

## **TOWN PLANNING BOARD**

### **Minutes of 336th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.10.2006**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-Chairperson

Ms. Carmen K.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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

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

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

Secretary

**Absent with Apologies**

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Ms. Anna S.Y. Kwong

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

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Miss Jessica K.T. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 335th RNTPC Meeting held on 29.9.2006

[Open Meeting]

1. The draft minutes of the 335th RNTPC meeting held on 29.9.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans (OZPs)

2. The Secretary informed Members that, on 17.10.2006, the Chief Executive in Council (CE in C) approved the 18 draft OZPs relating to “Agriculture” zoning, the draft Tsing Yi OZP, the draft Nam Sang Wai OZP and the draft Tsim Sha Tsui OZP under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the OZPs would be notified in the Gazette on 27.10.2006.

(ii) Reference of OZPs

3. The Secretary reported that, on 17.10.2006, the CE in C referred the approved Kai Tak (North) and Kai Tak (South) OZPs to the Board for replacement by a new plan under section 12(1)(b)(i) of the Ordinance. On the same day, the CE in C referred the approved Pok Fu Lam OZP to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZPs would be notified in the Gazette on 27.10.2006.

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

**Agenda Item 3**

Section 12A Application



Dr. Michael Lau	]	the Applicants' Representative
Mr. Ian Brownlee	]	
Miss Kira Brownlee	]	Masterplan Ltd. (the Consultant)
Miss Jessica Lam	]	

7. The Chairperson extended a welcome and briefly explained the hearing procedures. She said that it was understood that the applicants and their representatives would make the presentation in English and the applicants had no objection to conduct the questioning session in Cantonese. The applicants agreed.

#### Presentation and Question Sessions

8. Dr. Kenneth S.S. Tang, STP/STN, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Dr. Tang did so as detailed in the Paper and made the following points:

- (a) background to the application for amendment to the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/19;
- (b) (i) Option 1 (Plan Z-1) - rezoning from "Green Belt" ("GB") and "Recreation Priority Area" ("RPA") to "Conservation Area" ("CA") and "Site of Special Scientific Interest(1)" ("SSSI(1)"), and rezoning from "Residential (Group C)" ("R(C)") to "Other Specified Uses (Historic Building)" ("OU(Historic Building)");  
(ii) Option 2 (Plan Z-2) - rezoning from "GB", "RPA" and "R(C)" to "Other Specified Uses (Tai Po Kau Ecological and Heritage Special Area)" ("OU(TPKEHSA)");
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) 110 public comments were received during the statutory publication period. Out of 110, there were 107 supporting comments from various

parties/organizations including Society for Protection of the Harbour, Chinese University of Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Friends of the Earth, The Experience Group, World Wide Fund, The Conservancy Association, The Hong Kong Bird Watching Society Ltd., Green Power and Civic Exchange. The remaining three were against the rezoning application. The first opposing comment was from the nearby villagers for reasons that the application site covered a number of burial grounds in their villages, and the proposal would attract a large number of visitors and cause pollution to the existing stream. The site was endowed with a wide variety of Chinese herbs and abundant natural resources necessary for livelihood of the local villagers, which should not be disrupted. Moreover, the proposed zonings would seriously impede future uses in the area. The second opposing comment was from the operator of Kerry Lake Egret Nature Park against the rezoning of Tolo Pond Mangrove area from “RPA” to “CA” as there was no significance in the Tolo Pond area to justify the proposed “CA” zone. The third opposing comment was from the Kowloon-Canton Railway Corporation (KCRC) as the rezoning would affect the KCRC vested land and areas above the tunnels. The District Officer/Tai Po advised that the Indigenous Inhabitant Representatives and the Resident Representative of Cheung Shue Tan and Tai Po Mei strongly objected to the proposal as it would seriously impede the future developments in the area; and

- (e) the Planning Department (PlanD)’s views –
  - (i) PlanD recommended to partially agree the rezoning proposal in Option 1 for reasons given in paragraphs 11.2(a) to (g) of the Paper. PlanD’s proposals are as follows:

	Existing Zoning	Proposed Zoning	PlanD’s Recommendation (Plan Z-4)
The Tai Po Kau Headland	“GB”	“SSSI(1)”	“CA”
Pai Mun Shan (Area 40)	“GB”	“CA”	“CA” as proposed
Buffer Areas Around the Headland	“GB” and “RPA”	“CA”	“GB” and “RPA” be maintained

Tolo Pond Mangrove	“RPA”	“CA”	“CA” as proposed
The Lookout	“R(C)”	“OU (Historic Building)”	rezone to “R(C)1”

- (ii) For Option 2, PlanD did not support the rezoning proposal for reasons given in paragraph 11.3 of the Paper.

9. The Secretary supplemented that five public comments from the Heung Yee Kuk New Territories attached with a letter from Village Representatives and four individuals, were received after the statutory public inspection period and tabled at the meeting. They were filed out-of-time. According to the Town Planning Ordinance, they should be treated as not having been made. The Secretary also informed Members’ that a group of villagers (around 30 persons) from Cheung Shue Tan and Tai Po Mei staged a petition against the rezoning application at the North Point Government Offices on the day of the meeting and a petition letter was tabled for Members’ reference.

10. The Chairperson then invited the applicants/applicants’ representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the application was submitted on behalf of the Barretto family. As the site had a high ecological conservation value, the Committee was requested to rezone the area so as to provide appropriate protection. The rezoning proposal was supported by results of systematic survey of the area covering a long period of time, and the expert opinions contained in the Study Report;
- (b) the applicant proposed to rezone the Headland from “GB” to “SSSI(1)” for wild animals and biodiversity protection, whilst the buffer areas to the east, west and south of the Headland be rezoned from “GB” and “RPA” to “CA” for protection of linkage to the important stream sources and ponds. Moreover, the graded heritage building ‘The Lookout’ was proposed to be rezoned from “R(C)” to “OU (Historic Building)” to preserve the historic building in its present state;

- (c) an alternative Option 2, i.e. rezoning the whole site to “OU(TPKEHSA)”, was also proposed if the Committee considered there was insufficient justification provided in the submission for the “SSSI” zoning. The proposed “OU(TPKEHSA)” zone was intended to provide a greater level of protection than the “CA” zoning; and
- (d) the proposal involved Government land only and had excluded the Tai Po Kau Nature Centre, committed road works and private land. The proposed rezoning would not adversely affect the nearby villages.

