

## **TOWN PLANNING BOARD**

### **Minutes of 362nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 30.11.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Dr. James C.W. Lau

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

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

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 Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Ms. Kathy C.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 361st RNTPC Meeting held on 16.11.2007

[Open Meeting]

1. The draft minutes of the 361st RNTPC meeting held on 16.11.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

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

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

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/ST/5                      Application for Amendment to the  
Approved Sha Tin Outline Zoning Plan No. S/ST/23  
from “Comprehensive Development Area (1)”  
to “Government, Institution or Community”,  
Tai Wai Station of Ma On Shan Rail and Adjacent Area,  
Junction of Mei Tin Road and Che Kung Miu Road, Sha Tin  
(RNTPC Paper No. Y/ST/5)

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3. As the application site was granted to the Kowloon-Canton Railway Corporation (KCRC) for property development and KCRC had submitted comments on the application, Mr. Y.M. Lee of Transport Department declared an interest on this application.

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

4. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), and the following applicant/applicant's representatives were invited to the meeting at this point :

Mr. Li Sai-hung	- Applicant
Mr. Ip Chu-ching	)
Mr. Chu Hoi-dik	) Applicant's Representatives
Ms. Sandy Chung	)
Ms. Billie Liu	)

5. The Chairperson extended a welcome and briefly explained the hearing procedures.

[Professor David Dudgeon arrived to join the meeting at this point.]

#### Presentation and Question Sessions

6. The Chairperson then invited Dr. Kenneth S.S. Tang, STP/STN, to brief Members on the background of the application. Dr. Tang presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23;
- (b) proposed rezoning from "Comprehensive Development Area (1)" ("CDA(1)") to "Government, Institution or Community" ("G/IC");
- (c) departmental comments – the Chief Estate Surveyor/Railway Development, Lands Department had reservation on the application as it would affect the future flat production and development potential of the site, thus adversely

affected the government revenue. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no strong views on the application but advised that if the site was used for low-rise GIC facilities or public open space, it would represent a better development scheme on the site due to less visual impact and provision of more landscaped green areas to help improve the public amenity, moderate the local climate and avoid the effect of air stagnation. The Director of Leisure and Cultural Services (DLCS) supported the provision of more basketball courts. The Director of Social Welfare considered that the existing welfare facilities could meet the service demand in Sha Tin district including Tai Wai;

[Mr. Alfred Donald Yap arrived to join the meeting at this point.]

- (d) 780 public comments were received during the statutory publication period, of which 740 were in standard form submitted by one commenter. Most of the comments received, except KCRC, were in support of the application mainly on the grounds that implementation of the “CDA” zoning for high-rise high-density developments would create “wall effect” affecting the living environment, air quality, air ventilation, scenic view and natural sunlight in Tai Wai, and causing adverse traffic impact; Tai Wai residents were not consulted on the development project; and the proposed “G/IC” zoning would provide a range of GIC facilities to address the shortage in the area. KCRC commented that the current “CDA(1)” zoning for the site was appropriate since it was in line with the planning intention to provide housing supply, build development node around major transport hub, provide a focal point to support business and commercial development in the area and optimise the use of mass transit and committed infrastructure; incorporation of various GIC facilities in the CDA development also served the purposes of meeting the local needs; provision of residential units at the site would encourage the use of public transport; and the incurred costs of property development enabling works at the site would become abortive if the approved development at the application site could not be implemented;

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

- (e) the District Officer/Shatin (DO/ST) advised that the locals had requested for more community facilities and raised their concerns about the “wall effect” caused by high-density buildings in Tai Wai. He also noted that Sha Tin District Council (STDC) members and some local organizations had approached DLCS for discussion on the provision of community facilities; and
  
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper. Land had been reserved (about 17.2 ha) on the OZP for the development of local GIC facilities to meet population growth in the area in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). There was no strong justification provided by the applicant to support rezoning of the site to “G/IC”. Regarding the public comments of providing various GIC facilities at the site, relevant departments consulted had not raised any specific request for extra land or to accommodate their facilities at the subject site. Being situated above the Ma On Shan Rail Tai Wai Station, the subject site was suitable for comprehensive development which was in line with the planning intention to place higher density developments near rail stations to capitalise development opportunities and minimize walking distance, traffic generation and associated environmental impacts. The proposed “G/IC” zoning would jeopardize development of the “CDA(1)” site and associated footbridge system connection with this strategic transport node. Designation of the current “CDA(1)” zoning on the OZP had gone through statutory planning process in 2000, with objections received duly considered by the Town Planning Board (the Board) under the provision of the Town Planning Ordinance. During the processing of planning applications by KCRC for the subject site, the public had been consulted in accordance with established procedures, and local objections to the applications had been conveyed to the Board for consideration. Since there was no provision under the Town Planning Ordinance for the Board to revoke/withdraw the planning permission granted, KCRC could

still implement the approved schemes even if the site was rezoned to “G/IC”. However, there might be scope for KCRC to review the approved planning applications and fine-tune its development. PlanD had relayed the public concerns to KCRC for their consideration.

7. The Chairperson then invited the applicant and his representatives to elaborate on the application. Mr. Ip Chu-ching made the following main points :

- (a) on the assumption that Members of the Committee were not Tai Wai residents or not familiar with Tai Wai, he was of the view that Members might not fully appreciate the concerns raised in the application;
- (b) the existing planning for Tai Wai was good in that higher buildings were built near the mountains while the central part was erected with lower buildings. Such a layout created an open landscape in the Tai Wai old area so that residents could have a good view of the sky and the mountains. However, the planned construction of some 20 blocks of 50-60 storeys high-rise buildings in this old area, which were 2-3 times higher than the existing buildings, was a planning mistake and totally unacceptable to the residents;
- (c) as town planning would have direct impact on local residents’ living environment and quality as well as their rights, they were the major stakeholders and should be accessible to all planning information. Their comments should also be thoroughly considered in the decision making process. He opined that the Board members might not have full local knowledge of Tai Wai, hence did not come up with a well-informed decision;
- (d) he emphasized that the role of the Board was to improve people’s living quality, instead of to increase the government revenue or to facilitate the development projects of KCRC or other property developers;
- (e) on the reasons why the current planning for the subject site was

inappropriate, Mr. Ip pointed out that :

- (i) the planning process for the “CDA(1)” site was not open and transparent in that residents were not informed of details of the proposal. As a result, they could not provide their views or comments at the early planning stage. According to a survey conducted by the Green Sense collecting views from about 500 Tai Wai residents, 70% of the respondents were not aware of the intensity and details of the approved development at the application site;
- (ii) the STDC had in 2001 strongly objected to the planning of the subject site and regretted the Government of neglecting their views regarding the shortage of various GIC facilities in Tai Wai. Notwithstanding objections raised by the STDC, KCRC development projects was approved;
- (iii) the CDA development at the subject site was not in line with the principles stipulated in Chapter 11 (Urban Design Guidelines) of the HKPSG, including the preservation of ridgelines/peaks; the provision of visual corridors to surrounding natural landscape assets to promote psychological well being of residents; creation of development height profile in relation to topography; and the avoidance of “sore thumb” developments etc.;
- (iv) the site should be used for GIC purpose, which was the original planning intention, as it was located in the central part of the valley in Tai Wai and was within walking distance to local residents. He noted that the Director of Health would consider to reprovision the existing Lek Yuen Maternal and Child Health Centre to Tai Wai; the Postmaster General would be happy to further look into the viability of relocating one of the existing post offices; the DLCS supported the provision of more basketball courts; the Secretary for Education had no objection to reserve more school sites; and the locals had requested



for more community facilities and raised their concerns about the “wall effect” caused by high-density buildings in Tai Wai;

