

## **TOWN PLANNING BOARD**

### **Minutes of 348th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.4.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

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

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

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

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Mr. Edmund K.H. Leung

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 347th RNTPC Meeting held on 13.4.2007

[Open Meeting]

Land Use Review of “Comprehensive Development Area” Zones in Areas 112 and 115 in Tin Shui Wai and the Associated Proposed Amendments to the Approved Tin Shui Wai Outline Zoning Plan No. S/TSW/10

1. The draft minutes of the 347th RNTPC meeting held on 13.4.2007 were confirmed subject to the amendments proposed by Mr. C.S. Mills to replace paragraph 89 for RNTPC Paper No. 6/07 under Agenda Item 7. The proposed amendments, mainly on rephrasing of the paragraph, were tabled at the meeting for Members’ reference.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Two Town Planning Appeals Received

Town Planning Appeal No. 5 of 2007 (5/07)

Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” zone,

Lots 1008RP(Part), 1012, 1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016, 1017(Part), 1018(Part), 1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part), 1028B(Part), 1029(Part), 1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and 1038(Part) in DD113 and Adjoining Government Land, Kam Tin South, Yuen Long  
(Application No. A/YL-KTS/385)

Town Planning Appeal No. 6 of 2007 (6/07)

Proposed House (New Territories Exempted House) (NTEH) (Small House) in “Agriculture” zone,

Lots 329B1 and 330RP in DD 10,  
Chai Kek Village, Lam Tsuen, Tai Po  
(Application No. (A/NE-LT/365)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 23.3.2007 received an appeal (No. 5/07) against the decision of Town Planning Board (the Board) on 12.1.2007 to reject on review an application (No. A/YL-KTS/385) for temporary open storage of construction materials and machinery for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the Kam Tin South Outline Zoning Plan (OZP). On 26.3.2007, the TPAB received another appeal (No. 6/07) against the decision of the Board on 26.1.2007 to reject on review an application (No. A/NE-LT/365) for a proposed house (New Territories Exempted House) (NTEH) (Small House) at a site zoned “AGR” on the Lam Tsuen OZP. The hearing dates of the two appeals were yet to be fixed.

(ii) Appeal Statistics

3. The Secretary also reported that as at 27.4.2007, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	96
Abandoned/Withdrawn/Invalid	:	121
Yet to be Heard	:	23
Decision Outstanding	:	7
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Total	:	264

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

4. The Chairperson remarked that in the vicinity of the appeal site under appeal No. 6/07, a similar application No. A/NE-LT/370 for Small House development within the same “AGR” zone was to be considered by the Committee at this meeting.

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

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

### **Agenda Item 3**

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

[Open Meeting (Presentation and Question Sessions Only)]

Y/ST/3                      Application for Amendment to the  
Draft Sha Tin Outline Zoning Plan No. S/ST/22  
from "Green Belt" to "Residential (Group C)4",  
Lot 380RP(Part) in DD 186,  
Sha Tin  
(RNTPC Paper No. Y/ST/3)

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

5.                      The Committee noted that on 19.4.2007, the applicant requested the Town Planning Board to further defer making a decision on the application in order to submit supplementary information to address outstanding technical concerns raised by concerned Government departments.

#### **Deliberation Session**

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

**Agenda Item 4**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-LT/370           Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” zone, Lot 807B in DD 10, Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/370)
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**Presentation and Question Sessions**

7.           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 House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Environmental Protection did not support the application and the Director of Water Supplies objected to the application as the application site fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area;
- (d) during the statutory publication period, four public comments were received objecting to the application on environmental, landscape and Small House aspects; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 11.1 and 11.2 of the Paper in

that there was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

8. Members had no question on the application.

Deliberation Session

9. The Chairperson remarked that the site was the subject of a previous application for the same use rejected by the Committee in 2006, there was no change in circumstances to merit a departure from the Committee's previous decision.

10. After deliberation, the Committee decided to reject the application and the reason was that the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering grounds (WGGs) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LYT/353 Renewal of Planning Approval for  
Temporary Private Lorry/Container Vehicle Depot  
under Application No. A/NE-LYT/271  
for a Period of 3 Years  
in "Recreation" zone,  
Various Lots in DD 51 and Adjoining Government Land,  
Tong Hang,  
Fanling  
(RNTPC Paper No. A/NE-LYT/353)
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Presentation and Question Sessions

11. 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) renewal of planning approval for temporary private lorry/container vehicle depot for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received objecting to the application for traffic and environmental reasons. Local objections were received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the uses under application could be tolerated for a period of 18 months for reasons given in paragraphs 11.2 and 11.3 of the Paper. As the site was related to six previously approved applications, the applicant had complied with all the approval conditions and the uses under application was not incompatible with the surrounding land uses, sympathetic consideration could be given to the current application for renewal of planning approval for the same use. In view of the local and the DEP's concerns, it was considered that the future use on the application site would need to be closely monitored. Instead of a temporary period of 3 years as proposed by the applicant, a shorter approval period of 18 months was considered more appropriate.