11. In reply to Mr. Ruy Barretto, the Secretary said that the ‘Tai Po Kau Headland Conservation Study and SSSI Proposal’ had been circulated to Members for information before the meeting.

12. With reference to the bundle of documents tabled and some photo boards displayed at the meeting, Mr. Ruy Barretto made the following main points:

The Tai Po Kau Headland

- (a) the existing zoning of the site as “GB” “RPA” and “R(C)” did not give sufficient control to protect the area which was of ecological and historical significance. The recent residential development in the area had resulted in significant loss of green belt and mature vegetated land. The proposed “SSSI” and “CA” zoning would provide better protection to the area of embayed water, forest and open land from adverse effects of developments;
- (b) Hong Kong was a small area but held a significant portion of the biological diversity resources of South China. The process of “SSSI” identification for representative sites had to be done in appropriate context and scale so that representative areas of rare and important habitat type in different locations could be protected through proper zoning. This was particularly the case in respect of the rare mature lowland forest habitat in a coastal location, such as the application site;



- (c) a holistic approach was essential for successful outcomes in conservation. Site evaluation should be based on a combination or mixture of Ratcliffe (1977) criteria including size, diversity, rarity, recorded history, fragility, typicalness, naturalness, position in ecological unit, intrinsic appeal and potential value. Site evaluation should not be limited to just one special feature in a site. It was worth noting that the Ratcliffe criteria had largely been adopted in the Technical Memorandum of Environmental Impact Assessment Ordinance (EIAO) for ecological assessment;
- (d) the designation of “SSSIs” on the OZPs required systematic processes, scientific objectivity as well as factual and expert evidence. The applicant had adopted a holistic approach in investigating the habitat conservation of the Headland. A case study for conservation zoning in Hong Kong prepared by the applicant was presented at the meeting;
- (e) the applicants used local definitions and international principles and publications covering all the relevant criteria. The applicants had adopted a reasonable and systematic process of site selection for conservation, and provided reliable evidence in support of the designation of “SSSIs”. This scientific approach would enable an objective and fair decision to be made. The study and proposal was supported by experts and authorities, both from Hong Kong and internationally;
- (f) the Headland had special scientific interest for both habitat types and species groups. It had a rare important habitat type, and four other important habitat types. There were 427 flora species with 11 of conservation concern, 17 mammal species with 7 of conservation concern, 142 bird species with 19 of conservation concern, 20 snake species with 12 of conservation concern and in particular 495 moth species with 25 of international concern. The existence of these species, and the unique combination of flora and fauna and physical features of such rarity, rendered the area met many of the Ratcliffe criteria. The “SSSI” zoning was thus most appropriate for this relatively small, fragile and highly diverse woodland which needed the utmost protection from development;

Responses to AFCD's comments

- (g) AFCD did not have a complete set of criteria or any standards for "SSSI" selection. Only parts of a few of the Ratcliffe criteria, i.e. the habitat rarity or species group rarity, were taken for evaluation. It failed to recognize other criteria needed for fair and reasonable evaluation. It had not evaluated those individual rare species of insects, plants, birds and snakes found in the Headland;
- (h) AFCD's criteria were intended for internal and administrative listing and thus not suitable for systematic preparation of statutory plans and town planning applications. The internal Government administrative procedure for listing "SSSIs" did not prevent the Committee from considering the suitability of the area for an "SSSI" zone under the Town Planning Ordinance;

The Buffer Areas

- (i) it was proposed to rezone those areas to the east, west and south of the Headland to "CA" in order to protect the linkage to the important stream sources and ponds and to serve as buffer areas to separate the "SSSI" from adverse effects of developments;
- (j) the proposed "CA" zones at Pai Mun Shan (Area 40) and the Tolo Pond Mangrove were supported in principle by DAFC;
- (k) for the two areas on the east and west of the Headland to the north of KCRC Railway, these two intertidal areas had significant mudflats and mangroves and protected rocky shoreline. The areas were not suitable for active recreation or water sports and should be rezoned from "GB" and "RPA" to "CA";

The Lookout

- (l) the application sought to have the current non-statutory status of the Lookout, which was a listed Grade II building, be recognized on the OZP as a historic building. The application was not to pre-empt decisions by the Antiquities and Monuments Office (AMO) to upgrade the building's status and declare it as monument or Grade I building in the future. The proposed uses were intended to limit the range of uses so as to ensure that the building was retained in the present state. This would enable it to continue to be used as a house but would require approval from the Town Planning Board if the building was to be demolished or changed;

#### Community Responsibility

- (m) unlike other Special Areas and "SSSIs", rezoning of the Headland as "SSSI" would not add burden to the finance of AFCD. The local residents were keen to establish a private-public partnership in which the community would continue to play an active role in protecting and managing the site. The relevant Government departments could be involved to provide professional support and guidance. There was significant support from Tai Po residents and villagers, experts or authorities in relevant fields, environmental non-Government organizations and many knowledgeable persons. More than 100 supporting letters had been forwarded for consideration; and

#### Alternative Option 2

- (n) an alternative Option 2 was proposed for the Committee's consideration if for some reasons it considered that the information provided by the applicant did not provide sufficient justification for the "SSSI" zoning. The proposed "OU(TPKEHSA)" zone was intended to provide a greater level of protection than the "CA" zone and to reflect the importance of the whole area in ecological and heritage terms.

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

13. Dr. Roger Kendrick made the following points:
- (a) there were 605 and 521 moth species within the Tai Po Kau Special Area and Tai Po Kau Headland respectively. The Tai Po Kau Headland were amongst the top 10 ranked moth sites in Hong Kong in terms of the number of moth species and recording events;
  - (b) based on the current knowledge (48,000 records from 218 sites), the Tai Po Kau Headland had the third highest number of international rare and/or endangered moth species in Hong Kong with highly diverse moth assemblage. The Tai Po Kau Headland and the Tai Po Kau Special Area together formed the second most diverse moth assemblage in Hong Kong; and
  - (c) the existence of these moth species fully satisfied the international criteria for designating the Headland as “SSSI” zone. Moreover, the Headland was a significant area of highly diverse woodland habitat with mature and rich lowland forest. The “CA” zoning proposed by PlanD was not sufficient to provide the appropriate level for protection.