- (v) as commented by the CTP/UD&L of PlanD, the rezoning proposal would be a better development scheme than the comprehensive high-rise residential and commercial development due to less visual impact and more landscaped green area; and
  - (vi) the current application was supported by a majority of the public comments received, except KCRC;
- (f) in response to PlanD’s reasons of not supporting the application, he pointed out that :
- (i) the provision standards on GIC facilities stipulated in HKPSG only represented the minimum requirements;
  - (ii) while about 30% of the Sha Tin district population lived in Tai Wai, most of the GIC facilities were not provided in the area. It was noted that the reserved GIC sites were not conveniently located;
  - (iii) the Board should not only focus on land revenue and development potential of a piece of land, but other relevant planning considerations;
  - (iv) to place higher density residential buildings above rail stations was no longer a desirable development pattern, which contravened the urban design principles stipulated in Chapter 11 of the HKPSG;
  - (v) the approved CDA development was totally unacceptable to local residents which would destroy the existing environment and reduce their sense of belonging; and
  - (vi) it was stated in the HKPSG that during the development process,

planners might need to balance the objectives and requirements amongst different parties in order to arrive at acceptable solutions. Nonetheless, the proposed CDA development was not an acceptable solution to local residents; and

- (g) in response to KCRC's objection to the application, his views were :
- (i) KCRC's CDA development had not responded to the objection views raised by the residents;
  - (ii) the project was not accepted by the residents which would seriously damage the sense of belonging of the local community;
  - (iii) upon completion of the CDA development, most of the open areas would be under private management which could not be enjoyed by the Tai Wai residents;
  - (iv) increase in population and car parking spaces would generate more traffic and cause road traffic congestion;
  - (v) a comparison should be made between the forgone construction cost incurred by KCRC and the social costs arisen from "undesirable" developments; and
  - (vi) a comprehensive planning study should be carried out before implementation of a development.

8. Mr. Li Sai-hung, the applicant, said that he had been living in Tai Wai for 25 years. His rezoning application was just to revert the zoning designation of the site to "G/IC". The local residents had been deprived of their right to know KCRC development at the application site, which was a result of insufficient public consultation by the Government and failure of the STDC in bridging communication between the residents and the Government. He emphasized that while the planning application for a comprehensive development at the site was approved in 2002, he only knew about it in mid-2006.

9. The applicant said that residents in Tai Wai had many grievances towards the KCRC development, mainly in that the high-rise buildings would block out sunlight and fresh air affecting their health condition. Moreover, there was shortage in such GIC facilities as library, community hall and sports ground in Tai Wai. He was doubtful about KCRC's comment that the CDA development would help to promote a sense of community because many Tai Wai residents had indicated their intention of moving out from the area if the proposed development was to proceed.

10. Mr. Chu Hoi-dik made the following main points:

- (a) the current development pattern of Tai Wai with higher buildings near the mountains and lower buildings in the central part had existed for 30 years. This development pattern would be destroyed by the KCRC development;
- (b) it was understood that the revenue generated from property developments above rail stations was an important source of financial income for investing in the construction of the new rail line. However, with the recent surge in land and property prices, the Government should consider releasing some of the sites originally planned for developments in lieu of better planning. In this regard, KCRC should provide detailed figures on the revenue foregone; and
- (c) by referring to paragraph 10.2(c) of the Paper, he sought clarification on whether the approval of the current rezoning application could stop the approved KCRC development.

11. Ms. Billie Liu said that she had been living in Tai Wai for more than 20 years, and only knew about KCRC development early this year. She queried about KCRC's comment that the development would encourage the use of public transport, thereby reducing traffic congestion on the road. She pointed out that the East Rail had already reached its capacity and the trains were overloaded even at off-peak hours.

12. The Chairperson clarified that the applicant and his representatives were invited

to the meeting to make presentation and answer questions raised by Members of the Committee in relation to the application. The Committee could not respond to questions and remarks made by the applicant and his representatives in relation to KCRC and its financial and operational matters. Nevertheless, the Committee would take into account all relevant information in deliberating on the application after the question and answer session. The Chairperson also said that Members needed not be residents of the concerned area in order to be familiar with that area. Adequate information, including visual aid such as photos, drawings and plans, would be provided to Members to facilitate an easy understanding of the case.

13. Members had the following questions :

- (a) whether public consultation was conducted when the site was rezoned to “CDA(1)” on the OZP in 2000, and what the views of local residents at that time were;
- (b) whether there was any shortage of GIC facilities in Tai Wai; and
- (c) paragraph 10.3 of the Paper stated that “there might be scope for KCRC to review the approved planning applications and fine-tune its development”. Was there any mechanism whereby KCRC would fine-tune its development proposal?

14. Mr. W.K. Hui, DPO/STN, made the following points :

- (a) designation of the current “CDA(1)” zoning had gone through statutory planning process in 2000, with objections received duly considered by the TPB under the provision of the TPO;
- (b) the provision of GIC facilities in Sha Tin district including Tai Wai was generally adequate except for sports ground, sports centre and elderly services. While PlanD would identify suitable sites zoned “G/IC” on the OZP for the development of sports ground/centre, some facilities such as social centres and day care centres were premises based and hence could be

provided within premises without the need for a site. For the various kinds of GIC facilities claimed to be in shortage by the public commenters, land had already been reserved and zoned “G/IC” on the OZP. Their implementation was subject to resources allocation and programming by concerned departments; and

- (c) in accordance with the Town Planning Ordinance, proposed amendments to an approved scheme would require planning permission from the Board. However, there was no provision for the Board to request the applicant to amend the already approved development scheme.

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

#### Deliberation Session

16. For clarification, the Secretary outlined the public consultations that had been conducted for the proposed development at the application site as follows :

- (a) on 4.8.2000, the site was rezoned from “G/IC” and “Other Specified Uses” annotated “Kowloon-Canton Railway” to “CDA(1)” on the draft Sha Tin OZP No. S/ST/14. During the plan exhibition period, seven objections were received. One of these objections was lodged by Members of the STDC against the “CDA(1)” zoning of three station sites at Fo Tan, Sha Tin Tau (now called Che Kung Temple Station) and Tai Wai. In giving further consideration to the objections on 16.1.2001, the Objection Hearing Committee (OHC) of the Board decided not to propose any amendment to the OZP to meet the objections, and agreed that the preparation of a planning brief (PB) was needed to guide the future “CDA(1)” development,

whereby PlanD should address the objectors' concerns as far as possible;

