to Plan 3 of the Paper, the major proposed amendments were as follows :

- (c) Item A1 - rezoning areas adjoining Sik Kong Wai, Ha Tsuen Shi and San Uk Tsuen, the south-western portion of the “REC” zone, and the undisturbed portion of the Tseung Kong Wai Archaeological Site to “Green Belt” (“GB”)(20.40 ha);
- (d) Item A2 - rezoning areas adjoining San Uk Tsuen from “Residential (Group D)” (“R(D)”) to “GB” (0.26 ha);
- (e) Item B - rezoning the majority of areas on both sides of San Wai Road from “REC” to “OS” (30.10 ha);
- (f) Item C1 - rezoning part of the “REC” zone on the southern side of San Wai Road near the junction with Tin Ha Road to “OS(1)” (1.61 ha); and
- (g) Item C2 - rezoning part of the “R(D)” zone on the southern side of San Wai Road near the junction with Tin Ha Road to “OS(1)” (5.34 ha).

96. Mr. Wilson Y.L. So said that the PlanD had consulted the HTRC and the Town Planning and Development Committee (TP&DC) of YLDC on 1.8.2007 and 19.9.2007 respectively. At the request of the HYK, the recommendations of the land review were also

presented to the PlanD-HYK Liaison Working Meeting on 11.9.2007. Subsequently, the PlanD received views from an operator and letters from eight landowners/Tso Tong Managers expressing views on the rezoning proposal.

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

97. Referring to Plans 1 and 2 of the Paper, Mr. Wilson Y.L. So drew Members' attention to Alignment Option 1 of the new road connection between Kong Sham Western Highway and Tin Ha Road, upon which the current rezoning proposals were based, and an area requested to be rezoned to "OS" by an operator as well as sites relating to the landowners/Tso Tong managers.

98. Mr. Wilson Y.L. So went on to report the public views collected on the proposed amendments as detailed in paragraphs 3.3 to 3.7 of the Paper and summarized as follows :

Views of the HTRC

- (a) rezoning of more land to "OS" would aggravate the current traffic congestion. The HTRC strongly objected to the approval of setting up of any new container yard/open storage in Ha Tsuen before the completion of the widening of Ping Ha Road/Tin Ha Road and the improvement of the connection between Kong Sham Western Highway and Ha Tsuen;
- (b) the HTRC strongly objected to rezoning any private land to "GB" as it would deprive landowners of their development rights; and
- (c) the HTRC requested to rezone areas adjoining Ha Tsuen Shi, San Uk Tsuen and Sik Kong Wai from "REC" and "R(D)" to "Comprehensive Development Area" ("CDA") and "Village Type Development" ("V") to address the shortage of land for "V".

Views of TP&DC of YLDC

- (a) while the existing open storage areas could be retained, no more land should be rezoned for open storage uses pending the resolution of the congestion problem on Ping Ha Road and Tin Ha Road;

- (b) objection was raised to rezoning part of the “REC” and “R(D)” zones to “GB” as it would affect landowners’ interests. They also objected to retaining any “GB” zone in Ha Tsuen, and suggested to rezone the said part of the “REC” zone to “CDA” or “V”; and
- (c) the TP&DC did not agree with the recommendations of the land use review and had requested PlanD to consult all sectors, particularly landowners of Ha Tsuen, to come up with a more practical land use option and considered that a comprehensive land use review for Ha Tsuen was required.

Views of HYK Representatives

- (a) a Vice-chairman of HYK requested that HTRC’s and affected persons’ views be adopted;
- (b) a full review of all land uses in the New Territories had been requested; and
- (c) a member had requested PlanD to incorporate a site at the northwestern part of the “REC” zone into the area proposed for rezoning to “OS”.

Views of Landowners/Managers of Tso Tong

- (a) the proposed rezoning of various landowners/managers of Tso Tong’s lots from “REC”/“R(D)” for open storage uses was supported. They urged the implementation of the rezoning proposal as soon as possible to provide more open storage and port back-up sites in Ha Tsuen;
- (b) Ha Tsuen, being in a strategic location, was suitable for open storage and port back-up use, provided that adequate improvement works were in place. The logistics/container yards had furnished cross-boundary traders with quality services, and helped improve the overall air quality because of the shortened traveling time;
- (c) Ping Ha Road and Tin Ha Road were no longer congested. With the

improvement in the transport network of the Northwest New Territories and the commissioning of the Kong Sham Western Highway, demand for open storage sites in Ha Tsuen was on the rise.

View of operators

two operators had requested to incorporate their sites into the proposed “OS” zone.

[Mr. Michael K.C. Lai and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

99. Mr. Wilson Y.L. So then went on to present the PlanD’s responses to the public views which were summarized as follows :

Traffic Congestion in Ha Tsuen

- (a) the Administration had formulated various traffic arrangements to improve the connectivity of Ha Tsuen upon the commissioning of the Kong Sham Western Highway, including the widening of Ping Ha Road/Tin Ha Road. With the traffic improvement measures/works in the pipeline, the increased traffic arising from the rezoning proposal could be accommodated with no capacity problem;
- (b) before the completion of the road improvement works, uses which might cause environmental nuisance or safety hazards to adjoining uses or traffic problems in the area, were put under Column 2 of the Notes and subject to proper planning control through the planning permission system;

Deprivation of Development Rights

- (c) all the affected lots were Old Schedule Agricultural Lots held under the Block Government Lease. Under the proposed “GB” zone, ‘Agricultural Use’ is a Column 1 use which was always permitted. There was no deprivation of development rights/landowners’ interests;
- (d) the proposed “GB” zone adjoining Sik Kong Wai, Ha Tsuen Shi and San Uk Tsuen was considered suitable in view of the rural character of the area

and its buffering function to minimize the potential interface problems between the “V” zone and the proposed “OS” zone;

- (e) the Agriculture, Fisheries and Conservation Department considered that the “GB” zoning could help strengthen the well-vegetated areas in the “REC” zone and the mitigation wetlands for the Kong Sham Western Highway Project;

Shortage of Land for “V”

- (f) there was no general shortage of land in meeting the demand for Small House development in the villages of Ha Tsuen Shi, San Uk Tsuen and Sik Kong Wai. The adjoining areas to these villages fell outside the ‘village environs’ and there was no justification to expand the “V” zone;
- (g) the areas adjoining these villages were also considered not suitable for residential use due to potential interface problems;
- (h) the area might not be suitable for comprehensive development as suggested by HTRC and TP&DC due to fragmented land ownership and uncertain prospect of implementation;