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

14. Dr. Michael Lau said that the Headland was the only coastal forest linking to Tai Mo Shan Important Bird Area and allowed altitudinal gradient study from sea level to the highest point in Hong Kong. It was very important for scientific study in particular on global warming. The Headland was also the coastal broadleaf forest which was very rare and fragmented in South China. The presence of three species of snake-eating snakes indicated the site having a high ecosystem integrity.

15. Referring to a document and plan tabled at the meeting, Mr. Ian Brownlee summarised that the applicants maintained their rezoning proposals as follows:

<u>Area</u>	<u>Proposed Zoning</u>	<u>Responses from the Applicant</u>
Two areas on the east and west of the Headland to the north of KCRC Railway	Rezone to “CA”	The areas were important intertidal basins for mangroves.
The Headland	Rezone to “SSSI”	The original proposal of “SSSI” was still considered appropriate with adequate justifications.
An area on the east of the Headland to the south of KCRC Railway	Rezone to “CA”	The cut slopes along Yau King Lane had an important stream which was a valuable dry season water source for the whole Headland. Fragmentation in this area could be overcome by including the private land in the “CA” zone.  Comments from the Civil Engineering and Development Department and the Highways Department were noted and the “CA” zoning boundary could be aligned along Yau King Lane.
An area at the junction of Tai Po Road and Yau King Lane	Rezone to “CA”	This steep slope was well wooded landscape feature of great beauty and integrity leading up hill to Pai Mun Shan. It was also an important wildlife corridor to the Headland.
A strip of area to the west of Headland leading to Pai Mun Shan	Rezone to “CA”	This area was an important buffer to the Headland. As it fell within the ‘village environs’ (‘VE’) boundary, the area of the “CA” zone could be reduced.
The Lookout	Rezone to “OU(Historic Building)”	The Lookout was a heritage building which was virtually unprotected by AMO. The Committee should take a bold step to preserve the building.

16. Mr. Patrick Lai made the following points:

- (a) it was unfair to him to make responses to the applicants’ presentation as the bundle of documents was just received at the meeting;
- (b) it should be clarified that one of the primary intentions of the “SSSI” system in Hong Kong was to conserve the special scientific interest of a site due to its importance in form of a habitat type or in supporting a special group of flora or fauna or geographical formation;

- (c) the Ratcliffe (1977) criteria as defined in 'A Nature Conservation Review' were intended for evaluation of the ecological importance of a site in general. Amongst all the ecological criteria considered, only those specific criteria which were relevant to the situation in Hong Kong were adopted in assessing whether a site should be recognized as a "SSSI";
- (d) according to the 'The Hong Kong Environment: A Green Challenge for the Community' published by the then Planning, Environment and Lands Branch in 1993, the site's uniqueness, naturalness or rareness in a territory-wide context, its scientific value in a territorial or regional context, and whether it was representative or typical of its kind (i.e. the best examples) were the fundamental underlying principles for "SSSI" selection adopted in Hong Kong. Moreover, reference would also be made to the 'Guidelines for Selection of Biological SSSIs' published by the Joint Nature Conservation Committee in United Kingdom (1995) and AFCD's internal reference document on criteria for listing "SSSI". Based on the biological information provided by the applicant, it could not demonstrate that the Tai Po Kau Headland possessed the special scientific interest or was the best examples of its kind in terms of the quality of the habitat;
- (e) the applicants put forward the argument that the Headland had a holistic combination of wild, natural, cultural and built heritage, scenic beauty, local history etc. and it was the combination of values that justified the designation of "SSSI" zoning for conservation. However, this approach was not in line with the existing "SSSI" listing criteria. In addition, quoting from the 'Guidelines for Selection of Biological SSSIs', it should be noted that although diversity over a range of animal species groups was important, it was difficult to prescribe significant combination values, and this had to be judged by examining the criteria for the separate groups concerned;
- (f) "SSSIs" might be land based or marine sites which were of special scientific interests because of their flora, fauna, geographical, geological or

physiographic features. According to the existing administrative procedure, a potential SSSI was first identified by AFCD or other environmental organisations. Upon endorsement by the Committee on Planning and Land Development (CPLD), the site would be listed as a SSSI administratively and included into the register of SSSIs maintained by PlanD. There were currently about 67 SSSIs listed in the register. For those SSSIs which were covered by statutory plans, they had been zoned as “SSSI” where appropriate. As the application site was not one of the “SSSIs” currently listed in the SSSI Register, the proposed rezoning of the site to “SSSI” directly without having the SSSI endorsed by CPLD first appeared to be deviated from the existing administrative procedures;

- (g) some of these SSSIs had been incorporated into the statutory and departmental plans under the scrutiny of the Town Planning Ordinance. Those SSSIs fell within gazetted Country Park boundaries would be subject to control of the Country Parks Authority under the provisions of the Country Parks Ordinance. Moreover, all projects within “SSSI” were Designated Projects under the EIAO and would be subject to the statutory requirements under the EIAO;
- (h) the “SSSI” system adopted in Hong Kong was to cater for sites with specific and special scientific interests rather than a combination of values. For example, the Sha Lo Tung SSSI was selected as it supported diverse dragonfly species and was the most representative dragonfly habitat with the highest dragonfly diversity in Hong Kong. The Tai Ho Stream SSSI was listed as it was the stream supporting the greatest diversity of freshwater and brackish-water fish in Hong Kong; and
- (i) the advantage of the “SSSI” selection system adopted in Hong Kong was to focus on the specific features and the appropriate protection measures in order to avert adverse impacts due to incompatible developments. It was important that a clear and consistent approach with well-defined criteria was adopted for each individual “SSSI”. The holistic approach adopted by the applicants appeared to be not in line with the current “SSSI” system

in Hong Kong.