12. A Member enquired about the intention of recommending a shorter approval period. Mr. W.K. Hui, DPO/STN, responded that as the applicant had demonstrated genuine efforts in complying with the previous approval conditions, sympathetic consideration could be given to the current application. However, as shown on Plan A-2 of



the Paper, a number of village houses to the east of the application site were currently under construction. A shorter approval period of 18 months was considered appropriate so as to closely monitor the situation of the application site and the surrounding area.

13. In reply to another Member's enquiry and referring to Plans A-3 and A-4 of the Paper, Mr. W.K. Hui said that the application site and the village houses to its east were separated by an access road and screened by a row of trees along the eastern boundary of the site.

14. In response to two Members' enquiries on similar applications in the vicinity of the site, Mr. W.K. Hui said that there were two similar applications (No. A/NE-LYT/2 and 263) rejected by the Committee in 1994 and 2003 respectively. While the current application site and the site under application No. A/NE-LYT/263 shared the same access road, the latter site was located in the inner part of the road. As the access road was substandard and the site was unpaved, the application No. A/NE-LYT/263 was rejected for traffic and environmental reasons.

15. In response to the Chairperson's enquiry, Mr. W.K. Hui pointed out that the planning intention of the subject "Recreation" ("REC") zone was primarily for the improvement of the environmental quality of the designated areas by offering incentives for low-density recreational development in the zone. There was currently no recreational development proposal approved at the subject site. In this connection, the approval of the temporary use under application would not frustrate the long term planning intention of the "REC" zone. As all the conditions attached to the previous planning approvals were complied with and the temporary use was not incompatible with the surrounding land uses, the renewal application was recommended for approval.

#### Deliberation Session

16. The Chairperson remarked that given the use under application was temporary in nature and could be discontinued at any time, the granting of planning permission would not frustrate the implementation of any potential recreational developments on site in the future. The application could be considered for approval. This view was shared by a Member who opined that a temporary approval of 18 months, instead of 3 years as proposed by the applicant, could give a message to the applicant that each application was considered on

individual merits and there was no guarantee that the permission granted to them would be renewed as of right.

17. Noting that those village houses currently under construction could be completed within 18 months, another Member asked whether an approval condition restricting the operation hours of the temporary use should be considered. Taking into account the operation need and the local concerns, the Chairperson suggested restricting the operation hours of the subject temporary use from 7:00 a.m. to 9:00 p.m. Members agreed.

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months up to 7.11.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence;
- (c) the maintenance of existing drains within the application site during the planning approval period;
- (d) the provision of replacement planting and maintenance of existing landscape planting within the application site during the approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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; and
- (f) 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.

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

- (a) a shorter approval period of 18 months was given to monitor the situation;
- (b) to resolve any land issues relating to the development with the concerned owner of the application site;
- (c) to liaise with the District Lands Officer/North, Lands Department regarding the Short Term Wavier on the application site;
- (d) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the comments from the Chief Engineer/Development (2), Water Supplies Department (WSD) that the application site was located within the WSD flood pumping gathering grounds associated with the River Indus and River Ganges pumping stations; and
- (f) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :
  - (i) the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
  - (ii) if containers were used as offices, they were considered as temporary structures and were subject to control under Part VII of Building (Planning) Regulation (B(P)R);
  - (iii) formal submission of any proposed new works for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development

intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (iv) the provision of emergency vehicular access to the application site should comply with the B(P)R 41D.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/354 Proposed 2 Houses (New Territories Exempted Houses (NTEHs)— Small Houses)  
in “Agriculture” zone,  
Lots 1849A and 1849B in DD 76,  
Kan Tau Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/354)
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#### Presentation and Question Sessions

20. 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 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural development point of view. The Assistant Commissioner for Transport/New Territories had reservation on the application and advised that the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible;
- (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 paragraphs 11.1 and 11.2 of the Paper. The application site was located within the village 'environs' of Kan Tau Tsuen and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same village.

21. Members had no question on the application.

#### Deliberation Session

22. The Chairperson remarked that the proposed Small Houses complied with the interim criteria for assessing planning applications for NTEH/Small House development.

23. 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 27.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals for the application site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the design and provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to note the Chief Engineer/Development (2), Water Supplies Department

(WSD)'s comments that :

- (i) for provision of water supply to the proposed development, the applicants might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards; and
  - (ii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
- (b) to liaise with the Director of Environmental Protection regarding the sewage treatment/disposal facilities for the proposed development; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/NE-LYT/355           Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Agriculture” zone,  
Lot 1564A1C in DD 76,  
Kan Tau Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/355)
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- (v) A/NE-LYT/356 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Agriculture” zone,  
Lot 1564A1B in DD 76,  
Kan Tau Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/356)
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25. Noting that the two applications were similar in nature and the sites were adjacent to one another within the same “Agriculture” zone, Members agreed that the applications could be considered together.