- (b) the draft PB was submitted to the Development and Housing Committee of the STDC for discussion in October and December 2001. Members of the STDC were mainly concerned about the excessive scale of the development at the site and requested lowering the maximum plot ratio for the development and imposing control on the maximum building height. They also requested for the provision of various facilities including indoor games hall, sports complex, community hall, post office and library, etc. within the proposed development;
- (c) the revised draft PB which addressed the STDC's concerns was submitted to the Committee for consideration in January 2002. The Committee noted the result of local consultation and considered it necessary to ensure that the development should be innovative, aesthetically pleasant, and preferably with variations in building heights. Whilst some taller buildings could be erected on part of the site to form a focal point of the development, the remaining buildings could be lower in height. The PB was agreed by the Committee and forwarded to KCRC to facilitate the preparation of planning application;
- (d) in processing the first planning application submitted by KCRC (No. A/ST/555), DO/ST had consulted seven local personalities including the STDC members. Two of them raised objection mainly on grounds of excessive building height and inadequate community facilities. In considering the application, Members noted that the applicant had tried to improve the design and disposition of building blocks in the form of cluster arrangement and a curvilinear layout to reduce wall effect and allow for wider view corridor. In order to fully utilise the permissible GFA and to achieve an innovative, aesthetically pleasant and landmark building with variations in building heights, some taller buildings would need to be adopted for part of the site. Regarding local concerns on the provision of GIC facilities, relevant Government departments confirmed that KCRC had already included all the required GIC facilities. The application was

approved with conditions by the Committee on 15.3.2002. For the two subsequent planning applications for proposed amendments to the CDA development which were approved with conditions by the Committee in 2003 and 2005 respectively, the local consultees had no comments.

17. The Chairperson remarked that public consultations in accordance with established procedures had been conducted at the time of making zoning amendment to the OZP and processing the planning applications submitted by KCRC. The Committee had taken into account the concerns raised by local community including the STDC.

18. A Member said that the local residents' concerns and grievances were fully appreciated. Being lived in the adjoining areas of Tai Wai, this Member was aware of the congested traffic conditions either by road or by train. The Chairperson said that the proposed development was approved a few years ago based on relevant considerations prevailing at that time. There was however no provision for the Board to request KCRC to amend the already approved scheme. In this regard, even if the current rezoning application was approved by the Committee, KCRC could still proceed to implement the approved scheme.

19. A Member suggested PlanD to liaise with KCRC to modify the design of the proposed development to reduce the possible wall-effect. Also inter-departmental efforts could be made to request KCRC to incorporate more GIC facilities within the development with a view to address the residents' concerns. The Chairperson asked the Secretariat to relay this suggestion to relevant Government departments and KCRC for consideration.

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

- (a) there was adequate land reserved in the Sha Tin Area for the development of local Government, institution or community facilities to cope with the long-term requirement of the planned population in the Sha Tin Area. There was no strong justification to rezone the subject site to "Government, Institution or Community"; and

- (b) the site was located at the prime location of strategic transport node. The “Comprehensive Development Area (1)” zoning intended for comprehensive commercial and residential development at the site was considered appropriate as it would optimize the use of valuable land resources.

[Mr. W.K. Hui, DPO/STN, Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, STPs/STN, and Mr. Y.M. Lee returned to join the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/MOS/71 Proposed House  
(New Territories Exempted House (NTEH) – Small House)  
in “Green Belt” zone,  
Lot 1831 in DD 218,  
Sai Kung (North)  
(RNTPC Paper No. A/MOS/71)
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##### **Presentation and Question Sessions**

21. Dr. Kenneth S.S. Tang, STP/STN, informed that replacement page 6 for the Paper had already been sent to Members. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as construction activity of the proposed Small House would disturb the



vegetation of existing woodland in the “Green Belt” (“GB”) zone. The Assistant Commissioner for Transport/New Territories had reservation on the application as approval of the proposed development would set an undesirable precedent for similar applications, and the resulting cumulative adverse traffic impact could be substantial;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “GB” zone, it complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the subject site and the footprint of the proposed Small House fell entirely within the village ‘environs’. The proposed development was compatible with the surrounding rural environment and was not envisaged to impose adverse impact on the surrounding areas.

22. Members had no question on the application.

#### Deliberation Session

23. 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 30.11.2011, 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 TPB; and
- (b) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the

TPB.

24. The Committee also agreed to advise the applicant that :

- (a) extension of the inside services to the nearest Government water mains for connection might be needed. The applicant should resolve the land matters associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
- (b) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (c) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/ST/659 Proposed House  
(New Territories Exempted House (NTEH) – Small House)  
in “Green Belt” zone,  
Government Land in DD 176,  
Wo Liu Hang Village, Sha Tin  
(RNTPC Paper No. A/ST/659)
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|-------|----------|--|
| (iii) | A/ST/660 | Proposed House (NTEH – Small House)<br>in “Green Belt” and “Village Type Development” zones,<br>Government Land in DD 176,<br>Wo Liu Hang Village, Sha Tin<br>(RNTPC Paper No. A/ST/660) |
| <hr/> |          |  |
| (iv)  | A/ST/661 | Proposed House (NTEH – Small House)<br>in “Green Belt” zone,<br>Government Land in DD 176,<br>Wo Liu Hang Village, Sha Tin<br>(RNTPC Paper No. A/ST/661)                                 |
| <hr/> |          |  |
| (v)   | A/ST/662 | Proposed House (NTEH – Small House)<br>in “Green Belt” zone,<br>Government Land in DD 176,<br>Wo Liu Hang Village, Sha Tin<br>(RNTPC Paper No. A/ST/662)                                 |
| <hr/> |          |  |
| (vi)  | A/ST/663 | Proposed House (NTEH – Small House)<br>in “Green Belt” zone,<br>Government Land in DD 176,<br>Wo Liu Hang Village, Sha Tin<br>(RNTPC Paper No. A/ST/663)                                 |
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### Presentation and Question Sessions

25. Noting that Applications No. A/ST/659 to 663 were similar in nature and the application sites were adjoining each other, the Committee agreed to consider the five applications together. Dr. Kenneth S.S. Tang, STP/STN, informed that supplementary information was submitted by the applicant of Application No. A/ST/663, which was tabled at the meeting for Members’ reference. He then presented the five applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on the application as approval of the proposed developments would set an undesirable precedent for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. The Director of Agricultural, Fisheries and Conservation did not support Applications No. A/ST/659, 661, 662 and 663 as the subject sites were densely wooded area comprising mostly of native species which were worthy of preservation. He had reservation on Application No. A/ST/660 as the site was currently a shotcreted slope with a few scattered native trees and a modified stream was found in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the applications as the application sites were located within the woodland buffer between Wo Liu Hang Village and the medium-density residential developments (the Morning Glory and Rosary Villas) which served as valuable resources for greening and amenity use as the Lok Shun Path Barbecue Area was located therein. The proposed developments would result in the removal of existing trees and fragmentation of the green belt. Construction of the needed access road would further alter the landscape character of the Lok Shun Path Barbecue Area and the green belt;
- (d) five public comments were received during the statutory publication period raising objection to all the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Green Belt” (“GB”) zone; land within the “Village Type Development” (“V”) zone had not been fully occupied; Government land to the west of Wo Liu Hang Village had been reserved for over 10 Small Houses, hence the proposed Small House developments should not be outside the “V” zone; it would have adverse landscape and visual impacts on the “GB” zone; and approval of the applications would set an undesirable precedent for similar applications;