Comprehensive Land Use Review for Ha Tsuen and Further Consultation

- (i) an incremental approach had been adopted in rezoning suitable sites in Ha Tsuen to “OS”/“OS(1)” zones so as to reflect the existing OS/port back-up uses on both sides of San Wai Road;
- (j) regular land use review and further review upon the finalization of the long-term road link between Ha Tsuen and Kong Sham Western Highway would be conducted;

Landowners’/Tso Tong Managers’ Support

- (k) local support for the proposed rezoning of lots from “REC”/“R(D)” to “OS”/“OS(1)” was noted;

- (l) given the existing land uses and planning approvals already granted, the local circumstances, the commissioning of the Kong Sham Western Highway and the Administration's various traffic improvement works in the area, areas on both sides San Wai Road were considered suitable for open storage and port back-up uses; and

Requests for Rezoning Additional Sites from "REC" to "OS"

- (m) regarding individual suggestions to rezone specific lots to "OS", it was considered that those lots were unsuitable for open storage use due to site accessibility problem and incompatibility with the surrounding rural character. The Tseung Kong Wai So Kwun Tsai Archaeological Site lied in the western part of the area, and most applications in this part of the "REC" zone for open storage uses were rejected by the Committee for infrastructural / environmental reasons.

100. Mr. Wilson Y.L. So concluded that in the light of the above, the PlanD considered that it was not necessary to further amend the land use proposals as endorsed by the Committee on 25.5.2007. Other minor amendments to the Notes of the OZP to reflect previous decisions of the Town Planning Board would be incorporated. Members were requested to note the local views and PlanD's responses and to deliberate on the matter.

101. Members had no question on the Paper.

Deliberation Session

102. After deliberation, the Committee decided to :

- (a) note the views of the Ha Tsuen Rural Committee, the Town Planning and Development Committee members, landowners/Tso Tong mangers, operators and representatives of the Heung Yee Kuk as set out in paragraph 3 of the Paper;
- (b) note the responses of the Planning Department as outlined in paragraph 4 of the Paper;

- (c) agree to the proposed amendments to the Outline Zoning Plan (OZP) as listed in paragraph 5 and detailed in Annex S of the Paper; and
- (d) agree that the draft Ha Tsuen OZP No. S/YL-HT/8A (to be renumbered as No. S/YL-HT/9 upon gazetting) incorporating the amendments and the Notes were suitable for exhibition under section 5 of the Town Planning Ordinance, and that the Explanatory Statement was suitable for public inspection together with the draft OZP.

### **Agenda Item 9**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-PN/1                      Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9 from “Agriculture” and “Road” to “Other Specified Uses” annotated “Rural Use”, Various Lots in DD133 and 135 and Adjoining Government Land, Pak Nai  
(RNTPC Paper No. Y/YL-PN/1)

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

103.            The Committee noted that the applicant requested on 16.11.2007 for a deferment of the consideration of the application to allow more time to prepare supplementary information to address Government departments’ comments.

#### **Deliberation Session**

104.            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 no

further deferment would be granted unless under very special circumstances.

### **Agenda Item 10**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-NSW/172

Proposed Comprehensive Residential Development in “Undetermined” zone,  
Lots 592C1(Part), 592CRP(Part) and 1252RP(Part) in DD 115, Tung Shing Lei,  
Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/172)

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105. The Committee noted that the application was submitted by Richduty Development Ltd, an affiliate company of Sun Hung Kai Properties Ltd. (SHKP). Mr. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item.

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

### **Presentation and Question Sessions**

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

- (a) background to the application – the Committee on 13.4.2007 decided to defer a decision on the application for a residential development at the application site in Tung Shing Lei, falling within the “Undetermined” zone on the Nam Sang Wai Outline Zoning Plan. Members raised concerns on the potential traffic noise impact, and the need to incorporate certain wetland proposal in the development and improvement to the layout of the scheme. Upon the applicant’s request, the Committee had agreed to defer consideration of the application twice on 13.8.2007 and 12.11.2007;
- (b) the proposed comprehensive residential development – highlighting that the

scheme had been revised to address Members' concerns including the incorporation of a wetland area, revised housing layout, and reduction in development scale and height of the noise barriers;

- (c) departmental comments – no objection from the concerned Government departments was received;
- (d) a total of 22 public comments objecting to the application were received during the statutory publication periods of the application and further information. The grounds of objection were adverse ecological, traffic, sewerage, drainage, landscape and fung shui impacts, overtaxing of existing community facilities, pond-filling as well as negative impact on the development of eco-tourism in the area. One public commenter suggested that the application site should be reserved for Small House development while another urged the developer to propose proper transport facilities for discussion with the local villagers. Similar local objections were received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 5.2 of the Paper in that the proposed development, with a plot ratio of 0.37 and a building height of 11m, was considered not incompatible with the surrounding existing and planned land uses. The application was in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area as ecological impacts arising from the proposed development would be insignificant. No filling of wetland would be involved. The revised housing layout was considered an improvement from the previous scheme. Regarding the local objections, the proposed development would not have significant adverse impacts on the ecology, traffic and infrastructure of the area. Concerned Government departments including the Transport Department, Environmental Protection Department, Drainage Services Department, Agriculture, Fisheries and Conservation Department had no objection to the application. Various technical concerns could be addressed by appropriate approval conditions. Regarding the suggestion

for Small House development, it was noted that the application site did not fall within the village environs of any recognized village and an area zoned “Village Type Development” to the north of the application site was yet to be developed.

107. In response to a Member’s question on the bearing of the cost of the proposed wetland on the future flat owners, Mr. Wilson Y.L. So, DPO/TMYL, said that the applicant had provided an undertaking to incorporate the future management and maintenance responsibility of the wetland into the Deed of Mutual Covenant (DMC) incorporating Management Agreement. Another Member said that the developer should more closely liaise with the local residents to address their concerns. In response, the Chairperson suggested that Members’ concerns on these two aspects should be incorporated in the advisory clauses should the application be approved by the Committee.