17. Noting that the nearby villagers raised strong objections to the rezoning application, a Member asked whether PlanD's proposal would affect the land right of the local villagers. Mr. W.K. Hui said that a meeting had previously been held between PlanD and the villagers of Cheung Shue Tan and Tai Po Mei. While the Pai Mun Shan (Area 40) did not fall within their 'VE' boundary and the application site involved Government land only, the local villagers were of the view that the Pai Mun Shan was part of their villages covering the burial grounds of their villages and had a wide variety of Chinese herbs and abundant natural resources necessary for livelihood of the villagers. In view of the public comments received, the exact boundary of the proposed "CA" zone would be further examined to exclude KCRC vested land, committed road works, other land rights and to take into account the local views. In drawing up the Notes for the proposed "CA" zone, reference would be made to the Master Schedules of Notes, the Notes of the Sham Chung Development Permission Area Plan as well as the local situation.

[Mr. H.L. Cheng left the meeting temporarily at this point.]

18. In reply to the Vice-chairman, Mr. W.K. Hui said that, according to the information provided by AMO, 'The Lookout' was a Grade II historic building. Since 'The Lookout' was a Government premises on Government land, any demolition or changes to the existing building would be scrutinized by the relevant Government departments. In view of its long history, it was recommended to rezone the site as "R(C)1" with the proviso that any addition, alteration or demolition of the building should obtain the prior approval of the Town Planning Board.

19. To supplement, Mr. Ruy Barretto said that all projects within "Conservation Area" and "SSSI" were Designated Projects under the EIAO. There was no legal requirement that such rezoning to "SSSI" could only be achieved after listing by CPLD.

20. As Members had no further questions, the Chairperson informed the applicants and their representatives that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and would inform them of the Committee's decision in due course. The Chairperson thanked the applicant and the



applicants/applicants' representatives and the representatives of PlanD for attending the meeting. They left the meeting at this point.

[Mr. H.L. Cheng returned to join the meeting at this point.]

### Deliberation Session

21. The Chairperson remarked that the planning intention of the "CA" zoning was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There were very few uses other than those which were necessary to manage the natural landscape and ecological resources were permitted within the "CA" zone, and any permitted development was subject to the scrutiny of the Town Planning Board. The planning intention of the "SSSI" zone was specifically to conserve and protect the features of special scientific interest. There was a general presumption against development in "CA", "SSSI" and "GB" zones. Members should consider the appropriate zoning for the Tai Po Kau Headland and the surrounding areas taking into account the applicants' justifications and AFCD's expert advice.

22. In response to a Member's enquiry on the Ratcliffe criteria, the Secretary said that the applicants presented a holistic approach adopting a combination of all the Ratcliffe criteria for site evaluation. According to AFCD, these criteria were intended for evaluation of the ecological importance of a site. Amongst all the ecological criteria considered, only those specific criteria which were relevant to the situation in Hong Kong, i.e. the site's uniqueness, naturalness or rareness in a territory-wide context, its scientific value in a territorial or regional context, and whether it was representative or typical of its kind, were adopted for "SSSI" selection in Hong Kong.

23. The Chairperson clarified that there was an administrative procedure for listing of SSSIs in the territory and some of these listed "SSSIs" had already been incorporated into the OZPs. There was no requirement that designation of an area as "SSSI" zone on the OZPs could only be made upon listing by CPLD.

24. Members had the following views:

- (a) the applicants' proposal did not present a strong case for the proposed "SSSI" zone for the Tai Po Kau Headland. The "CA" zoning as recommended by PlanD was considered appropriate;
- (b) the proposed "CA" zoning for the Headland was sufficient to reflect the ecological attributes of the area and to provide protection to the area. There was insufficient information in the submission to rezone the entire application site as "OU(TPKEHSA)"; and
- (c) a consistent approach should be adopted in dealing with the designation of "SSSI". It was not appropriate for the Committee to deviate from the current practice on the designation of "SSSI" for conservation and protection of the features of special scientific interests. This would have wider implications on and setting an undesirable precedent to other similar applications on the other OZPs.

25. A Member pointed out that PlanD's proposal could strike a proper balance between the local interest and the ecological conservation value.

26. The Vice-chairman opined that in view of its historical significance, further emphasis should be placed on the preservation value of 'The Lookout'. AMO should be requested to review its status with a view to better preserving the building in the long run.

27. In response to a Member's enquiry on the local concerns on burial grounds and natural resources for livelihood, the Secretary said that should the Committee decide to agree or partially agree to the application, PlanD would further examine the exact boundary of the relevant zones and submit the proposed amendments to the OZP together with the corresponding schedules of Notes to the Committee for agreement prior to gazetting under the provisions of the Town Planning Ordinance.

28. After deliberation, the Committee decided to partially agree to the rezoning proposal in Option 1 by rezoning the Pai Mun Shan (Area 40) and the Tolo Pond Mangrove from "Green Belt" and "Recreation Priority Area" to "Conservation Area" ("CA") and the

reasons were :

- (a) there was lack of evidence to support the “Site of Special Scientific Interest” (“SSSI”) zoning for the Tai Po Kau Headland. The Director of Agriculture, Fisheries and Conservation considered that the Headland could only be agreed broadly with a “CA” zone taking into account the adjacent land uses and their status;
- (b) for areas to the east and west of the Tai Po Kau Headland, they had already been fragmented to various extents by residential developments, roads, railway lines and associated cut slopes, and fell within the ‘village environs’ boundary of Tai Po Kau Village. Rezoning of the aforesaid areas to “CA” zone, as proposed by the applicant, would limit the flexibility of future uses of the areas and would affect Kowloon-Canton Railway Corporation land rights and implementation of road works; and
- (c) since the ‘Lookout’ had not been declared as monument, it was pre-mature to rezone it as “Other Specified Uses (Historic Building)”. Suitable amendments to the Notes of “Residential (Group C)” would serve the same purpose.

29. The Committee also agreed that the Chief Executive in Council (CE in C) would be requested to refer the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/19 to the Town Planning Board for amendment. Amendments to the approved Tai Po OZP would be submitted to the Committee for agreement prior to gazetting under the provisions of the Town Planning Ordinance upon reference back of the OZP by the CE in C.