- (e) the District Officer advised that the objectors' views should be carefully considered by the Town Planning Board; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons as detailed in paragraph 12.1 of the Papers (or paragraph 12.2 for Application No. A/ST/660). The applications did not meet the interim criteria for consideration of application for NTEH/Small House in the New Territories as the subject sites were densely wooded area comprising mostly of native species which were worthy of preservation. The proposed developments would involve extensive clearance of existing natural vegetation and cause adverse landscape impacts on the surrounding areas. There was insufficient information in the submissions to demonstrate that the proposed developments would not cause adverse landscape impacts on the surrounding areas. The proposed developments were not in line with the planning intention of the “GB” zone. Land within the “V” zone for Wo Liu Hang Village had not been fully utilized for Small House development although there was insufficient land in the “V” zone. Approval of the applications would set an undesirable precedent for attracting more similar applications. The cumulative effect of approving these applications would encourage proliferation of building development and result in aggravating the traffic situation of the nearby road networks and a general degradation of the environment of the area.

26. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that he had checked with the District Lands Officer but could not locate the land area claimed to be available for Small House development within the “V” zone by the public commenters. However, by referring to Plan A-2 of the Papers, there was a car park to the west of the application sites which was within the village 'environs' ('VE') of Wo Liu Hang. As there were lot numbers shown on the land occupied by the carpark, it might be private lots that could be used for Small House development.

Deliberation Session

27. In response to a Member's enquiry, Mr. W.K. Hui, DPO/STN, said that the sites under the current applications and the one under Application No. A/MOS/71 were all zoned "GB" and located within the 'VE'. The difference was that the former sites were densely wooded area with many native trees whereas the latter site was occupied by ruined structure of an old village house. This Member suggested that the adverse impacts on the woodland and the native trees should also be reflected in the rejection reasons. Members agreed.

28. After deliberation, the Committee decided to reject Applications No. A/ST/659 to 663, and each for the following reasons :

- (a) the proposed Small House development did not comply with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories as the application site was a densely wooded area comprising mostly of native species which were worthy of preservation, the proposed development would involve extensive clearance of existing natural vegetation and cause adverse landscape impacts on the surrounding areas. No mitigation measure had been proposed to address the adverse landscape impact;
- (b) the proposed Small House development was not in line with the planning intention of the "Green Belt" ("GB") 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 "GB" zone. No strong justifications had been provided in the submission to merit a departure from the planning intention; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic and landscape impact on the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)        A/NE-TK/242        Proposed House  
(New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 254B in DD 26,  
Wong Yue Tan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/242)
- 

Presentation and Question Sessions

29.        The Committee noted that the applicant on 14.11.2007 requested for a deferment of the consideration of the application to allow time for submitting supplementary information to substantiate the case.

Deliberation Session

30.        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 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/TP/394            Proposed Government Refuse Collection Point  
and Public Utility Installation (Sewage Pumping Station)  
in “Village Type Development” zone,  
Government Land in DD 5,  
Shui Wai, Tai Po  
(RNTPC Paper No. A/TP/394)
- 

Presentation and Question Sessions

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) the proposed government refuse collection point and public utility installation (sewage pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

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 (TPB). The permission should be valid until 30.11.2011, 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 landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.



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

- (a) Clearance Application Form should be submitted to the District Lands Officer/Tai Po before commencement of works;
- (b) direct vehicular access to/from Tai Po Road – Tai Wo to the site was not permitted and temporary traffic arrangement during the construction stage should be submitted to the Commissioner for Transport for consideration;
- (c) the proposed sewage pumping station was a Designated Project under the Environmental Impact Assessment Ordinance. An environmental permit would be required before commencement of works;
- (d) an existing DN 20 fresh water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development;
- (e) an existing DN 300 salt water mains would be affected. A waterworks reserve within 1.5m from the centreline of the salt water main should be provided to the Water Supplies Department if reduction of site to exclude the affected salt water main was not possible;
- (f) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department;
- (g) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) during the design stage of the proposed sewage pumping station, the applicant or his consultant should consult both CLP Power Hong Kong Limited (CLPP) and Hong Kong and China Gas Company Limited (HKCG) and agree on the utilities arrangements within the application site. If necessary, CLPP and HKCG should be requested to divert the electricity

cables and/or gas pipes away from any structures of the sewage substation site, refuse collection point or refuse collection vehicle;

- (i) during the construction stage, the applicant or his contractors should liaise with CLPP and HKCG and agree on the temporary safety measures and method statements of works prior to the commencement of site works;
- (j) the Code of Practice on Working near Electricity Supply Lines established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;
- (k) the Gas Safety Ordinance (Cap. 51) and the associated Gas Safety (Gas Supply) Regulations including the requirements of the Code of Practice on Avoiding Danger From Gas Pipes should be observed by the applicant and his contractors when carrying out works in the vicinity of the gas pipes;
- (l) any electricity cables or gas pipes to be remained in the application site after construction should keep a suitable clearance from any structure so that CLPP's and HKCG's personnel could get access to the cables/pipes for repair or maintenance at all times; and
- (m) to note the detailed comments of the Director of Food and Environmental Hygiene on the re-provisioning works as set out in Appendix III of the Paper.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)             A/NE-KTS/255             Proposed House  
   (New Territories Exempted House (NTEH) – Small House)  
   in “Agriculture” zone,  
   Lot 496G in DD 94,  
   Hang Tau Village, Sheung Shui  
   (RNTPC Paper No. A/NE-KTS/255)
- 

Presentation and Question Sessions

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

- (a)     background to the application;
- (b)     the proposed House (NTEH – Small House);
- (c)     departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as approval of the proposed development would set an undesirable precedent for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial;
- (d)     four public comments were received during the statutory publication period raising objection to the application mainly on traffic, drainage and sewerage grounds. The District Officer advised that the Village Representatives of Hang Tau objected to the application mainly on drainage, sewerage, traffic and ‘fung-shui’ grounds; and
- (e)     the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed Small House complied with the interim criteria for assessing planning applications for NTEH/Small House development in that about 68% of its footprint fell within the village ‘environs’ of Hang Tau Village

and there was a general shortage of land in meeting the demand for Small House in the “Village Type Development” zone of the same village. The proposed Small House was not incompatible with the surrounding rural and village environment. Although AC for T/NT had reservation on traffic ground, a total of 26 similar applications for Small House development had been approved in the vicinity of the application site. For the local objections, it was noted that ‘fung shui’ consideration was not a planning issue and was outside the purview of the Town Planning Board (TPB). Regarding the drainage and sewerage concerns, relevant departments had no adverse comment on/no objection to the application. If provision of an access road was required for the proposed development, the applicant would be advised to ensure that the access road comply with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

36. Members had no question on the application.

#### Deliberation Session

37. 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 30.11.2011, 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 TPB;
- (b) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
  - (i) the application site was located within WSD's flood pumping water gathering ground;
  - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (b) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/NE-LYT/370            Columbarium (within a Religious Institution or extension of existing Columbarium only);  
Two Ancillary Open Carparks for Visitors; and  
Road Widening Works in Sections of Po Kak Tsai Road  
in “Green Belt” zone,  
Part each of 3/F, 4/F, 5/F and 6/F  
of Lung Shan Temple (Lot 652 in DD 85)  
and Lots 641(Part), 642B(Part), 636 (Part)  
and Adjoining Government Land in DD 85,  
Lung Yeuk Tau, Fanling  