#### Deliberation Session

108. 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 14.12.2011, 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 Master Layout Plan, taking into account the existing nullah to the south and approval conditions (b) to (g) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised wetland scheme within the development, including its long-term management and maintenance plan, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (c) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;

- (d) the submission of a revised Drainage Impact Assessment and the implementation of the flood mitigation measures/provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the design and provision of sewer connecting the proposed development to the proposed Sha Po Sewage Pumping Station to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of the proposed road widening from the application site to the junction with Nam Sang Wai Road to the satisfaction of the Commissioner for Transport or of the TPB; and
- (g) the design and provision of emergency vehicular access (EVA), water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any road access issues with the land owner of Lot 592S.B in DD 115;
- (b) note the local views/objections at F-Appendices IX and X of the Paper and Members' concern on the need for further liaison with the local residents regarding the proposed development;
- (c) note the Committee's concern on the cost responsibility of the proposed wetland and incorporate the management and maintenance responsibility of the proposed wetland into the Deed of Mutual Covenant;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments to avoid encroachment on the proposed Shan Pin Tsuen village expansion area;

- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that in order to make the proposed landscape measures more effective, the proposed landscape buffer should be located on the outward side of the boundary treatment (e.g. boundary wall, etc.) to provide sufficient screening for the elongated structure along the site. In respect of the 8.8m high noise barrier, fast growing evergreen trees with lush foliage should be selected in order to provide the screening effect within a shorter period and more effectively;
  
- (f) note the Director of Agriculture, Fisheries and Conservation's comments in paragraph 10.1.6(c) of F-Appendix I of the Paper that the construction of the proposed sewer should avoid the dry season so as to minimize any possible off-site disturbance impacts to the Wetland Conservation Area;
  
- (g) note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 10.1.9 of F-Appendix I of the Paper that existing water mains would be affected and the applicant/developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a water works reserve within 1.5 metres from the centreline of the water mains should be provided to his department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. Also, the proposed 200mm diameter pipe should be constructed and maintained by the development;
  
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 10.1.11(b) of F-Appendix I of the Paper that internal street might be required under Buildings Ordinance (BO) 16(1)(P) and such street should be deducted from the site area for the purpose of plot ratio and site coverage (SC) calculations under the BO. The Club House was accountable for gross floor area and SC calculations under the BO unless otherwise exempted. Building (Planning) Regulations 41D was applicable regarding the provision of EVA; and

- (i) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should submit the details of the 'proposed rising main by the developer' underneath public roads maintained by HyD for further comment.

### **Agenda Item 11**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-PS/250

Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses and Utility Installation for Private Project (Transformer Room) in "Village Type Development" zone, Lots 1340B4 to 24, 1340BRP, 1340B1RP(Part) and 1340B2RP(Part) in DD 121, Tong Fong Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/250)

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#### Presentation and Question Sessions

110. The Secretary said that the application was submitted with Ho Tin & Associates Consulting Engineers Ltd. (Ho Tin) being one of the applicant's consultants. Dr. James C.W. Lau, having current business dealings with Ho Tin, had declared interests in this item. The Committee also noted that the applicant requested on 29.11.2007 for a further deferment of the consideration of the application until the next Committee meeting on 4.1.2008 to allow more time to prepare supplementary information. It was agreed that Dr. Lau should be allowed to remain at the meeting.

#### Deliberation Session

111. After deliberation, the Committee decided to further 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 on 4.1.2008 for consideration subject to there being no further information submitted which would require publication for public comments. The Committee also agreed to advise the applicant that three weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless

under very special circumstances.

**Agenda Item 12**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/363 Proposed Place of Recreation, Sports or Culture (Shooting Range) and Utility Installations for Private Project (Water Pump and Transformer Houses) in “Green Belt” zone, Pillar Point Valley Landfill, Tuen Mun (RNTPC Paper No. A/TM/363)
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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed place of recreation, sports or culture (shooting range) and utility installations for private project (water pump and transformer houses);
- (c) departmental comments – highlighting that policy support was given by the Home Affairs Bureau to the proposed development. No objection from other concerned Government departments was received;
- (d) a total of five public comments were received during the statutory publication periods of the application and further information. Two comments were submitted by the CLP Power Limited advising that the applicant should agree on the requirements of suitable cable routing and unrestricted vehicular access for provision of electricity supply. Two comments from the River Trade Terminal Company and one comment

from the Tuen Mun Rural Committee indicated no comment on the application; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper.

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

113. Members had no question on the application.

#### Deliberation Session

114. 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 14.12.2011, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a detailed qualitative landfill gas hazard assessment report including detailed design of landfill gas protection measures and the implementation of the landfill gas protection measures proposed to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission of a traffic impact assessment and the implementation of mitigation measures proposed therein to the satisfaction of Commissioner for Transport or of the TPB;
- (d) the submission of a drainage impact assessment and the implementation of mitigation or other stormwater drainage facilities to the satisfaction of Director Drainage Services; and

- (e) the provision of emergency vehicular access, water supply for fire fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments that the applicant should liaise with the Director of Environmental Protection (DEP) on the land administrative procedures for using the site for the proposed development;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinances or other enactments might be taken if contravention was found;
- (c) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant should submit an application for licence in writing to the Mines Division of his department under the Dangerous Goods Ordinance (Cap. 295) and also follow the safety distance requirements in the UK Manufacture and Storage of Explosive Regulation 2005;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the applicant should provide the estimated daily water demand to WSD for further assessment and should be responsible for construction, operation and maintenance to WSD's standards;
- (e) note the Commissioner of Police (District Commender Tuen Mun District)'s comments that the applicant had to seek approval from the Licensing Authority of Hong Kong Police Force under the existing law at a later stage;

- (f) note DEP's technical comments at Appendix III of the Paper on the submitted preliminary environmental review. Also, the development was a designated project under the Environmental Impact Assessment Ordinance. An environmental permit was required before the construction and operation of a designated project; and
- (g) liaise with the CLP Power Limited on the routing of the cable and 24-hour unrestricted vehicular access so as to provide electricity supply to the proposed pump and transformer houses.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/505 Proposed Temporary Logistics Centre and Open Storage of Containers for a Period of 3 Years in "Recreation" zone, Lots 1466(Part), 1467D(Part), 1467RP(Part), 1469(Part), 1470(Part), 1471(Part), 1472(Part), 1473(Part), 1474(Part) and 1475RP(Part) in DD 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/505)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary logistics centre and open storage of containers for a period of 3 years;
- (c) departmental comments – highlighting that although there was no pollution complaint against the application site between January 2004 and July 2007, the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity and environmental

nuisance from the proposed use was expected. No objection from other concerned Government departments was received;