#### Presentation and Question Sessions

[Mr. Tony C.N. Kan left the meeting temporarily during the presentation session.]

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

- (a) background to the two applications;
- (b) proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the applications from agricultural development point of view. The Assistant Commissioner for Transport/New Territories had reservation on the applications and advised that the NTEH developments should be confined within the “Village Type Development” (“V”) zone as far as possible;
- (d) no public comment was received on both applications during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons given in paragraphs 11.1 and 11.2 of the Papers. The application sites were located within the village 'environs' of Kan Tau Tsuen and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same village.

27. Members had no question on the two applications.

#### Deliberation Session

28. The Chairperson remarked that the proposed Small Houses complied with the interim criteria for assessing planning applications for NTEH/Small House development.

29. After deliberation, the Committee decided to approve the applications No. A/NE-LYT/355 and 356, on the terms of the applications as submitted to the Town Planning Board. The permission should be valid until 27.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals for the application site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the design and provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

30. The Committee also agreed to advise the applicants of the following :

- (a) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that :



- (i) for provision of water supply to the proposed development, the applicants might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
  - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
  - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
- (b) to liaise with the Director of Environmental Protection regarding the sewage treatment/disposal facilities for the proposed development; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-TKL/296 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 984A in DD 79,  
Ping Yeung Village,  
Fanling  
(RNTPC Paper No. A/NE-TKL/296)
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Presentation and Question Sessions

[Mr. Tony C.N. Kan returned to join the meeting during the presentation session.]

31. 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 House (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 11.1 of the Paper.

32. Members had no question on the application.

Deliberation Session

33. 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 27.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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 design and provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots; water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
- (b) to note the Director of Electrical and Mechanical Services' comments that the applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage cable ducts in the vicinity of the application site; and



undesirable precedent;

- (d) during the statutory publication period, 7 public comments were received objecting to the application on grounds that further provision of columbarium and ossuarium would generate adverse landscape, traffic and visual impacts and cause psychological disturbance to the local residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 to 11.3 of the Paper. As regards the local objections, the subject application was only for regularization of its uses. The urn repository structure was small in scale and not expected to have significant adverse visual, traffic, landscape and environmental impacts on the surrounding areas. To ease the local concerns, the applicant and the DO/ST would be requested to explain to the locals regarding the background, nature and scale of provision of the existing niches at the subject cemetery.

37. Dr. Kenneth Tang stated that, in taking forward the Committee's decision to agree to a rezoning request submitted by the applicant, the subject cemetery site was rezoned from "Village Type Development" ("V") to "Other Specified Uses" annotated "Cemetery" ("OU(Cemetery)") and incorporated into the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/17 in 2002. Taking into account the site conditions and constraints as well as the character of the area, the Notes for the "OU(Cemetery)" zone at that time did not include 'Columbarium' and 'Ossuarium', which might have adverse traffic and visual and other impacts on the surrounding areas. During the exhibition period of the draft OZP No. S/ST/17, the applicant lodged an objection to the zoning amendment mainly on the ground that the Notes for the "OU(Cemetery)" were too restrictive. On 14.1.2003, the Objection Hearing Committee (OHC) of the Board considered that should the traffic, geotechnical and local concerns be addressed satisfactorily, columbarium and ossuarium uses might be allowed on the site and the OHC decided to amend the OZP to meet the objection by adding 'Columbarium' and 'Ossuarium' under Column 2 of the Notes for the "OU(Cemetery)" zone.

38. Noting that there were many columbaria of various scales and different religious background in Sha Tin area, a Member asked whether public consultation was conducted and

whether those columbaria already in place had been taken into account in considering the rezoning of the subject cemetery site from “V” to “OU(Cemetery)”. Mr. W.K. Hui, DPO/STN, said that the exhibition of the amendments to the OZP for public inspection was part of the public consultation process under the Town Planning Ordinance. The draft Sha Tin OZP No. S/ST/17, incorporating the zoning amendment to the subject cemetery site, was exhibited for public inspection on 5.7.2002. During the exhibition period, six objections were received with two of them against the subject cemetery site. One of them was submitted by the applicant while the other was submitted by the villagers and the Village Representative of Pai Tau Village against all the amendments on the OZP. While the Board decided to amend the OZP to meet the former objection which was subsequently withdrawn, the latter one was not upheld. Mr. Hui pointed out that there were a number of existing columbaria in the area and it would be up to the applicant to provide sufficient evidence to support his claim for “existing use right”. As the subject urn repository had already been in place when the cemetery site was rezoned to “OU(Cemetery)” in July 2002, the current application, which was to regularize the existing niches on site, should merit sympathetic consideration.