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(RNTPC Paper No. A/NE-LYT/370)

Presentation and Question Sessions

39.            Mr. Alfred Donald Yap declared an interest on this application as he had involved in the legal work related to the application site.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the columbarium (within a religious institution or extension of existing columbarium only); the two ancillary open carparks for visitors; and the road widening works in sections of Po Kak Tsai Road;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the proposed ancillary carparking facilities from landscape point of view due to the large area (about 2 690m<sup>2</sup>) paved with concrete to provide 60 numbers of carparking spaces and a 30m long pickup/drop-off layby, which was considered not in

harmony with the surrounding natural landscape in the green belt zone. The Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that Po Kat Tsai Road was not managed/maintained by the Transport Department/ Highways Department and the District Office might have to take up the maintenance responsibility of the widened road. The District Officer advised that as the proposed road widening project involved right-of-way and many private lots, these issues needed to be resolved before his Office took up the maintenance responsibility of the road;

- (d) 966 public comments were received during the statutory publication period, of which 949 were collected by Lung Shan Temple stating support of the application on the grounds that the columbarium provided proper management of columbarium services; promoted religion, tourism and economic development; and provided free shuttle services to the villagers. The Chairman of Fanling District Rural Committee (FDRC) objected to the application as he received objections from local residents on grounds of adverse environmental impacts of the road widening works. A North District Council member opined that prior planning permission should have been obtained before commencing the columbarium use and regularization of this illegal development would set a precedent;
- (e) the District Officer advised that the Chairman of FDRC, an Indigenous Inhabitants Representative (IIR), a Residents Representative (RR) of Lung Yeuk Tau Village and a RR of Tsz Tong Tsuen objected to the application mainly on the grounds of fung shui problem and the current litigation proceedings between the villagers and the temple on the maintenance responsibility of the columbarium after expiry of the tenancy agreement. On the other hand, two IIRs of Tsz Tong Tsuen and an IIR of Lung Yeuk Tau Village supported the application as the columbarium could serve the needs of the indigenous villagers and Lung Shan temple was a well-established temple; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the

application for reasons as detailed in paragraph 12.1 of the Paper. The current application was mainly for the existing columbarium of 17 632 niches on 3/F to 6/F of Lung Shan Temple. The columbarium use was considered not incompatible with the existing religious institution use at the temple. The proposed development would unlikely cause significant adverse drainage, sewerage and environmental impacts on the surrounding areas. Relevant departments had no objection to the application. AC for T/NT had no objection subject to the imposition of approval conditions in relation to the design and construction of road widening works and submission of layout plans showing the car parking, loading/unloading and manoeuvring spaces for daily operation and during special festivals. Regarding the concern on the impacts of road widening works on the landscape and existing trees of Po Kak Tsai Road, appropriate approval conditions and advisory clauses would be imposed to require the submission and implementation of tree preservation and landscaping proposals. In order to prevent further intensification of the columbarium use, an approval condition was recommended to restrict the maximum number of niches to 17 632. For the local objections and public comments' concern on fung shui and litigation proceedings, they were not planning issues and were outside the purview of the Town Planning Board.

41. In response to a Member's query, Ms. Stephanie P.H. Lai, STP/STN, said that Lung Shan Temple was the subject of a previous planning application (No. IDPA/NE-LYT/2) approved by the Director of Planning on 22.2.1991 for the erection of a temple at Lot 652 in DD 85. According to the approved scheme, there was no indication that niches or columbarium use would be provided. However, the applicant claimed that there were about 1 092 items of ancestral urns and tablets stored in the former Lung Kai Nunnery (which was redeveloped into the existing Lung Shan Temple) before the gazettal of the Lung Yeuk Tau and Kwan Tei South Interim Development Permission Area Plan on 17.8.1990, which should be regarded as 'existing use' under the Town Planning Ordinance. In reply to this Member's further question, Mr. W.K. Hui, DPO/STN, said that the 17 632 numbers of niches under the current application had already been provided on 3/F to 6/F of the temple. As a result of the issuance of an Enforcement Notice requiring the tenant to discontinue the columbarium use (except to the extent to which such uses was in existence immediately



before 17.8.1990) by 10.10.2007, the applicant submitted this application to regularise the unauthorized columbarium use.

42. In reply to a Member's question, Mr. W.K. Hui, DPO/STN, said that the ancillary carparks and road widening works were proposed by the applicant to meet Transport Department's requirements. The applicant had previously used some vacant land near the temple for carparking purpose which had been discontinued due to enforcement actions taken by the Planning Authority. Mr. H.M. Wong of Environmental Protection Department pointed out that the proposed carparks were large in size and worried that it would be used as a public carpark. Mr. W.K. Hui said that the proposed carparks were ancillary to the temple for the use of visitors only. Moreover, the location of the temple was quite isolated and there should not be many visitors outside special festivals.

#### Deliberation Session

43. Mr. H.M. Wong worried that the proposed carparks would be used for the parking of heavy vehicles causing environmental nuisances to the surrounding areas. Members shared the view and agreed that an approval condition should be imposed to restrict the parking of heavy vehicles in the proposed ancillary carparks which should not be operated as a commercial carpark.

44. A Member noted that there were currently litigation proceedings between the villagers and the temple regarding the maintenance responsibility of the columbarium, and queried whether it was appropriate to impose an approval condition restricting the maximum number of niches up to 17 632. The Secretary said that the 17 632 niches had been provided within the temple without planning permission. The current application was submitted to regularise the unauthorised columbarium use. If the number of niches exceeded the maximum number of 17 632 in the future, a fresh planning application was required. Another Member asked whether it was possible to reduce the permitted number of niches as some of them were not occupied. Ms. Stephanie P.H. Lai, STP/STN, said that although only about 70% of the columbarium was occupied, the distribution of the occupied niches was scattered on each floor. This would pose practical difficulties in taking enforcement action. The Secretary pointed out that as the applicant's submitted technical assessments had demonstrated that the columbarium with 17 632 niches would not result in any

unacceptable environmental, traffic and social impacts, there appeared to be no strong justification for the Committee to cut down the number of niches under application.

45. A Member was worried about the road widening works as the applicant had failed to obtain the consent of some land owners for carrying out the works. Mr. W.K. Hui, DPO/STN, said that an approval condition was recommended on the implementation of the road widening works. If the works could not be completed before the time limit, the planning permission granted would be revoked.