- (d) one public comment, requesting to suspend approval of new applications for open storage uses until the completion of San Wai Road, Tin Ha Road and Ping Ha Road improvement works, was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the proposed use under application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper. The proposed use was not incompatible with the surrounding uses. There was no immediate known development proposal for the subject “Recreation” (“REC”) zone and the temporary nature of the proposal would not frustrate the planning intention of the zone. According to the land use review for the Ha Tsuen area, the application site fell within an area proposed to be rezoned from “REC” to “Open Storage”. Similar previous applications for the application site and the surrounding areas had been approved. Although the EPD did not support the application, their concerns could be addressed by appropriate approval conditions. Regarding the local comments on traffic impact of the proposed use, the applicant had clarified that the proposed development would not generate adverse traffic impact and the Transport Department had no adverse comments on the application. Other Government departments had no objection to or no adverse comments on the application. Yet in view of EPD's and local concerns, shorter compliance periods were recommended in order to monitor the fulfilment of approval conditions.

117. Members had no question on the application.

#### Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 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, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing and other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the submission of a revised landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (g) in relation to (f) above, the implementation of the revised landscape proposal and the agreed tree preservation proposal as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (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 14.3.2008;
- (i) in relation to (h) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;

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

119. The Committee agreed to remind the applicant that :

- (a) the permission was given to the use under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission; and
- (b) prior planning permission should have been obtained before commencing the applied use at the application site.

120. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were granted in order to monitor the fulfilment of approval conditions;
- (b) to resolve any land issues relating to the development with the concerned owners of the application site;
- (c) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the lots under application were Old Schedule Agricultural Lots held under

the Block Government Lease under which no structure was allowed to be erected without prior approval from his office, and to apply to his office for Short Term Wavier to cover the existing structures on site;

- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the access road/track leading to the site from Tin Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the information of the underground connection from the site to the existing stream should be shown, the size of the existing stream at the north of the proposed development should be shown and checked to see if it had sufficient capacity to discharge the flow from the proposed U-channel, and DLO/YL should be consulted and relevant lot owners’ consent should be obtained as regards all proposed drainage works outside the site;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that all the existing and proposed trees should be clearly marked on the Landscape Plan and differentiated by using two different symbols in order to avoid the confusion; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should

not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)        A/YL-HT/516        Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1489RP(Part), 1490RP(Part), 1492RP(Part), 1503RP(Part), 1505A, 1505RP(Part), 1506(Part), 1513(Part) and 1517(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/516)
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- (iv)        A/YL-HT/517        Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1506(Part), 1512(Part), 1513(Part), 1514, 1515, 1516, 1517(Part), 1518, 1519(Part), 1520(Part), 1521(Part), 1522(Part) and 1535(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/517 )
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- (v)        A/YL-HT/518        Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1488RP(Part), 1489RP(Part), 1490RP(Part), 1491RP(Part), 1492RP(Part), 1503RP(Part), 1504(Part), 1505RP(Part), 1506(Part), 1507(Part), 1510RP(Part) and 1513(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/518)
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- (vi) A/YL-HT/519 Temporary Open Storage of Plastic and Metal for a Period of 3 Years in “Recreation” zone,  
Lots 1491RP(Part), 1492RP(Part), 1500, 1501RP(Part),  
1502RP(Part), 1503RP(Part), 1504(Part), 1507(Part),  
1508RP(Part) and 1510RP(Part) in DD 125 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/519)
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#### Presentation and Question Sessions

121. The Committee noted that the four applications (No. A/YL-HT/516, A/YL-HT/517, A/YL-HT/518 and A/YL-HT/519) were submitted by the same applicant for similar uses in the same “Recreation” zone and agreed that they could be considered together. The Committee also noted that the applicant requested on 4.12.2007 for a deferment of the consideration of the four applications to allow more time to address the traffic impacts of the proposed developments.

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#### Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/520 Temporary Open Storage of Construction Machinery with Ancillary Storage Facility for a Period of 2 Years in “Village Type Development” zone, Lots 18RP(Part) in DD 124 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/520)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of construction machinery with ancillary storage facility for a period of 2 years;
- (c) departmental comments – highlighting that the Lands Department (LandsD) did not support the application as the lot owner declined the offer of Short Term Waivers for regularization of the on-site container structure and occupation of Government land. Also, the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone. There were two previous applications approved for the same use as the current application for 12 months

(Application No. A/YL-HT/332) and 2 years (Application No. A/YL-HT/396) respectively to allow time for the applicant to relocate to another suitable site. However, the applicant had not demonstrated effort on relocation to an alternative site and the continual approval of the application would frustrate the planning intention of the “V” zone. There was no strong justification in the submission for a departure of the planning intention. Both the LandsD and EPD did not support the application.

124. Members had no question on the application.

#### Deliberation Session

125. The Chairperson said that the application site fell within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses, with the intention to encourage the phasing out of non-conforming uses.

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

- (a) continuous occupation of the site for the applied use was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion; and
- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and that it was not in line with the intention of Category 4 areas which was to encourage the phasing out of non-conforming uses.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-KTN/280 Temporary Public Vehicle Park (Excluding Heavy Goods, Container Vehicles and Trailers) for a Period of 3 Years in “Village Type Development” zone,  
Lots 216RP(Part), 216A1B, 216A1RP, 216A2, 216ARP, 216B1, 216B2, 216BRP, 216E, 216F1, 216FRP, 216IRP, 216J, 216K1, 216KRP, 216N2, 216NRP, 216O1, 216ORP, 216P, 216Q(Part), 216S2RP, 216SRP, 216U(Part), 237B1, 237B2(Part), 237B3RP, 237B4, 237B5A, 237B5RP, 237BRP, 237B11RP, 237B12RP, 237B13RP and 237B14RP in DD 103, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/280)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding heavy goods vehicles, container tractors and trailers) for a period of 3 years;
- (c) departmental comments – no objection on the application from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper. The proposed use was considered not incompatible with the surrounding areas and it would help relieve some of the local demand for parking spaces. Although there were residential dwellings and a home for the aged nearby, no local objection was received and relevant Government

departments including the Environmental Protection Department had no objection to the application. Appropriate approval conditions were recommended in order to avoid potential environmental impacts. As a residential development would be implemented to the west of the application site, a shorter approval period of 1 year was recommended so as monitor the situation of the applied use.