30. The Committee decided not to agree to the rezoning proposal to “Other Specified Uses (Tai Po Kau Ecological and Heritage Special Area)” (“OU(TPKEHSA)”) in Option 2 and the reason was that the “CA” zoning was sufficient to reflect the ecological attributes of the area and to provide protection to the area. Also, through the amendments to the Notes, sufficient control would be given to the protection of the historic building as well as the use therein. There was insufficient information in the submission to rezone the application site as “OU(TPKEHSA)”.

[A short break of 10 minutes was taken.]

[Messrs. Y.K. Cheng and H.L. Cheng left the meeting at this point.]

[Messrs. Tony C.N. Kan and Edmund K.H. Leung left the meeting temporarily at this point.]

[Ms. Carmen K.M. Chan and Dr. C.N. Ng joined the meeting at this point.]

[Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, were invited to the meeting at this point]

#### **Agenda Item 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-TK/218           Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land adjoining Lot 882 in DD 28, Tai Mei Tuk, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/218)
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##### **Presentation and Question Sessions**

31.           The application was submitted by a company with Leadtops Raymond Ltd. (LRL) being the consultant. Dr. James C.W. Lau, having current business dealings with LRL, declared interest in this item.

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

32.           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) temporary eating place (outside seating accommodation of a restaurant) 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
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

33. Members had no question on the application.

#### Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 20.10.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the setback of the development by 1.6m from the existing village road to its south;
- (b) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.1.2007;
- (c) the submission of drainage/sewerage connection proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.1.2007;
- (d) in relation to (c) above, the provision of proper drainage connection to the development within 6 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.4.2007;

- (e) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (b), (c) or (d) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be on the same date be revoked immediately without further notice; and
- (g) 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 Town Planning Board.

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

- (a) shorter compliance periods were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (b) the applicant should obtain a Short Term Tenancy for the restaurant use from the District Lands Office/Tai Po, Lands Department;
- (c) all unauthorized building works should be removed. Otherwise, enforcement action under section 24 of the Buildings Ordinance (BO) might be taken;
- (d) if any non-exempted building works within the context of the BO were to be carried out, the applicant should be reminded to seek approval and consent from the Building Authority prior to commencement of works under section 14(1) of the BO;
- (e) the applicant should consult the Building Authority regarding the

development intensity under Building (Planning) Regulation 19(3) at the building plan submission stage;

- (f) the applicant should consult the Environmental Protection Department regarding the preferred sewage treatment/disposal method of the development; and
- (g) the applicant should be reminded to follow the established procedures and requirements for connection drains/sewers from the application site to the public drainage/sewerage system. Moreover, the drainage/sewerage connection would be subject to the technical audit of the Drainage Services Department, for which an audit fee would be charged.

[Messrs. Tony C.N. Kan and Edmund K.H. Leung returned to join the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TP/380 Proposed Three Houses (New Territories Exempted Houses) (NTEHs) – Small Houses in “Green Belt” zone, Lots 86B2, 86B3 and 86B4 in DD 21, San Uk Ka Village, Tai Po  
(RNTPC Paper No. A/TP/380)
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36. Professors Nora F.Y. Tam and David Dudgeon declared interest in this item as they were member of relevant committees under World Wide Fund Hong Kong (WWFHK) submitting public comments to the application. The Committee noted that Professors Tam and Dudgeon had tendered their apologies for not able to attend the meeting.

### Presentation and Question Sessions

37. 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) proposed three houses (New Territories Exempted Houses) (NTEHs) – Small Houses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, three public comments were received. One public comment was mainly on land matters. Kadoorie Farm and Botanic Garden Corporation raised concern on the impact of the development on the remaining marsh and the dragonflies in the area while WWFHK suspected that there could be possible unauthorized land use in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. Regarding the public comments, the Director of Agriculture, Fisheries and Conservation Department advised that there was no sufficient information to prove that the application site was previously a freshwater marsh. The District Lands Officer/Tai Po of Lands Department advised that there was no record of unauthorised development in the application site.

38. Members had no question on the application.

### Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should



be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of the firefighting access, the water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission of a slope assessment and the implementation of stabilization works identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board.

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

- (a) to assess the need to extend their inside services to the nearest Government water mains for connection, and to sort out the land matters related to the construction, operation and maintenance of the inside services within the private lots;
- (b) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) to consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (d) to submit site formation works to the Buildings Department in accordance with the provision of the Buildings Ordinance.

## **Agenda Item 5**

### **Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-1 Proposed Houses (Amendment to Approved Scheme)  
in “Residential (Group C)2”, “Government, Institution or Community”,  
“Open Space”, “Green Belt”, “Agriculture” and ‘Road’ zones,  
Lot 2242 in DD 95,  
Kwu Tung South,  
Sheung Shui  
(RNTPC Paper No. A/NE-KTS/228-1)

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### **Presentation and Question Sessions**

41. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng declared interest in this item. The Committee noted that on 13.10.2006, the applicant requested the Board to defer consideration of the application in order to prepare further information to address the Planning Department’s concerns on landscape aspect. As a request for deferment was received from the applicant, the Committee considered that Messrs. Yap and Cheng could stay at the meeting.

### **Deliberation Session**

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

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

point.]

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

[Mr. Wilson W.S. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Anthony C.Y. Lee, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

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

### **Agenda Item 6**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- |     |          |                                                                                                                                                                                                                                 |
|-----|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) | A/TM/350 | Proposed Television Transmitter Installation<br>in “Green Belt” zone,<br>Government Land adjacent to the<br>Castle Peak Transposer Station<br>at the mountain top of Castle Peak,<br>Tuen Mun<br><br>(RNTPC Paper No. A/TM/350) |
|-----|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- 

43. The application was submitted by a company with David S.K. Au & Associates Ltd. (DAA) and Atkins China Ltd. (ACL) being the consultants. Dr. James C.W. Lau, having current business dealings with DAA and ACL, declared interest in this item. The Committee noted that Dr. Lau had already left the meeting.