46. 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 was subject to the following conditions :

- (a) the maximum number of niches within the application premises should not exceed 17 632;
- (b) the designated carpark should not be operated as a commercial carpark;
- (c) no medium/heavy goods vehicles (including container tractors and trailers) were allowed to be parked in the designated carpark;
- (d) the submission of the design of road widening works of Pak Kat Tsai Road, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 30.5.2008;
- (e) in relation to (d) above, the implementation of the road widening works of Pak Kat Tsai Road within 12 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 30.11.2008;
- (f) the submission of the layout plans showing the car parking, loading/unloading and manoeuvring spaces for daily operation and operation on special festivals within 6 months from the date of planning approval to the

satisfaction of the Commissioner for Transport or of the TPB by 30.5.2008;

- (g) in relation to (f) above, the implementation of the layout plans for the car parking, loading/unloading and manoeuvring spaces for daily operation and operation on special festivals within 12 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 30.11.2008;
- (h) the submission of landscape impact assessment, tree survey and preservation scheme and landscape mitigation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.5.2008;
- (i) in relation to (h) above, the implementation of tree preservation scheme and landscape mitigation proposals within 12 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.11.2008;
- (j) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2008;
- (k) in relation to (j) above, the provision of water supplies for fire-fighting and fire service installations within 12 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.11.2008;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h) (i), (j) or (k) 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.

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

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

- (a) obtain approval from the Commissioner for Transport for the provision of shuttle bus service to the application premises;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
  - (i) the number of people allowed in each of the concerned floor of the columbarium should not exceed 200, otherwise it would exceed the capacity of means of escape that could cater for;
  - (ii) any unauthorized building works found on site should be subject to enforcement action under the Buildings Ordinance (BO); and
  - (iii) formal submission by an authorized person for any new proposed building works was required under the BO;
- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that grasscrete should be considered in replacement of the existing concrete paving and/or planting of trees and shrubs for integrating greenery into the open-air car parks to help the car parks blend with the surrounding natural environment. Planting in moveable pots as a temporary measure was not acceptable from the landscape planning point of view. All the proposed planting should be in fixed planters with an open bottom or in ground;
- (d) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :

- (i) extension of the inside services to the nearest Government water mains for connection might be needed for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (ii) the application site was located within the flood pumping catchment ground;
- (e) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of the formal submission of general building plans; and
- (f) liaise with the representatives of Fanling District Rural Committee and Lung Yeuk Tau villagers to address their concerns.

[Mr. David W.M. Chan left the meeting and Mr. Alfred Donald Yap returned to join the meeting at this point. ]

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/NE-LYT/371 Proposed Utility Installation for Private Project  
(Electricity Package Sub-station)  
in "Recreation" and "Agriculture" zones,  
Lot 2870A in DD 51,  
Tong Hang, Fanling  
(RNTPC Paper No. A/NE-LYT/371)
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Presentation and Question Sessions

- 49. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package sub-station);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site was located on active agricultural field;
- (d) one public comment was received during the statutory publication period stating no comment. The District Officer advised that the Resident Representative of Tong Hang (Lower) supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed electricity sub-station was small in scale and not incompatible with the adjacent village setting. It would unlikely have adverse impacts on the surrounding areas. Although DAFC did not favour the application, the proposed use was considered acceptable in view of its small scale, being an essential facility to serve the future developments and only a small portion of the application site fell within the “Agriculture” zone.

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 30.11.2011, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/North's comments that the owner of the subject lot should submit formal application to his office for a Short Term Waiver;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that an emergency vehicular access to the site should be provided;
- (c) note the Assistant Commissioner for Transport/New Territories' comments that details of the proposed vehicular access should be submitted for his consideration; and
- (d) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
  - (i) extension of the inside services to the nearest suitable Government water mains for connection might be needed for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;

- (ii) the application site was located within the flood pumping catchment area; all spoils arising from site formation works should be contained and protected to prevent all nearby watercourse from being polluted or silting up;
- (iii) the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance should be complied with; and
- (iv) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited.

### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-4 Proposed Houses (Amendments to Approved Scheme)  
in “Residential (Group C)2”, “Government, Institution or Community”,  
“Open Space”, “Green Belt” and “Agriculture” zones  
and an area shown as ‘Road’,  
Lots 2242(Part), 674B1, 674B2, 674BRP, 685D in DD 95  
and Adjoining Government Land,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/228-4)

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

53. 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. The Committee noted that Mr. Cheng had tendered apologies for being not able to attend the meeting.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]



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

- (a) background to the application;
- (b) the proposed houses (amendments to approved scheme);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer advised that a North District Council member and the Chairman of Sheung Shui District Rural Committee objected to the application on the grounds of traffic and drainage impacts, potential nuisance to local villagers, and decrease in communal space in the area. A villager of Kwu Tung South objected to the application due to closing/removing of the vehicular access/right of way being used by the villagers and demolishing of a historical monument to the north of Kwu Tung South Road; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper. The application only involved minor amendments to the previously approved scheme. Concerned Government departments had no objection to/adverse comments on the application. The local objections on traffic and drainage impacts and nuisance to local villagers were not related to the proposed amendments to the approved scheme. The historical monument was a shrine established by the residents of Kwu Tung South and fell outside the application site. The applicant would be advised to continue to brief and liaise with local villagers regarding the proposed development.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) seek approval from the District Lands Officer/North under the lease;
- (b) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
  - (i) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
  - (ii) existing fresh water mains within the application site, which had been included in the rehabilitation programme under Contract No. 23/WSD/06, were affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. The applicant was required to liaise with WSD to resolve the likely interface problem;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
  - (i) the proposed roundabout of the application site should be deducted from site area for the purposes of site coverage and plot ratio calculations under Building (Planning) Regulations (B(P)Rs);
  - (ii) any internal streets, if required, under s.16(1)(p) of the Buildings Ordinance should be deducted from site area for the purposes of site coverage and plot ratio calculations under B(P)Rs;
  - (iii) the provision of emergency vehicular access to all the buildings within the application site should be in all aspects comply with the B(P)R 41D; and
  - (iv) each site should be self-sustainable with permissible gross floor area, plot ratio and site coverage capped under the First Schedule of

B(P)R separately;

- (d) consult the Director of Leisure and Cultural Services and the Chief Highways Engineer/New Territories East of Highways Department (CHE/NTE, HyD) should any trees on public roads be affected;
- (e) note the CHE/NTE, HyD's comments that all private facilities and structures should be constructed within the lot and maintained by the lot owner;
- (f) note the Director of Environmental Protection's comments that more houses under the current proposed scheme were located closer along the heavily trafficked Fanling Highway which would be subject to excessive traffic noise impacts when compared to the approved scheme. As such, more intensive mitigation measures (e.g. taller noise barrier of over 6m in height) might be required under the current proposed scheme;
- (g) brief and liaise with local villagers regarding the proposed development; and
- (h) note the local objections in paragraph 8.1.11 of the Paper and minimize nuisance to local villagers during the construction stage.

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

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

[Messrs. W.M. Lam, Frederick S.T. Ng and Anthony C.Y. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting, and Mr. Alfred Donald Yap returned to join the meeting at this point.]

**Agenda Item 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/TSW/38           Proposed School (Tutorial School)  
in “Residential (Group B)” zone,  
Shop No. A130, Portion B, G/F,  
Kingswood Richly Plaza,  
1 Tin Wu Road,  
Tin Shui Wai, Yuen Long  
(RNTPC Paper No. A/TSW/38)
- 

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

59.           Members had no question on the application.

**Deliberation Session**

60. 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 30.11.2011, 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.