39. The Secretary supplemented that the Sha Tin District Lands Office of Lands Department proposed a private treaty grant (PTG) for the subject cemetery to regularize its existing use as a cemetery and to formally require the cemetery to assure the responsibility of maintenance of the adjoining slopes. According to the applicant, the cemetery had been in operation since 1931. However, since a number of cemetery records at the applicant’s office was destroyed in a fire in 1999, the applicant was unable to ascertain the exact timing of establishment of the existing urn repository structure. Hence, the subject application was made to facilitate processing of the PTG for regularization of the urns.

40. In view of the local objections, a Member asked whether PlanD would explain the rationale and decision of the Committee to the locals should the application be approved. Mr. W.K. Hui said that in acknowledging receipt of the public comments, the Secretariat would advise the commenters that relevant decision and minutes of meeting would be available at the Board’s website and the Planning Enquiry Counters of PlanD.

41. Another Member asked whether there was any increase in niches at Po Fook Hill Columbarium after 2002. Mr. W.K. Hui said that the Po Fook Hill Columbarium was zoned “OU(Columbarium)” on the OZP subject to gross floor area, site coverage and building

height restrictions. The additional niches provided should be based on the provision of the OZP and the land lease.

### Deliberation Session

42. Noting that To Fung Shan, being a scenic area, was already occupied by quite a number of columbarium operations, a Member shared the local concerns on the adverse landscape, traffic and visual impacts and psychological disturbance caused to the local residents. This Member did not support the application and considered that approval would create an undesirable precedent.

43. Another Member opined that each application should be considered on its individual merits. The subject application was only for regularization of the applied uses within the cemetery which had already in place for many years. This view was shared by the Other Member who added that the application was small in scale (26 niches) and was not expected to have significant adverse impacts on the surrounding areas.

44. The Chairperson remarked that as the urn repository was already in place and small in scale, sympathetic consideration could be given to approving the application to regularize the existing niches on site. As 'Columbarium (not elsewhere specified)' and 'Grave (Ossuarium only)' was Column 2 uses under the "OU(Cemetery)" zone, any further provision of columbarium and ossuarium would still require planning permission from the Board. The above views were shared by Members.

45. The Chairperson added that to address the local concerns, PlanD should explain to the locals regarding the background, nature and scale of provision of the existing niches at the subject cemetery, as and when necessary.

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board.

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

- (a) note the District Lands Officer/Shia Tin, Lands Department's, the Chief Building Surveyor/New Territories East, Buildings Department's, the

Assistant Commissioner for Transport/New Territories, Transport Department's and the Chief Engineer/Development (2), Water Supplies Department's comments in paragraphs 9.1.1, 9.1.2, 9.1.3 and 9.1.5 of the Paper; and

- (b) the applicant was advised to explain to the locals regarding the background, nature and scale of provision of the existing niches at the Tao Fong Shan Christian Cemetery.

### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/26-1 Proposed Class B Amendments to Approved Development - Comprehensive Residential and Recreational Development including Government, Institution and Community Facilities in "Comprehensive Development Area", "Village Type Development", "Government, Institution or Community", "Open Space", "Green Belt", "Country Park" and "Road" zones, Various Lots in DD 165, 207 and 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung  
(RNTPC Paper No. A/NE-SSH/26-1)

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48. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item.

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

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

49. 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 Class B amendments to approved development - comprehensive residential and recreational development including Government, institution or community (GIC) facilities;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one local objection on traffic ground and a total of 94 supporting letters were received by the District Officer/Tai Po. The Sai Kung North Rural Committee (SKNRC) requested a briefing on the latest development and reservation of the released school sites for GIC uses; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 7.1 to 7.3 of the Paper. The proposed reduction in site area, domestic gross floor area (GFA) and average flat size, setback of 3 residential blocks and alignment of Che Ha Road hammer-head were considered minor in nature and would not significantly affect the layout of the previously approved development scheme. All major development parameters remained unchanged. The proposed deletion of primary and secondary schools was based on the Secretary for Education and Manpower (SEM)'s advice. With the school requirement relinquished, the applicant was willing to voluntarily surrender about 6,388m<sup>2</sup> private land outside the application site to the Government for fire station use free of cost. Another open space on the North Plain was considered acceptable. Concerned Government departments/bureau had no adverse comment on the above proposed amendments. Regarding the local objection, it should be noted that the same objection was lodged against the Sai Sha Road widening scheme and would be dealt with under the Roads (Works, Use and Compensation) Ordinance (Chapter 370). For the SKNRC's request, the applicant would be urged to brief the SKNRC and concerned Village Representatives on the latest development.