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

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

- (a) background to the application;
- (b) proposed television transmitter installation;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

45. Referring to paragraph 11.2(d) of the Paper, the Chairperson doubted whether an emergency vehicular access (EVA) was required for the proposed television transposer station situated in a rocky area with shrubs and trees. Mr. Wilson Chan said that, according to the Director of Fire Services, the fire safety requirements would be formulated upon receipt of formal submission of general building plans. Noting that there was no EVA serving the existing television transposer stations on site, the Chairperson suggested deleting the EVA requirement and amending the approval condition (d) accordingly. The Committee agreed.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission of a detailed aviation safety assessment and implementation of the safety measures identified there-in to the satisfaction of the Director-General of Civil Aviation or of the Town Planning Board;

- (b) the submission of a revised layout plan by lowering the platform level as far as possible to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission and implementation of landscape proposals and mitigation measures to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the provision of water supply for fire fighting and fire service installations for the site to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) note the Director-General of Civil Aviation's comments that in connection with the implementation of measures to safeguard aviation safety, application to the Secretary for Housing, Planning and Lands for exemption of the structures from Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 should be submitted;
- (b) note the Director of Environmental Protection's comments that the proposed development would constitute a Designated Project under the Environmental Impact Assessment Ordinance (EIAO) and would be subject to the statutory requirements under the EIAO. An Environmental Permit was required prior to its construction and operation;
- (c) note the District Lands Officer/Tuen Mun, Lands Department's comment to apply for a Short Term Tenancy for the proposed development;
- (d) note the Chief Building Surveyor/New Territories, Buildings Department's

comments that all unauthorised buildings were not permitted under the Buildings Ordinance and the allied regulations. If the site did not abut on a street of width not less than 4.5m, the proposed development intensity would be determined by the Building (Planning) Regulation (B(P)R) 19(3). Moreover, formal submission of any proposed building works for approval under the Buildings Ordinance was required. The applicant's attention was also drawn to B(P)R 41D regarding the provision of emergency vehicular access;

- (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. The emergency vehicular access provision should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D;
- (f) note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comment that the applicant was reminded to submit the geotechnical works proposed to the Buildings Department for approval under the provisions of the Buildings Ordinance;
- (g) note the Commissioner of Police's comments that the proposed development should not cause any interference or obstruction to the existing access to the site and the police communication networks. The applicant should take into consideration the Office of the Telecommunications Authority's controls and guidance on the Electro Magnetic Interference issues.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTY Y/146 Proposed Temporary Open Public Vehicle Park  
for a Period of 2 Years  
in “Residential (Group C)” zone,  
Lots 1141RP(Part), 1142ARP, 1143RP(Part),  
1147RP(Part) in DD 130 and Adjoining Government Land,  
Lam Tei,  
Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/146)
- 

Presentation and Question Sessions

48. The Committee noted that on 3.10.2006, the applicant requested the Board to defer making a decision on the application for one month in order to address the comments raised by various Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/YL-PS/250           Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses (NTEHs) and Proposed 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

50.           The application was submitted by a company with Ho Tin & Associates Consulting Engineers Ltd. (HTA) being the consultant. Dr. James C.W. Lau, having current business dealings with HTA, declared interest in this item. The Committee noted that on 3.10.2006, the applicant requested the Board to defer making a decision on the application in order to prepare responses to departmental and public comments received.

Deliberation Session

51.           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)]

- (iv)           A/YL-PS/251           Proposed Public Library and Indoor Recreation Centre  
in “Undetermined” zone,  
Government Land at the Junction of  
Tin Fuk Road and Ping Ha Road,  
Tin Shui Wai,  
Yuen Long  
  
(RNTPC Paper No. A/YL-PS/251)
- 

52.           The application was submitted by Leisure and Cultural Services Department with Atkins China Ltd. (ACL) being the consultant. Dr. James C.W. Lau, having current business dealings with ACL, declared interest in this item. The Committee noted that Dr. Lau had already left the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed public library and indoor recreation centre;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received from the Principal of the adjacent secondary school raising concerns on traffic, environmental, security and hygiene aspects; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper. Regarding the public comment, concerned Government departments had no adverse comment on the application. In order to further address the concerns,

suitable approval conditions were recommended in paragraph 10.5(a) and (b) of the Paper. An advisory clause was also suggested in paragraph 10.6(e) of the Paper to remind the applicant to minimise the environmental nuisance during the construction stage.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and layout of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the provision of parking and loading/unloading facilities, design and implementation of internal road/traffic access layout to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and implementation of run in/out of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the provision of emergency vehicular access (EVA), 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 Town Planning Board.

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

- (a) apply to the District Lands Officer/Yuen Long, Lands Department for a Permanent Government Land Allocation for the proposed library and indoor recreation centre;
- (b) note the Director of Fire Services' comments that the EVA provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;
- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments as detailed in paragraph 8.1.6 of the Paper in the design of the proposed development;
- (d) note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments that as the site fell within Scheduled Area No. 2, marble with cavities might be present underneath the site. The requirements of Environment, Transport and Works Bureau Technical Circular (Works) No. 4/2004 should be complied with; and
- (e) efforts should be made to minimise the potential traffic, security and environmental nuisances posed by the proposed development on the adjoining school during the construction stage.

[Dr. C.N. Ng left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-KTN/260       Proposed Public Utility Installation (Package Transformer)  
in “Village Type Development” zone,  
Government Land,  
Kam Tin San Tsuen,  
Kam Tin,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTN/260)

Presentation and Question Sessions

57.           The Committee noted that on 29.9.2006, the applicant requested the Board to defer making a decision on the application in order to prepare additional information to address concerns of the nearby villagers.

Deliberation Session

58.           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/YL-KTS/386 Temporary Vegetable Collection Station  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 365A in DD 106,  
Shek Wu Tong,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-KTS/386)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vegetable collection station for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation was in favour of the application as the application would benefit the agricultural activities in Pat Heung. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. To address DEP’s concern, an approval condition restricting the operation hours was recommended in paragraph 11.2(a) of the Paper and the applicant would be advised to undertake environmental mitigation measures as set out in the

‘Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses’ in order to alleviate any potential impact.

[Dr. C.N. Ng returned to join the meeting at this point.]