128. Members had no question on the application.

#### Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 14.12.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8 p.m. to 8 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy good vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or containers trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (e) the landscape plantings on the site should be maintained at all times during the approval period;

- (f) the drainage facilities on the site as implemented under Application No. A/YL-KTN/227 should be maintained at all times during the approval period;
- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

130. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) that a shorter approval period and compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's

comments that some unauthorized structures were erected on the site. In this connection, his office reserved the right to take enforcement action against these irregularities. The applicant should apply for Short Term Waiver (STW) to regularize the irregularities on site. There was no guarantee that the application for the STW would be approved/considered by his office. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the concerned registered owners/occupiers;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the ingress/egress of the site did not abut on Kam Tin Road. The status of the strip of land between the site and Kam Tin Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, Fire Service Installations (FSIs) were anticipated to be provided. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that waterworks reserve and additional waterworks reserves should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the 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 it which the Water Authority might require or authorize; and
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all building works were subject to compliance with Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-KTS/409 Temporary Open Storage of Machinery for a Period of 3 Years in "Agriculture" zone,  
Lots 454RP(Part), 456RP(Part) and 461RP(Part) in DD 103  
and Adjoining Government Land, Ko Po Tsuen, Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTS/409)
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Presentation and Question Sessions

131. 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 applied temporary open storage of machinery for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the applied use under application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper. The applied use was considered not incompatible with the surrounding land uses. Its temporary nature would not frustrate the planning intention of the application site under “Agriculture” zoning. It was also generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up uses in that there were previously approved applications for similar uses and there was no change in planning circumstances. Yet in order to monitor the fulfilment of the approval conditions, shorter compliance periods were recommended.

132. Members had no question on the application.

#### Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities should be carried out on the application site at any time during the planning approval period;
- (b) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;

- (c) in relation to (b) above, the implementation of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (d) 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 14.3.2008;
- (e) in relation to (d) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (g) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon 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.

134. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were imposed so as to monitor the

fulfilment of approval conditions;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) and Short Term Tenancy (STT) should be applied for to regularize the erection of unauthorized structures and occupation of Government land on application site. However, there was no guarantee that the application for STW/STT would be approved/considered by his office. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the concerned registered owners/occupier;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and the management and maintenance responsibilities of the proposed access road between the application site and Kam Tin Road should be checked;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (f) to note that the landscape proposal to be submitted should include the name and the minimum height of the proposed trees;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage plan to be submitted should clearly show the drainage discharge/connection point; and
- (h) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of

Environmental Protection.

[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/YL-KTS/410            Temporary Vehicle Repair Workshop for a Period of 3 Years in “Agriculture” zone, Lots 133RP(Part), 135RP(Part) in DD 113 and Adjoining Government Land, Kam Tin South, Yuen Long (RNTPC Paper No. A/YL-KTS/410)
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135.            The Committee noted that the application was submitted with Top Bright Consultants Ltd. (Top Bright) being one of the applicant’s consultants. Dr. James C.W. Lau, having current business dealings with Top Bright, had declared an interest in this item.

[Dr. James C.W. Lau and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Presentation and Question Sessions

136.            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 applied temporary vehicle repair workshop for a period of 3 years;
- (c)    departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance from the applied use was expected. Also, the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the potential for agricultural rehabilitation of the application site was high. The Drainage Services Department (DSD) considered that a drainage proposal should be submitted and implemented. No objection from other concerned Government departments was received;

- (d) one public comment objecting to the application was received during the statutory publication period. The major grounds of objection were repeated complaints from the village representative of Ho Pui Village on environmental degradation, illegal land use, adverse traffic impacts and negative impacts on the safety of the local villagers; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the applied use was not in line with the planning intention of the “Agriculture” zone. There was no strong justification for a departure from the planning intention, even on a temporary basis. The applied use was not compatible with the surrounding rural area. Approval of the application would set an undesirable precedent for similar applications leading to unacceptable cumulative impacts. Relevant Government departments including the EPD, AFCD and DSD, did not support or had reservation on the application.

137. Members had no question on the application.

#### Deliberation Session

138. 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” (“AGR”) zone which was primarily 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;
- (b) there was insufficient information in the submission to demonstrate that the development would have no adverse environmental and drainage impacts on the surrounding areas; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi)           A/YL-PH/552           Temporary Open Storage of Recyclable Metal for a Period of 3 Years in “Residential (Group D)” zone, Lots 78A(Part), 93(Part) and 94(Part) in DD 108, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/552)
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139.           The Committee noted that the application was submitted with Top Bright Consultants Ltd. (Top Bright) being one of the applicant’s consultants. Dr. James C.W. Lau, having current business dealings with Top Bright, had declared an interest in this item. The Committee noted that Dr. Lau had refrained from joining the meeting and agreed to consider this application earlier at this juncture.

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

Presentation and Question Sessions

140.           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 applied temporary open storage of recyclable metal for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance

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

- (d) one public comment objecting to the application on the ground of adverse environmental impacts was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use was not in line with the planning intention of the subject “Residential (Group D)” zone and there was no strong justification for a departure from the planning intention, even on a temporary basis. It was not compatible with the residential use in the vicinity. It did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval for similar open storage uses for his site and the applied use would lead to undesirable environmental impacts. The EPD did not support the application. There was also local objection to the application.

141. Members had no question on the application.

#### Deliberation Session

142. 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 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. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis. The proposed development

was not compatible with the residential land use in the immediate vicinity;

- (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 the site did not have any previous planning approval for similar open storage uses; and there were local objection and adverse departmental comments on the application; and
- (c) there was insufficient information/technical assessments in the submission to demonstrate that the applied use would not generate adverse environmental impacts on the surrounding areas.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-LFS/166 Proposed Temporary Hobby Farming (Organic Farm and Education Centre) for a Period of 3 Years in “Green Belt” zone, Lots 1595, 1597, 1598, 1599 and 1600 in DD 129, Tin Yuet Road, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/166)
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143. The Chairperson clarified that the application site should be located at Tin Yuet Road instead of ‘Deep Bay Road’ as stated in the Paper.

#### Presentation and Question Sessions

144. Mr. Anthony C.Y. Lee, STP/TMYL, drew Members’ attention that local objections submitted via the District Officer (Yuen Long) had been tabled for Members’ reference.