50. A Member commented that the applicant's submission was not clear enough and requested more details of the proposed amendments. Referring to Appendices A and E of the applicant's submission in Appendix I of the Paper, Dr. Kenneth Tang elaborated that the proposed Class A amendments included mainly changes to site boundary/area, reduction in domestic GFA and average flat sizes. These amendments were resulted from the adjustment of the development site boundary after detailed site survey and in accordance with the regrant boundary as agreed in principle by the District Lands Conference (DLC) held in July 2006 taken into account Government departments' comments. The proposed Class B amendments included deletion of a primary school and a secondary school, deletion of a hammer-head of the proposed access road to Che Ha Village, minor setback to 3 residential blocks in the South Plain, and another proposed public open space on the North Plain. The deletion of schools was based on the SEM's advice and the released site was now proposed for golf course use. The hammer-head of the proposed access road to Che Ha Village was deleted accordingly. With the school requirement relinquished, the applicant was willing to voluntarily surrender about 6,388m<sup>2</sup> private land outside the application site to the Government for fire station use free of cost. The minor setback of 3 residential blocks was as a result of boundary adjustments. Public open space would be provided adjacent to the "Government, Institution or Community" ("G/IC") site on the North Plain to ensure a total provision of about 8,000m<sup>2</sup>, as per the original scheme, was maintained.

51. The Chairperson remarked that according to the Town Planning Board Guidelines No. 36 that planning permission was not required for Class A amendments while Class B amendments could be considered by the Director of Planning under the delegated authority. The subject application was submitted to the Committee for consideration as there was local objection and involved deletion of previously approved GIC facilities. In summary, Members should consider whether Items 5, 8 and 12 in Drawing AA-1 of the Paper were acceptable.

52. A Member had the following questions :

- (a) whether an Environmental Impact Assessment (EIA) would be required for the proposed golf course;
- (b) whether any details of the proposed eco-trails were submitted;

- (c) with the golf course extended next to Che Ha Village after the school sites were deleted, whether there were any safety measures to protect the nearby villagers against any damage or injury caused by flying golf balls; and
- (d) whether photomontages were submitted to show the visual images of the proposed development.

53. Mr. Elvis Au responded that the EIA Ordinance was implemented on 1.4.1998. As the site was the subject of a number of planning applications approved before 1998, the proposed development was exempted from the requirement for environmental permit under the EIA Ordinance.

54. Mr. W.K. Hui responded that the concept of eco-trails was shown on the previously approved Master Layout Plan (MLP). As the details of the proposed eco-trails were not yet available, an approval condition relating to the submission and implementation of details of the proposed eco-trails was recommended. Regarding the security and safety aspects of the golf course, the applicant was advised to note the Director of Leisure and Cultural Services' comments regarding the security and safety measures for the proposed golf course. As regards the visual images of the proposed development, some layout plans of the previously approved scheme under application No. A/NE-SSH/26 were presented for Members' reference.

55. Members in general raised grave concerns on the proposed deletion of the primary school and secondary school within the proposed development. Mr. W.K. Hui, DPO/STN, said that the proposed schools were originally required to serve the population arising from the subject development. However, based on SEM's recent advice, the requirements for primary and secondary school places generated by the population of the subject development could be absorbed by the supply of such places in neighbouring districts. The applicant now proposed to delete the two schools from the MLP and use the released sites for golf course. Referring to the DLC Notes attached to Appendix F of the applicant's submission in Appendix I of the Paper, the Secretary supplemented that the SEM confirmed that the developer's proposed provision of a primary and a secondary school was no longer required.

56. Mr. W.K. Hui added that, with the school requirement relinquished, the applicant

was willing to voluntarily surrender about 6,388m<sup>2</sup> private land outside the application site to the west of Che Ha Village to the Government for GIC use free of cost. The subject private lots fell within an area zoned “G/IC” and the Director of Fire Services had agreed in principle to develop the site for a fire station to serve the community in the area. Since the private lots to be surrendered by the applicant were outside the subject application site, the issue would be dealt with through land administration procedures.

### Deliberation Session

57. In response to a Member’s enquiry on the loss of public open spaces, Mr. W.K. Hui explained that, upon detailed site survey, the public open spaces that would be available at the South Plain was about 6,400m<sup>2</sup>. In order to maintain the public open space provision of 8,000m<sup>2</sup> as required under the approved MLP, the applicant proposed to provide another public open space of about 1,600m<sup>2</sup> adjacent to the “G/IC” site on the North Plain near to Tseng Tau Village.

58. Noting that the provision of schools within the proposed development was a planning gain, another Member considered it not acceptable to use the released site for golf course development. Instead of school, the applicant should consider whether other GIC facilities could be provided within the development to serve the community in the area. The Secretary clarified that, with the school requirement relinquished, the applicant proposed to use the released school sites for golf course. The proposal was initially considered not acceptable by PlanD. To address PlanD’s concern, the applicant proposed to surrender voluntarily his owned private lots outside the application site, which was zoned “G/IC” and located to the west of Che Ha Village, to the Government for GIC use free of cost. Mr. W.K. Hui added that the subject “G/IC” site was about 8,833m<sup>2</sup> in area, of which about 6,388m<sup>2</sup> were private lots owned by the applicant.