60. Members had no question on the application.

#### Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 20.10.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the operation was restricted from 7:30 a.m. to 12:00 noon, as proposed by the applicant, during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.4.2007;
- (c) in relation to (b) above, the provision of the drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.7.2007;
- (d) the provision of emergency vehicular access (EVA), water supply 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 Town Planning Board by 20.4.2007;
- (e) 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;

- (f) if any of the above planning conditions (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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 Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant was reminded to apply for Short Term Waiver so as to regularize the unauthorized structure erected on site if planning approval was given;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that land status, management and maintenance responsibilities of the proposed vehicular access leading to the application site from Kam Sheung Road should be checked;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for maintenance of the existing access connecting the site and Kam Sheung Road;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate

under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; and

- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The EVA provision in site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/387 Proposed New Territories Exempted House (NTEH) (Small House) in "Village Type Development" and "Agriculture" zones, Lot 210C1 in DD 106, Tin Sam, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/387)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed New Territories Exempted House (NTEH) (Small House);



- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

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) and subject to the condition that the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that Kam Po Road was primarily a drainage maintenance access road. The layout of the maintenance access (a single lane road for two-way traffic) had never been designed for the purpose of taking the traffic generation from any further developments along the road. The land status of the track leading to the site from Kam Po Road should be checked with the District Lands Officer/Yuen Long (DLO/YL) and the management and maintenance responsibilities of the track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (b) note the Chief Highway Engineer/New Territories West, Highways

Department (HyD)'s comment that HyD was not responsible for the maintenance of any existing vehicular access connecting the application site and Kam Po Road;

- (c) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comment that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest 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;
- (d) note the Director of Fire Services' comment that the emergency vehicular access (EVA) and the fire hydrant would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon receipt of formal application referred by DLO/YL; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person had to be appointed for the above site formation and communal drainage works.



Deliberation Session

69. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the track leading to the site from Kam Sheung Road should be checked with District Lands Officer/Yuen Long (DLO/YL). As such, the proposed access might not be guaranteed. The management and maintenance responsibilities of the track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (b) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (c) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comment that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest 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. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (d) note the Director of Fire Services' comment that the emergency vehicular access (EVA) and the fire hydrant would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon receipt of formal application referred by DLO/YL; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person had to be appointed for the above site formation and communal drainage works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-PH/528 Renewal of Planning Permission for Temporary Kennel, Cattery and Dog Training Centre for a Period of 3 Years in "Residential (Group D)" and "Village Type Development" zones, Lots 186B(Part), 186RP(Part), 187B and 187G in DD 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/528)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning permission for temporary kennel, cattery and dog training centre for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of Transport Department (TD) did not support the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. With regard to TD's comments, an advisory clause was recommended in paragraph 12.3(c) to request the applicant to further check the status of the local tracks leading to the site.

72. Members had no question on the application.

#### Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 20.10.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the provision of 24-hour mechanical ventilation and insulation wall for the kennel as implemented under Application No. A/YL-PH/441 on the application site should be maintained at all times during the planning approval period;
- (b) the drainage facilities as implemented under Application No. A/YL-PH/441 on the application site should be maintained at all times during the planning approval period;

- (c) the existing trees and landscape planting within the site as implemented under Application No. A/YL-PH/441 should be maintained at all times during the planning approval period;
- (d) the replacement of dead trees or missing trees on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.4.2007;
- (e) 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 Town Planning Board by 20.4.2007;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with at any time 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 Town Planning Board.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that majority of the structures erected on Lots 186B and 187B in DD 108 were covered by a Letter of Approval No. 12708 for agricultural and

livestock keeping purposes. According to his records, the livestock keeping business ceased operation under the Livestock Waste Control Scheme in 1992. As the usage of the structures had been changed, his Office would consider terminating the said Letter of Approval. The applicant should apply for Short Term Waiver so as to regularize the structures erected on site;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the status of the local tracks leading to Fan Kam Road and the party/parties to provide, manage and maintain the tracks should be confirmed;
- (d) note the District Officer (Yuen Long)'s comments that the local tracks leading to Fan Kam Road were not constructed and maintained by his Office;
- (e) note the Director of Environmental Protection (DEP)'s comments that the dogs should be kept inside the enclosed kennel at night time and follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP;
- (f) note the Chief Engineer/Development(2), Water Supplies Department's comments that the site fell within the flood pumping gathering ground for River Indus;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance. Even if planning approval was granted, it should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting





- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

76. Members had no question on the application.

#### 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. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the setting back of the proposed electricity package substation to avoid encroaching onto the adjacent footpath;
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the provision of emergency vehicular access (EVA), water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should deposit the relevant Deed Poll or Division Plan in the Survey and Mapping Office/Headquarters for registration. No

structures were allowed to be erected without prior approval from his office. The applicant should apply for Short Term Waiver to regularize the structure to be erected on the site;

- (b) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The EVA provision at the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation (B(P)R) 41D;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works for approval under the Buildings Ordinance was required. If the site was not abutting on and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi)           A/YL-HT/464           Temporary Open Storage of  
Construction Materials and Machinery,  
and Logistics Vehicles Back-up Centre for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots 3173B, 3173C, 3175, 3176, 3178(Part), 3184(Part),  
3185 and 3187RP(Part) in DD 129,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/464)
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Presentation and Question Sessions

79.           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) temporary open storage of construction materials and machinery, and logistics vehicles back-up centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper. With respect to DEP’s concern, it should be noted that the major clusters of residential dwellings at Sha Kong Wai Tsai and Fong Kong Tsuen were about 250m and 400m from the site respectively. No environmental complaint had been received by DEP in relation to the site in the past few years. In order

to minimize possible noise impact, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses'. The site was the subject of six approved applications with the last application (No. A/YL-HT/436) approved with a shorter compliance periods for fulfilment of conditions. The application was revoked due to non-compliance with some approval conditions. Given the applicant had demonstrated efforts in complying with other approval conditions, sympathetic consideration could be given to the application with shorter approval and compliance periods so as to closely monitor the situation.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 20.10.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the setting back of the site boundary to avoid encroachment onto the works limit of the Project Item No. 7794TH "Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)" when required by Government departments;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site as implemented under Application No. A/YL-HT/202 should be maintained at all times during the planning approval period;
- (d) the submission of tree preservation and landscape proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.1.2007;