145. Mr. Anthony C.Y. Lee then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary hobby farming (organic farm and education centre) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The local views received lately by the District Officer indicated objection to the application on the grounds of adverse traffic, drainage, environmental, ecological, and fung shui impacts; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed development was not in conflict with the planning intention of the subject "Green Belt" ("GB") zone and was compatible with the rural character of the area. Other similar recreational uses within the same "GB" zone had been approved. Significant traffic and environmental impacts on the surrounding area were not expected. Concerned Government departments including the Transport Department, Drainage Services Department, Environmental Protection Department and Agriculture, Fisheries and Conservation Department had no objection to or adverse comments on the application.

146. Members had no question on the application.

#### Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no public announcement system, loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during

the planning approval period;

- (b) no public vehicle park was allowed on the site at any time during the planning approval period;
- (c) no vehicle, except private cars and coaches ancillary to the activities of the proposed development, was allowed to be parked on the designated ancillary car park at any time during the planning approval period;
- (d) the submission of a revised Drainage Impact Assessment (DIA) within 6 months from the date of planning approval and prior to the commencement of development, to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (e) in relation to (d) above, the implementation and maintenance of the flood mitigation measures/provision of drainage facilities identified in the revised DIA, within 9 months from the date of planning approval and prior to the commencement of development, to the satisfaction of the Director of Drainage Services or of the TPB by 14.9.2008;
- (f) 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 14.6.2008;
- (g) in relation to (f) 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 14.9.2008;
- (h) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 14.6.2008;
- (i) if any of the above planning conditions (a) or (b) or (c) was not complied with during the approval period, the approval hereby given should cease to

have effect and should be revoked immediately without further notice;

- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date or prior to the commencement of development, 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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (a) resolve any land issues relating to the development with other concerned owners of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office. The proposed structures on site should be covered through application of Short Term Waiver to his office;
- (c) note the following preliminary comments of the Chief Engineer/Mainland North, Drainage Services Department on the Drainage Impact Assessment :
  - (i) it was noted that stormwater of the site would be kept in stormwater retention tanks, which were designed for 5 minutes' flood water

discharge. This was not adequate for prolonged rainfall. The discharge point of the stormwater retention tanks should also be shown in the submission;

- (ii) use of portable chemical toilets for the hobby farm should be agreed by the Director of Environmental Protection; and
  - (iii) peripheral surface channel should be provided at the site to collect and discharge the surface runoff at a proper discharge point.
- (d) 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 unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the said under 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; and if the site was not abutting and accessible from a specified street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation 19(3) during the building plan submission stage;
- (e) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) note the Director of Food and Environmental Hygiene's comments that wastes produced from the site would be treated as trade wastes and should be handled at the applicant's own costs;
- (g) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track

should be clarified and consult the relevant lands and maintenance authorities accordingly; and

- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to consider whether the car parking area could be reduced in order to allow more farming area and to plant trees adjacent to the bamboos in order to enhance the landscape screening effect and increase the landscape quality of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-MP/163 Renewal of Planning Permission for Temporary Car Trading Use for a Period of 3 Years in "Residential (Group D)" and "Commercial/ Residential" zones, Lots 3250B19(Part) and 3250BRP(Part) in DD 104, Fairview Park Boulevard, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/163)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied renewal of planning permission for temporary car trading use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment objecting to the application was received during the statutory publication period. The major grounds of objection were that the proposed use was not in line with the planning intention of "Residential (Group D)" ("R(D)") zone and potential adverse environmental impact; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.1 of the Paper. The applied use was not incompatible with the surrounding land uses. There was no immediate development proposal for this part of the subject “R(D)” and “Commercial/Residential” zones. The applied use would not frustrate the long term planning intentions. Planning applications for similar use on the application site had been approved and there had been no material change in planning circumstances. Regarding the local objection, it was noted that the concerned Government departments including the Environmental Protection Department had no objection to the application. Appropriate approval conditions were recommended to minimize potential environmental nuisance and to address landscape concerns.

151. In response to a Member's enquiry on the recent demonstration of local residents in the area, Mr. Wilson Y.L. So, DPO/TMYL, said that the local residents were against container/heavy vehicles using Fairview Park Boulevard to the south of the application site. According to the Court's ruling, the Government had no authority to close the road. However, it was understood that the operators had already avoided using the road during peak hours.

#### Deliberation Session

152. The Chairperson said that the temporary car trading use would involve few heavy vehicles and appropriate approval conditions could be imposed to address the environmental concerns raised in the local objection.

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no car washing or vehicle repairing workshop was allowed on the site during the planning approval period;

- (b) the existing vegetation on the site should be maintained during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained during the planning approval period;
- (d) the submission of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (e) in relation to (d) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.9.2008;
- (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.

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

- (a) resolve any land issues relating to the development with concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL)

comments that no structures should be erected without prior approval from his Office. The applicant/landowner should apply to DLO/YL for Short Term Waiver to regularize the unauthorized structures on site. His office reserved the right to take enforcement action against any irregularities;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's advice that the concerned road section of Fairview Park Boulevard was a private road owned by Fairview Park developer. As such, the proposed access in Fairview Park Boulevard might not be guaranteed at any time;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (e) note the Director of Fire Services' comments that the applicant should submit relevant building plans incorporated with the proposed fire service installations to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any unauthorized structures existing on site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings 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 Buildings Ordinance was required.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv)        A/YL-PS/276        Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years in “Recreation” zone, Lots 206(Part), 227(Part), 231(Part), 232A(Part), 232B(Part), 232C, 232RP(Part), 234(Part) and 235(Part) in DD 126, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/276)
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Presentation and Question Sessions

155.        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 applied renewal of planning approval for temporary warehouse and open storage of plastic and hardware materials for a period of 3 years;
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e)    the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper.