59. Mr. C.S. Mills wondered whether the applicant’s proposal to voluntarily surrender his owned private lots to compensate for the proposed deletion of school sites, which did not fall within the existing land administration mechanism, could be enforceable. The Secretary said that according to case law in United Kingdom, the surrender of private lots to Government, as proposed by the applicant, could be enforceable through imposition of approval condition.

60. The Chairperson remarked that the Committee should consider whether the proposed compensation arrangement for the loss of GIC facilities within the proposed development was acceptable. If not, whether the proposed school sites should still be retained for community facilities or could be released for other uses.

61. A Member said that Sai Sha, being a scenic area, was more suited for low-density development. It was concerned that the currently proposed development with buildings up to 24 storeys might not be compatible with the surrounding countryside character. The Secretary recalled that the previous scheme was submitted to and deliberated by the Town Planning Board for more than once in view of the sensitive location of the proposed development and its impact on the character of the entire area.

62. The same Member opined that the proposed amendments to use the released school sites for golf course was considered not acceptable. Given the area available from the released school sites was quite sizable, it might provide an opportunity for the developer to review the MLP with a view to lowering the building heights and minimizing the visual impact of the proposed development. This Member asked whether the Committee should consider to defer the application and require the applicant to submit a revised MLP to address Members' concerns. Another Member shared this view and added that the applicant should provide some planning gain to compensate for the loss of GIC facilities within the proposed development.

63. The Chairperson suggested the application be deferred in order to allow time for the applicant to address Members' concerns on the visual impact of the proposed development and the surrender of private lots. Specifically, the applicant was required to explore ways to make use of the released school site in improving the MLP, and submit detailed information regarding the "G/IC" zone to the west of Che Ha Village and the associated land administration arrangement.

64. After deliberation, the Committee decided to defer a decision on the application 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 Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN,



- (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.

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land matters relating to the development with the concerned owner(s) of the premises;
- (b) note the Director of Buildings' comment that the application for Education Ordinance 12(1) certificates was required and to be processed by the Licensing Unit of Buildings Department based on structural safety, means of escape, fire resisting construction and unauthorized building works aspects; and
- (c) note the Director of Fire Services' comment that detailed fire services requirements would be formulated upon receipt of formal submission of

general building plans/licence application.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TSW/36 Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ under Application No. A/TSW/29 for a Period of 3 Years (Letting of Surplus Parking Spaces to Non-residents) in “Residential (Group A)” zone, Multi-storey Car Park at Tin Heng Estate, Tin Shui Wai, Yuen Long  
(RNTPC Paper No. A/TSW/36)
- 

69. As the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members should declare interests in this item:

- |  |   |
|--|---|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                                    | - being a member of the Strategic Planning Committee (SPC) of HKHA;                               |
| Ms. Margaret Hsia<br>as the Assistant Director (2) of<br>Home Affairs Department   | - being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA; |
| Mr. C.S. Mills<br>as the Assistant Director/New<br>Territories of Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA;<br>and            |
| Messrs. B.W. Chan and Y.K.<br>Cheng  | - being former HKHA members.  |

70. The Committee noted that Ms. Margaret Hsia had tendered apologies for being not able to attend the meeting, and Messrs. C.S. Mills and B.W. Chan had already left the meeting.

[The Chairperson and Mr. Y.K. Cheng left the meeting temporarily while the Vice-chairman



took over the chairmanship at this point.]

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

### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary ‘public vehicle park (excluding container vehicle)’ use under Application No. A/TSW/29 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.

72. In response to a Member’s enquiry, Mr. W.M. Lam said that the surplus car parking spaces would be let to non-residents on a monthly basis. Priority would be given to residents for renting the car parking spaces.

### Deliberation Session

73. The Vice-chairman remarked that the exact number of car parking spaces to be let to non-residents would be agreed between the applicant and the Commissioner for Transport.

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 14.5.2010, on the terms of the application as

submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

75. The Committee also agreed to advise the applicant that in letting the surplus parking spaces, priority should be given to residents of the Tin Heng Estate.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL/148 Renewal of Planning Approval for Temporary  
'Public Vehicle Park (excluding Container Vehicle)' Use  
under Application No. A/YL/119 for a Period of 3 Years  
(Letting of Surplus Parking Spaces to Non-residents)  
in "Residential (Group A)" zone,  
Car Park under Podium in Shui Pin Wai Estate,  
Yuen Long  
(RNTPC Paper No. A/YL/148)
- 