- (e) in relation to (d) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.4.2007;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.1.2007;
- (g) the submission of run-in proposals within 3 months from the date of the planning approval to the satisfaction of Director of Highways or of the Town Planning Board by 20.1.2007;
- (h) in relation to (g) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the Town Planning Board by 20.4.2007 ;
- (i) the provision of a 9-litres water type/3 dry powder fire extinguisher in the site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.1.2007;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with at any time 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 condition (d), (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should 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 Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter approval period and compliance periods had been imposed in order to monitor the fulfillment of approval conditions;
- (c) apply to District Lands Officer/Yuen Long, Lands Department for Short Term Waiver for erection of structures on the site;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (e) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department to propose and construct the run-in in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath and that his Office was not responsible for the maintenance of the track access between Ping Ha Road and the site;
- (g) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department in paragraph 10.1.7 of Paper; and

- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xii)      A/YL-LFS/151      Renewal of Permission for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years in “Residential (Group C)” zone, Lots 2847(Part), 2849, 2850 and 2857(Part) in DD 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/151)
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Presentation and Question Sessions

83.            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) renewal of permission for temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;



- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council member objecting the application for potential noise nuisance to the residents of Tin Shui Wai; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding the public comment, it should be noted that the noise nuisance impact might not be significant as the site was about 250m away from the nearest housing estate of Tin Shui Wai, and separated by Tin Ying Road and a drainage channel.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 20.10.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site;
- (b) no heavy goods vehicle or container vehicle was allowed to be parked/stored on the site;
- (c) no night time operation from 11 p.m. to 7 a.m. was allowed on the site;
- (d) the drainage facilities and landscape planting on the application site should be maintained at all time during the approval period;
- (e) provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board

by 20.4.2007;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver for the structures to be erected on site;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment to clarify the land status and management/maintenance responsibilities of the vehicular access leading to the site;
- (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 to any structures existing on the site under the Buildings Ordinance and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found; and

- (e) note the Chief Engineer/Development (2), Water Supplies Department's (WSD's) comments to resolve any land matter (such as private lots) associated with provision of water supply and should be responsible for laying, operation and maintenance of any submains within private lots to WSD's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-MP/154 Proposed Land and Pond Filling for Permitted New Territories Exempted House Development in "Village Type Development" zone, Lots 3235A-3235F, 3235RP, 3236A-3236G, 3236RP, 3237A-3237I, 3237RP, 3238A-3238F, 3238RP, 3239A-3239D, 3239RP, 3240, 3241, 3244A-3244D, 3244RP, 3245A-3245K and 3245RP in DD 104, and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-MP/154)
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#### Presentation and Question Sessions

87. The Committee noted that on 13.10.2006, the applicant requested the Board to defer making a decision on the application in order to prepare drainage proposal and provide justification for inclusion of Government land.

#### Deliberation Session

88. 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



outside the “Village Type Development” zone, and there was insufficient information in the submission to demonstrate that there would not be any adverse drainage impact on the surrounding areas.

90. Members had no question on the application.

#### Deliberation Session

91. After deliberation, the Committee decided to approve the application of the proposed New Territories Exempted Houses (NTEHs) at Lots 419A and 419F, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 20.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the submission of drainage proposals and the provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult District Officer/Yuen Long for further information on the existing local village drains and issues related to connecting the proposed drainage point and those drains, to consult District Lands Officer/Yuen Long as regards all the proposed drainage works outside the site in order to ensure the unobstructed discharge from the site, to obtain agreement from Director of Environmental Protection for sewage disposal and treatment matters, and to construct and maintain all proposed drainage facilities at his own costs;

- (b) note the comments of the Director of Fire Services to observe and provide emergency vehicular access (EVA) and fire hydrant in accordance with the latest 'New Territories Exempted House – A Guide to Fire Safety Requirement' issued by Lands Department, and that detailed fire safety requirements on EVA and fire hydrant would be formulated upon the receipt of formal application referred by District Lands Officer/Yuen Long;
- (c) note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (d) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person had to be appointed for the site formation and communal drainage works above.

93. The Committee decided to reject the application of the proposed NTEH at Lot 419J and the reasons were:

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the "Green Belt" zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. In general, the Board would only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) the proposed NTEH (Small House) did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that over 50% of its footprint fell outside the "Village Type Development" zone;
- (c) Small Houses should be developed within the "V" zone so as to ensure an



[Open Meeting (Presentation and Question Sessions Only)]

(xvi)        A/YL-ST/322        Temporary Public Vehicle Park  
(Including Container Vehicles and Heavy Goods Vehicles)  
with Ancillary Site Offices for a Period of 3 Years  
in “Other Specified Uses” annotated  
“Comprehensive Development to include  
Wetland Restoration Area” zone,  
Lot 769(Part) in DD 99,  
Lots 3(Part) and 4(Part) in DD 105,  
San Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-ST/322)

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Presentation and Question Sessions

96.        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)    temporary public vehicle park (including container vehicles and heavy goods vehicles) with ancillary site offices for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application and raised concerns on traffic and operation noise nuisances affecting the nearby scattered dwellings. The Director of Agriculture, Fisheries and Conservation (DAFC) had ecological concerns on the continuation of the development within the Wetland Buffer Area in the long run;
- (d)    during the statutory publication period, three public comments were received on grounds that the development was not in line with the planning intention of “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”).



zone and lack of owners' consent. The District Officer/Yuen Long also received objection from the Village Representative of Mai Po Tsuen raising concerns on similar grounds that the development would generate adverse impacts on the local traffic and environment; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper. The development was not in line with the planning intention of the “OU(CDWRA)” zone, the development did not comply with the revised Town Planning Board Guidelines (TPBG) No. 12B in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area, and the development was not in line with the TPBG No. 13D in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

97. Members had no question on the application.

#### Deliberation Session

98. 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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;
- (b) the development did not comply with the revised Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay

Area” in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and

- (c) the development was not in line with the Town Planning Board Guidelines No. 13D “Application for Open Storage and Port Back-up Uses” in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

[The Chairperson thanked Mr. Wilson W.S. Chan, DPO/TMYL, and Mr. Anthony C.Y. Lee, STP/TMYL, for their attendance to answer Members’ enquiries. Messrs. Chan and Lee left the meeting at this point.]

#### Remarks

99. The Chairperson said that the remaining item in the Agenda would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.