156.        Members had no question on the application.

Deliberation Session

157.        After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2011, on the terms of the application as

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

- (a) no night time operation between 6:00 p.m. and 9:00 a.m. was allowed on 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 recycling activities of plastic or other waste materials were allowed on site during the planning approval period;
- (d) 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;
- (e) the landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented under Application No. A/YL-PS/203 on the site should be maintained at all times during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.9.2008;

- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments to apply for Short Term Waiver to regularize the existing structures the on site;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments to check and clarify the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (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). Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;

- (e) note the Chief Engineer/Development (2), Water Supplies Department's comments that a waterworks reserve within 1.5m from the centreline of the affected water main should be provided to his department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the 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 it which the Water Authority might require or authorize;
- (f) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department; and
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the applicant was advised to submit relevant building plans incorporated with the proposed fire service installations to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance. To approach the Dangerous Goods Division for advice on the licensing of the premises involving storage of Dangerous Goods.

[Professor Nora F.Y. Tam left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xv)            A/YL-PS/277            Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2428RP(Part) and 2429RP(Part) in DD 124, and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/277)
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Presentation and Question Sessions

160.            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 applied temporary vehicle park for private car, light goods vehicle and medium goods vehicle with ancillary office and storeroom for a period of 3 years;
- (c)    departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e)    the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper in that there was no immediate development proposal for the subject “Comprehensive Development Area” zone. The applied temporary use would not frustrate the implementation of the long-term use. Regarding EPD’s concerns, appropriate approval conditions were

recommended to address the potential environmental nuisance.

161. Members had no question on the application.

#### Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;
- (c) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) 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;
- (e) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (f) the provision of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date

of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;

- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver and Short Term Tenancy to regularize the irregularities on the site;
- (c) note the Director of Fire Services' comments that notification in writing within 48 hours would be required under Regulation 171(B) of the Dangerous Goods (General) Regulations should the storage of rubber tyre in excess of the statutory exempted quantity and to approach the Dangerous Goods Division of his department for advice on the matter where necessary;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances;

- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department’s (TD) comment that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified; and
- (f) note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comment that the access proposal should be submitted to TD for agreement. Subject to TD’s agreement, a run-in should be constructed at the access point and in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. HyD did not maintain the access track between the site and Hung Yuen Road.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-PS/278 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/278)
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164. Mr. Frederick S.T. Ng, STP/TMYL, clarified that there was a typing mistake under paragraph 9.1.1(d) of the Paper in that the Lands Department had no objection to the subject application. Also, Members’ attention was drawn to the additional local views submitted via the District Officer (Yuen Long) supporting the application tabled at the meeting.

Presentation and Question Sessions

165. Mr. Frederick S.T. Ng then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary public vehicle park for private cars, lorries and coaches for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d) one public comment objecting to the application was received during the statutory publication period. The major grounds of objection were land use incompatibility, adverse traffic impact and adverse impact on pedestrian safety. One local view was received by the District Officer indicating support to the application as the applied use could provide parking spaces to serve the area; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. Although a number of applications for similar uses at the application site had been previously approved, the applied use under the current application included the parking of heavy vehicles. The EPD did not support the application for parking of medium and heavy goods vehicles due to potential noise nuisance on the nearby residential dwellings. The approval of parking of lorries and coaches would set an undesirable precedent for similar uses and cumulative effect would result in a general environmental degradation. There was no information to demonstrate that the application would not have adverse environmental impacts.

[Professor Nora F.Y. Tam returned to join the meeting at this point.]

166. Members had no question on the application.

Deliberation Session

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

- (a) the development was not compatible with the surrounding areas, in particular the adjacent residential structures;
- (b) there was no information to demonstrate that the development would not pose adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

(xvii) A/YL-SK/144 Temporary Animal Boarding Establishment (Kennel) for a Period of 3 Years in “Village Type Development” zone, Lots 670(Part), 671RP and 685(Part) in DD 112 and Adjoining Government Land, Lin Fa Tei, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/144)

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Presentation and Question Sessions

168. 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 applied temporary animal boarding establishment (kennel) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper. The applied use was considered not incompatible with the surrounding land uses. Since there was no known programme for Small House development on the application site, the applied use on a temporary basis would not frustrate the planning intention of the subject “Village Type Development” zone. Although EPD did not support the application, the nearby residential dwellings were about 50m from the application site and significant environmental nuisance was unlikely. Appropriate advisory clauses on environmental mitigation measures were recommended to alleviate potential impact. No local objection to the application was received.

169. Members raised no question on the application.

#### Deliberation Session

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of tree preservation proposal within 6 months from the date

of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;

- (b) in relation to (a) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.9.2008;
- (c) the implementation of the proposed drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.9.2008;
- (d) 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 14.6.2008;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.9.2008;
- (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.

171. The Committee agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use and construction of the structures at the application site.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorized structures had been found on the application site and Government land had been occupied without prior approval. His office reserved the right to take lease enforcement and land control actions. Short Term Waiver (STW) and Short Term Tenancy (STT) should be applied for to regularize the erection of unauthorized structures and illegal occupation of Government land respectively. However, there was no guarantee that the applications for STW and STT would be approved/considered by his office;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance. However, the granting of planning approval should not be construed as condoning any unauthorized 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 structures, for approval under the Buildings Ordinance was required. If the site did not abut on a specified 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. Building (Planning) Regulation 41D was also applicable regarding the provision of emergency vehicular access;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and the management and maintenance responsibilities of the proposed access road between the application site and Kam Sheung Road should be checked;
- (e) note the Chief Highway Engineer/New Territories West, Highways

Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;

- (f) note that the corrugated iron fence erected at a close distance to the *Ficus virens* var. *sublanceolata* on the periphery near the southern end of the site was likely to create an unfavourable environment for the tree as the tree grew. The fence should only be erected around the tree and reasonable growing space should be allowed for the tree;
- (g) note the Director of Environmental Protection's comments that the applicant should observe the requirements under the Water Pollution Control Ordinance regarding the sewerage arrangement of the site. The applicant could approach the Regional Office (North) of his department for more details,
- (h) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) note the Director of Fire Services' comments that relevant building plans incorporating the proposed fire service installations should be submitted to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance; and
- (j) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the applicant and his contractors should consult CLP Power Limited (CLPP) in respect of the safety clearances required for activities near the low voltage (LV)/high voltage (HV) overhead lines. In the circumstances that the safety clearances of the concerned supply lines were insufficient or electrical danger might arise due to their proximity to the development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the LV/HV overhead lines. Moreover, 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-ST/345 Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in "Village Type Development" and "Other Specified Uses" annotated "Service Stations" zones, Lot 733RP(Part) in DD 99, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/345)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the applied use under application could be tolerated for the reasons detailed in

paragraph 12.1 of the Paper. The applied use was not incompatible with the surrounding land uses. Although it was not entirely in line with the planning intention of the subject “Village Type Development” (“V”) zone, it served to satisfy some of the local demand for parking spaces. Given its temporary nature, the long-term planning intention of the “V” zone would not be frustrated. Previous applications on the application site and in the surrounding areas for the same use had been approved and there had been no significant change in planning circumstances. Although the EPD did not support the application, appropriate approval conditions and advisory clauses were recommended to address the environmental concerns. Other concerned Government departments had no objection to or adverse comments on the application.