76. As the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members should declare interest in this item:

- |  |   |
|--|---|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                                    | - being a member of the Strategic Planning<br>Committee (SPC) of HKHA;                                  |
| Ms. Margaret Hsia<br>as the Assistant Director (2) of<br>Home Affairs Department   | - being an alternate member for the Director<br>of Home Affairs who was a member of the<br>SPC of HKHA; |
| Mr. C.S. Mills<br>as the Assistant Director/New<br>Territories of Lands Department | - being an alternate member for the Director<br>of Lands who was a member of HKHA;<br>and               |
| Messrs. B.W. Chan and Y.K.<br>Cheng  | - being former HKHA members.  |

77. The Committee noted that Ms. Margaret Hsia had tendered apologies for being not able to attend the meeting. The Chairperson, Messrs. C.S. Mills, B.W. Chan and Y.K. Cheng had already left the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary 'public vehicle park (excluding container vehicle)' use under Application No. A/YL/119 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.

79. Members had no question on the application.

#### Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 14.5.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

81. The Committee also agreed to advise the applicant that in letting the surplus

parking spaces, priority should be given to residents of the Shui Pin Wai Estate.

[The Vice-Chairman thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

[The Chairperson, Messrs. B.W. Chan and Y.K. Cheng returned to join the meeting at this point.]

[Mr. Anthony C.Y. Lee, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/YL-HT/482           Proposed Public Utility Installation  
(Telecommunications Radio Base Stations)  
in "Agriculture" zone,  
Government Land at Ngau Hom Shek  
near Hong Kong – Shenzhen Western Corridor,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/482)
- 

#### Presentation and Question Sessions

82.           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) proposed public utility installation (telecommunications radio base station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting to the application for encroachment of burial grounds and fung shui reason; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the local objection, the application site fell outside the burial grounds rather than within burial grounds as claimed by the commenter. Besides, the proposed use was an essential utility installation for the commissioning of the Hong Kong – Shenzhen Western Corridor.

83. Members had no question on the application.

#### Deliberation Session

84. 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 27.4.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

- (a) apply to the District Lands Officer/Yuen Long for the installation;
- (b) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly; and
- (c) note the comments of the Director of Health that any location in the vicinity of the proposed radio base station that was accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields for workers and public respectively in the 'Code of Practice for the Protection of Workers and Members of the Public against Non-Ionising Radiation Hazards from Radio Transmitting Equipment' issued by the Office of the Telecommunications Authority (OFTA), and

ensure that the non-ionising radiation level of any location in the vicinity of the proposed mobile radio base station accessible to the workers and the public would meet the relevant sets of International Commission on Non-Ionising Radiation Protection exposure limits applicable to workers and public respectively, taking into consideration the combined effects of transmissions from the same site or sites in the vicinity, and submit reports to OFTA regarding relevant on-site measurements after installation.

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-MP/158           Temporary Sales Office and Furniture Showrooms  
for a Period of 3 Years  
in “Open Space” zone,  
Lots 11(Part) and 12(Part) in DD 101,  
Mai Po,  
Yuen Long  
(RNTPC Paper No. A/YL-MP/158)
- 

Presentation and Question Sessions

86.           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 sales office and furniture showrooms 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 objecting to the application on grounds of planning intention, traffic and road safety problems; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons given in paragraphs 12.1 and 12.2 of the Paper. As regards the local concern on traffic impact, the Assistant Commissioner for Transport/New Territories of Transport Department had no major adverse comment on the application. The temporary nature of the application would not affect the long term planning intention of the “Open Space” (“O”) zone which had no imminent development programme.

87. Members had no question on the application.

#### Deliberation Session

88. The Chairperson remarked that the approval of the temporary use under application would not frustrate the planning intention of the subject “O” zone on the Outline Zoning Plan as there was no imminent open space development programme.

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.4.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the landscape planting on the site should be maintained at all times during the approval period;
- (b) the drainage facilities implemented under Application No. A/YL-MP/13 should be maintained at all times during the planning approval period;
- (c) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the sales offices 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 27.10.2007;
- (d) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (e) if the above planning condition (c) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (f) 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.

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

- (a) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department’s advice that the land status of the proposed access leading to the site from Castle Peak Road should be checked with the District Lands Officer/Yuen Long, the proposed access might not be guaranteed. The management and maintenance responsibilities of the proposed access should be clarified, the relevant lands and maintenance authorities should be consulted accordingly;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department’s comment that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Mai Po; and
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the



Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-NTM/211 Proposed Temporary Open Storage of Construction Materials and Vehicle Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 478-483 in DD 105, Shek Wu Wai, Yuen Long  
(RNTPC Paper No. A/YL-NTM/211)
- 

Presentation and Question Sessions

91. 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) proposed temporary open storage of construction materials and vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of Planning Department had reservation on the application from the landscape planning perspective. The Chief Engineer/Mainland North of Drainage Services Department advised that there were some outstanding technical issues regarding the drainage proposal;
- (d) during the statutory publication period, two public comments were received objecting to the application for fung shui ground and setting of undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons given in paragraphs 12.2 and 12.3 of the Paper. The development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval for similar use, and that there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and landscape impacts on the surrounding areas, and approval of the application would set an undesirable precedent for similar applications.