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

- (a) note the Director of Fire Services' comments that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans/licence application; and
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL/156 Temporary Place of Recreation  
(including Outdoor Barbecue Area), Eating Place,  
and Shop and Services (Retail of Frozen Food)  
for a Period of 3 Years in "Open Space" zone,  
Lot 4583RP in DD 116,  
Tai Kei Leng, Yuen Long  

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(RNTPC Paper No. A/YL/156)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary place of recreation (including outdoor barbecue area), eating place, and shop and services (retail of frozen food) 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 environmental nuisance was expected. Outdoor barbecue activities at night-time was likely to cause noise nuisance to nearby residents during night-time of weekends and public holidays. The Director of Food and Environmental Hygiene (DFEH) advised that no food licence was granted for the existing operation at the application site. There were 15 complaints received since August 2006 related to unlicensed food business, unhygienic food, rodent infestation and fly infestation. A total of 14 prosecutions under the Food Business Regulation were taken;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds of proximity to residential development and noise and odour nuisance of the existing barbecue operation; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The applied use was not in line with the planning intention of the “Open Space” (“O”) zone. As the subject site was located near a residential development, the proposed operation hours between 10:00 a.m. and 11:00 p.m. daily would cause noise nuisance to nearby residents. In this regard, DEP and DFEH had received complaints against the existing barbecue operation on the aspects of environmental nuisance and public hygiene. There was no information in the submission to demonstrate that the development would have no adverse environmental, traffic and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent for other similar applications in the “O” zone.

63. Members had no question on the application.

Deliberation Session

64. Members noted that the applied use could be considered as meeting the planning intention of the “O” zone by providing a place for recreational uses serving the needs of local residents as well as the general public. The rejection reason in paragraph 10.6(a) of the Paper might therefore not be appropriate for this case. The Secretary suggested that this rejection reason be deleted. Members agreed.

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

- (a) the development was environmentally undesirable as it would cause noise and odour nuisance to nearby residents and problems of public hygiene;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding areas; and
- (c) the approval of this planning application would set an undesirable precedent for other similar applications in the “Open Space” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL/157 Proposed Flats  
in “Village Type Development” zone,  
Lots 1371C(Part), 1371RP and 1372D to 1372H in DD 120,  
Ma Tong Road, Yuen Long  
(RNTPC Paper No. A/YL/157)
- 

Presentation and Question Sessions



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

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

67. Members had no question on the application.

#### Deliberation Session

68. 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 30.11.2011, 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 design and provision of vehicular access arrangement, vehicular manoeuvring space and parking arrangement to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of landscape proposals including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the sketch plans attached to the application were illegible and some amendments to the enquiry submission in April 2007 were noted. He would reserve his comments on the above building design until building plan submission stage;
- (c) note the Assistant Commissioner for Transport/New Territories' 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 also be clarified. The proposed car parking and loading/unloading provisions should comply with relevant requirements of the Hong Kong Planning Standards and Guidelines (as detailed in Appendix II of the Paper) and the design should comply with PNAP 236;
- (d) note the Chief Highways Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Ma Tong Road;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the development intensity should be within

the First Schedule of the Building (Planning) Regulations (B(P)R). If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity was subject to B(P)R 19(3). The applicant should ensure that access to the site was available as required under B(P)R 5, and his attention was drawn on the provision of EVA under B(P)R 41D. Prior approval and consent from the Building Authority were required for any alteration and addition works in buildings under the Buildings Ordinance (BO), unless otherwise exempted. Any building works without prior approval and consent from the Building Authority was subject to enforcement action under section 24 of the BO. Detailed checking would be carried out at building plan submission stage;

- (f) note the Chief Engineer/Development(2), Water Supplies Department's comments that the applicant should bear the cost of any necessary diversion works affected by the proposed development; and
  
- (g) note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site was located within Scheduled Area No. 2 and might be underlain by cavernous marble. Extensive geotechnical investigation would be required for any development on site. Such investigations might reveal the need for a high level of involvement of an experienced geotechnical engineer, both in design and in the supervision of geotechnical aspects of the works required to be carried out on the site. Also, any private development proposals were required to be submitted to the Building Authority for approval.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/YL-PS/275           Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 394(Part) and 395(Part) in DD 122, Sheung Cheung Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/275)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds of noise nuisance, parking of lorries and operation commenced without planning approval; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. In view of the scale and nature of the development which was solely for the parking of private cars and light goods vehicles with proposed restriction on operation hours by the applicant, the development would unlikely create significant adverse environmental, drainage, traffic and landscape impacts on the surrounding areas. Concerned departments

had no objection to the application. A number of similar applications within the same “Village Type Development” (“V”) zone had been approved with conditions by the Committee. The local objection on noise nuisance could be addressed by imposing approval conditions as recommended in paragraphs 11.3(b) and (c) of the Paper which prohibited the parking of heavy vehicles and restricted the operation hours.

71. Members had no question on the application.

### Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented under Application No. A/YL-PS/248 on the site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities on

site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.5.2008;

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

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures within the site, if any, should be removed which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (c) note the Assistant Commissioner for Transport/New Territories' comments that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be clarified; and

- (d) follow the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-KTN/279       Proposed Residential Development  
with Commercial Facilities and  
Formation of Government, Institution or Community Site  
in “Undetermined” zone,  
Lot 2099 in DD 109 and Adjoining Government Land,  
Ha Ko Po Tsuen,  
Kam Tin, Yuen Long  
  
(RNTPC Paper No. A/YL-KTN/279)
- 

#### Presentation and Question Sessions

75.           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. The Committee noted that Mr. Cheng had tendered apologies for being not able to attend the meeting. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap did not need to leave the meeting.

76.           The Committee noted that the applicant on 12.11.2007 requested for a deferment of the consideration of the application to allow time to resolve adverse departmental comments for the proposed use.

#### Deliberation Session

77.           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 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/408       Proposed Temporary Open Storage of  
Construction Materials (Bamboos and Racks)  
and Accessories for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lot 1280RP(Part) in DD 106  
and Adjoining Government Land,  
Kong Ha Wai, Kam Sheung Road,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/408)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials (bamboos and racks) and accessories for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that attraction of heavy vehicles would affect the safety of local residents; and Kam Shui South Road was narrow where illegal parking and speeding were always found;



and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Residential (Group D)” (“R(D)”) zone since there was no known development programme for the site. The development was considered not incompatible with the surrounding areas which were mixed with open storage yards, warehouse, workshops, residential dwellings, cultivated agricultural land and vacant land. It was in line with the Town Planning Board Guidelines No. 13D in that previous planning approvals for similar open storage uses on the site were given and approval conditions had been complied with. For the local objection, the Assistant Commissioner for Transport/New Territories and the Commissioner of Police had no adverse comment on the application.