174. Members had no question on the application.

#### Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) no vehicles exceeding 5.5 tonnes including medium and heavy goods vehicles and container vehicles were allowed to be parked/stored on the site during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site during the planning approval period;
- (d) the existing vegetation on the site should be maintained during the planning approval period;

- (e) the drainage facilities on the site should be properly maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/268 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (g) the implementation of the compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (h) the submission of a proper run-in proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 14.6.2008;
- (i) in relation to (h) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 14.9.2008;
- (j) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (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 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.

176. The Committee agreed to remind the applicant that planning permission should have been renewed before continuing the applied use at the application site.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the 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 his office. The applicant should submit formal application to the District Land Officer/Yuen Long for Short Term Waiver for regularization of the unauthorized structures;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should not disturb all existing drains and streams in its vicinity;
- (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 Highway Engineer/New Territories West, Highways Department's (HyD) advice that HyD was not/should not be responsible for the maintenance of the existing vehicular access connecting the site and Tung Wing On Road; and

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any unauthorized 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. 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 Buildings Ordinance was required.

[Open Meeting (Presentation and Question Sessions Only)]

- (xix)      A/YL-TT/217      Temporary Open Storage of Second-hand Private Cars  
Prior to Sale with Ancillary Office for a Period of 3 Years  
in "Village Type Development" zone,  
Lot 3255RP in DD 120, Shung Ching San Tsuen,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/217)
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Presentation and Question Sessions

178.      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 applied temporary open storage of second-hand private cars prior to sale with ancillary office for a period of 3 years;
- (c)      departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the application site and environmental nuisance from the applied use was expected. One

complaint on the application site relating to waste pollution was lodged in 2006. The Transport Department (TD) advised that the approval of the application might set undesirable precedents for similar applications. No objection from other concerned Government departments was received;

- (d) one public comment objecting to the application was received during the statutory publication period. The major grounds of objection were that the applied use was not in line with the planning intention, adverse impact on traffic safety and adverse environmental impacts; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the applied use was not in line with the planning intention of the subject “Village Type Development” zone. There was no strong justification for a departure from the planning intention, even on a temporary basis. The application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous approval granted and the applied use was not compatible with nearby residential dwellings. EPD did not support the application. There was insufficient information to demonstrate that the applied use would not cause adverse environmental and traffic impacts. The approval of the application would set an undesirable precedent for similar applications.

179. Members had no question on the application.

#### Deliberation Session

180. 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 “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for

village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) 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 development was not compatible with the residential dwellings in the vicinity of the site, there were no exceptional circumstances to merit approval and also there were adverse departmental comments against the applied use;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas; and
- (d) the 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 Sessions Only)]

- (xx)           A/YL-TYST/370       Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Materials and Recycling Materials Use for a Period of 3 Years in “Undetermined” zone,  
Lots 369RP(Part), 370RP(Part), 371B(Part), 372A, 372B(Part), 373(Part), 374(Part), 375RP(Part), 376(Part), 377 to 380, 381RP(Part), 459(Part), 460 to 465, 466(Part), 469(Part), 470(Part), 471(Part), 1323(Part), 1324, 1337 to 1347, 1349 to 1351, 1353 to 1355, 1356A, 1356B, 1357 to 1365, 1366(Part), 1367RP(Part), 1369A, 1369B, 1369D, 1524, 1525, 1531B, 1532, 1533A, 1533B, 1536 to 1543, 1592(Part), 1593, 1613C(Part) and 1614RP(Part) in DD 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/370)
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Presentation and Question Sessions

181.           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 applied renewal of planning approval for temporary open storage of construction machinery and materials and recycling materials use for a period of 3 years;
- (c)   departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the application site and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d)   one public comment objecting to the application was received during the

statutory publication period. The major grounds of objection were adverse traffic and environmental impacts and concerns on security. Similar comments objecting to the application were also received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.2 of the Paper in that there had been no change in planning circumstances since the approval of the previous application (No. A/YL-TYST/265) for the same use at the application site. Approvals for other similar applications within the same “Undetermined” zone had also been granted. Regarding the objection from the EPD and locals, appropriate approval conditions and advisory clauses were recommended to address the environmental concerns. Relevant Government departments including the Transport Department, Agriculture, Fisheries and Conservation Department and the Police had no objection to the application.

182. Members had no question on the application.

#### Deliberation Session

183. The Chairperson remarked that this area along Kung Um Road had been developed for open storage use.

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no electronic waste and plastic bottles were allowed to be stored at the site and no bottle washing activities were allowed to be carried out on the site;
- (b) no night-time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;

- (c) no operation on Sundays and public holidays was allowed on the site, as proposed by the applicant, 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 landscape planting on the site should be maintained at all times during the planning approval period;
- (f) paving of the site within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.9.2008;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.9.2008;
- (i) 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;
- (j) if any of the above planning conditions (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorized structures were erected on the site. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. Furthermore, the existing occupation area was found to be different with that under application. As such, the applicant should be required to clarify this discrepancy. The applicant should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier. The vehicular access from Kung Um Road leading to the site runs through various private lots and Government land without particular maintenance works to be carried out thereon;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be clarified with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (e) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of

general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO). Moreover, it was noted that part of the site was proposed to be used as storage of recycling materials in which storage/use of Dangerous Goods might be involved. As such, the applicant/operator of the subject site was advised to approach the Dangerous Goods Division of his department for advice on licensing of the premises for the above purposes where necessary;

- (f) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. A waterworks reserve within 1.5 metres from the centreline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the 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 it which the Water Authority might require or authorize; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with BO. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, Mr. Anthony C.Y. Lee and Mr. Frederick S.T. Ng, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. So, Lee and Ng left the meeting at this point.]

**Agenda Item 13**

Any Other Business

186.        There being no other business, the meeting was closed at 6:25 p.m.