92. Members had no question on the application.

#### Deliberation Session

93. The Chairman remarked that as the proposed development was not in line with the Town Planning Board Guidelines No. 13D, the application should not be approved.

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

- (a) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval for similar use, and that there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and landscape impacts on the surrounding areas; and
- (b) approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would further degrade the environment of the area.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lee left the meeting at this point.]

[Mr. Frederick S.T. Ng, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

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

95.           Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd., the consultant of the application, declared an interest in this item. The Committee noted that Dr. Lau had tendered his apologies for being not able to attend the meeting.

#### Presentation and Question Sessions

96.           The Committee noted that on 4.4.2007, the applicant requested the Town Planning Board to further defer making a decision on the application so as to submit further supplementary information to clarify technical concerns raised by the Director of Environmental Protection.

#### Deliberation Session

97.           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)]

- (viii) A/YL-TYST/350 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 329A3(Part), 334(Part) and 341(Part) in DD 119, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/350)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers along the 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 paragraphs 12.2 and 12.3 of the Paper. The site was the subject of a previous application approved for the same use and all approval conditions had been complied with. There was no environmental complaint in the past 3 years. To address DEP’s concerns, approval conditions restricting the operation hours, workshop activities and types of vehicles were recommended to minimize any potential impact on the environment. Moreover, a shorter approval period of 2 years was recommended so as to monitor the development on the site.

99. Members had no question on the application.

Deliberation Session

100. The Chairperson remarked that the proposed temporary use would not frustrate the long term planning intention of the “Undetermined” zone.

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 27.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 8 p.m. and 8 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 27.7.2007;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 27.10.2007;
- (g) the submission of drainage proposal 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 27.7.2007;

- (h) in relation to (g) above, the implementation of drainage proposal 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 27.10.2007;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

102. 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) a shorter approval period of 2 years was granted and shorter compliance periods so as to monitor the situation of the site and the fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that no structures should be erected without prior approval from his office. Unauthorized structures had been found on site for the purpose of workshop and ancillary uses and the existing occupation boundary of the site was slightly different from the application site in the submission. A small part of Lot 328 adjoining to the north-west of the site had been occupied. Also, a temporary structure to the south had not been included in the application area. His office reserved the right to take lease

enforcement and land control actions against these irregularities. The applicant should apply to his office for regularization of the unauthorized structures on the site. However, his office did not guarantee the approval upon receipt of applications;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (g) 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; and
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). Authorised Person must 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.

[The Chairperson thanked Mr. Frederick S.T. Ng, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

[Mr. Anthony C.Y. Lee, STP/TMYL, was invited to the meeting at this point.]

## **Agenda Item 7**

### **Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/199-3 Extension of Time for Compliance with Approval Condition –

Temporary Container Vehicle Park

with Ancillary Repairing Workshop for a Period of 9 Months

in “Open Storage” zone,

Lots 2327, 2328(Part), 2329, 2330(Part), 2348, 2349, 2351, 2352, 2353, 2354, 2355A, 2355B, 2842(Part), 2843, 2844(Part), 2845(Part), 2849(Part), 2850, 2851, 2852A, 2852B(Part), 2853(Part), 2854-2857, 2858(Part), 2859, 2860, 2861(Part), 2896(Part), 2897, 2898 and 2899(Part) in DD 102 and Adjoining Government Land,

Ngau Tam Mei,

Yuen Long

(RNTPC Paper No. A/YL-NTM/199-3)

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### **Presentation and Question Sessions**

103. 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) extension of time (EOT) for compliance with planning conditions (c), (d), (f), (g), (h) and (i) under Application No. A/YL-NTM/199;
- (c) departmental comments – the Chief Town Planner/Urban Design and



Landscape of Planning Department had reservation on the EOT application for compliance with condition (f) from the landscape planning perspective; and

- (d) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 6.2 to 6.4 of the Paper. Since 8 months had been allowed for compliance with approval conditions (f), (g), (h), (i) until 1.5.2007, allowing a further EOT application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 1.6.2007. There was no strong justification for the further extension of the compliance period.

104. Members had no question on the application.

#### Deliberation Session

105. After deliberation, the Committee noted that approval conditions (c) and (d) were complied with.

106. The Committee also decided to reject the application for extension of time for compliance of approval conditions (f), (g), (h), (i) and the reasons were :

- (a) there was no strong justification for the further extension of the compliance period; and
- (b) allowing the extension of time application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 1.6.2007.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lee left the meeting at this point.]

**Agenda Item 8**

Any Other Business

107. There being no other business, the meeting was closed at 5:00 p.m..