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 until 30.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no workshop activities should be carried out on the site, as proposed by the applicant, at any time during the planning approval period;

- (d) the existing boundary fence on the site should be maintained at all times during the planning approval period;
- (e) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.5.2008;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.8.2008;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that Short Term Waiver and Short Term Tenancy should be applied for to regularise the

irregularities on site, otherwise his office should consider taking appropriate lease enforcement and land control action against the registered owners and the operator respectively. However, his office did not guarantee approval upon receipt of such application;

- (c) note the Assistant Commissioner for Transport/New Territories' comments that the land status and the management and maintenance responsibilities of the strip of land between the site and the access road should be checked;
- (d) note the Chief Highways Engineer/New Territories West, Highways Department's comments that his office did not maintain the existing vehicular access between the site and Kam Shui Road;
- (e) follow the latest Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses issued by the Environmental Protection Department; and
- (f) note the Director of Agriculture, Fisheries and Conservation's comments that the plantings established along the eastern boundary of the site and currently maintained by his department should not be disturbed.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-TT/218 Proposed Temporary Place of Recreation, Sports or Culture (Fitness Centre, Gymnasium, Indoor Recreation Centre and Sports Training Grounds) for a Period of 5 Years in "Village Type Development" zone, Government Land in DD 116, Wing On Primary School, Shung Ching San Tsuen, Tai Shu Ha Road West, Yuen Long  
(RNTPC Paper No. A/YL-TT/218)
-

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

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (fitness centre, gymnasium, indoor recreation centre and sports training grounds) for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that sites in the vicinity were more suitable for the applied use; the duration of approval period was too long; and the site should be converted to elderly facilities; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. For the local objection, it was noted that the proposal was to make use of the abandoned school to continue the operation and organisation of recreational and sports activities for the Yuen Long District Sports Association during the redevelopment of its existing premises in Yuen Long Town. Concerned departments consulted had no objection to the application. The Director of Social Welfare also advised that elderly services provision in the area was considered sufficient and there was no immediate plan to utilise the abandoned school site for social centre/elderly facilities.

83. Members had no question on the application.

#### Deliberation Session

84. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 5 years until 30.11.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hour was restricted to 9:00 a.m. to 6:00 p.m., as proposed by the applicant, during the planning approval period;
- (b) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.5.2008;
- (d) in relation to (c) above, the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.8.2008;
- (e) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2008;
- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.8.2008;
- (g) 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; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note the District Lands Officer/Yuen Long's comments that application for a Short Term Tenancy should be made for the uses as mentioned on the planning application. However, his office did not guarantee the approval upon the receipt of application;
- (b) note the Assistant Commissioner for Transport/New Territories' 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. Relevant lands and maintenance authorities should be consulted accordingly;
- (c) follow the latest Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses issued by the Environmental Protection Department;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works for approval was required under the Buildings Ordinance (BO). It should be noted that a building on land with a tenancy or a lease granted by the government was subject to the control of the BO;
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that the developer should protect the affected water mains and bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centreline of the water mains should be provided to WSD. No structure should be erected over this area and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water

Authority might require or authorise; 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-TT/219 Temporary Place of Recreation  
(Indoor Radio Control Model Car Playing Ground)  
for a Period of 3 Years  
in "Other Specified Uses" annotated "Rural Use" zone,  
Lots 692A(Part), 692B(Part), 694(Part),  
695(Part), 696(Part), 733(Part), 735(Part)  
and Adjoining Government Land in DD 117,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/219)
- 

#### Presentation and Question Sessions

86. Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. As the Paper was on the applicant's request to defer consideration of the application, Members agreed that Dr. Lau did not need to leave the meeting.

87. The Committee noted that the applicant on 15.11.2007 requested for a deferment of the consideration of the application for one month (from 15.11.2007) to allow time to prepare further technical information to address concerns of relevant Government departments.

#### 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 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)]

- (ix)           A/YL-TT/220           Temporary Cargo Handling and Forward Facility  
(Logistics Centre) for a Period of 3 Years  
in “Open Storage” zone,  
Lots 1477A1(Part), 1477B(Part), 1477B1(Part),  
1477B2A(Part), 1477B2B(Part), 1477B3A  
and 1477B4 in DD 117 and Adjoining Government Land,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/220)
- 

Presentation and Question Sessions

89.           Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application.

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

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

- (a) background to the application;
- (b) the temporary cargo handling and forward facility (logistics centre) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government



departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

91. Members had no question on the application.

### Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no container repairing, maintenance, dismantling and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the implementation of the accepted landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.5.2008;
- (e) the submission of drainage facilities proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.5.2008;

- (f) in relation to (e) above, the implementation of the drainage facilities proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.8.2008;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2008;
- (h) in relation to (g) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.8.2008;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) note the District Lands Officer, Yuen Long's comments that the subject lots were Old Schedule Lots restricted for agricultural purpose only, on which no structures should be erected without prior approval from his office. A Modification of Tenancy No. MNT 21640 was issued to the owner of Lot 1477B2B in DD 117 in 1979 permitting the building of domestic/agricultural structures thereon. It was noted that a small parcel of Government Land at the north-east of the site not covered by the application was being occupied for use as a logistics centre for cargo handling and forward facility. Application for Short Term Waiver and Short Term Tenancy should be made by the applicant/landowner(s) to regularise the irregularities on the sites, otherwise his office should consider taking appropriate lease enforcement and land control action against the registered owners and the operator respectively. However, his office did not guarantee the approval upon the receipt of application;
  
- (c) note the Assistant Commissioner for Transport/New Territories' comments that land status of the road/path/track leading to the site should be check with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified with relevant lands and maintenance authorities;
  
- (d) adopt environmental mitigation measures as set out in the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
  
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for the provision of water supply to the development, the applicant might need to extend the 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's

standards;

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3s) at building plan submission stage; and
  
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Relevant building plans should be submitted incorporated with the proposed fire services installations to his department for approval even though the submission of general building plans was not required under the BO.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-TYST/369 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in "Undetermined" zone, Lot 1040(Part) in DD 119, Pak Sha Tsuen, Yuen Long  

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(RNTPC Paper No. A/YL-TYST/369)

Presentation and Question Sessions

95. Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the

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

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

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition 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 located in the immediate south and west and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Undetermined” (“U”) zone since there was no known programme for permanent development for this part of the “U” zone. The development was considered not incompatible with the surrounding areas which were mainly occupied by open storage yards, warehouses and workshops. Regarding DEP's concern on environmental nuisance to sensitive receivers, it was noted that the development was only for storage purpose in an enclosed warehouse. Approval conditions as recommended in paragraphs 11.3(a) to (d) would be imposed to minimise any potential environmental impacts from the development.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no open storage or workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no vehicles over 5.5 tonnes, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.5.2008;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.2.2008;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2008;

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

99. The Committee agreed to remind the applicant that prior planning permission should have been obtained before construction of the warehouse on the application site.

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

- (a) note that a shorter compliance period was imposed so as to monitor the fulfilment of approval conditions;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that the occupation area delineated by the fence was different from the area under the planning application. Such occupation area encroached on Lots 1041 and 1042 in D.D. 119 and the Government land adjoining Lot 1040. Unauthorised structures were also found erected in the occupation area. His office reserved the right to take lease enforcement and land control actions against the irregularities. The applicant should clarify the consistency between the occupation area and the planning application area. The applicant should also apply for Short Term Waiver and Short Term Tenancy to

regularise the irregularities on the site, otherwise his office should consider taking appropriate lease enforcement and land control action against the registered owners and the operator respectively. However, his office did not guarantee the approval upon the receipt of application;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (e) note the Assistant Commissioner for Transport/New Territories' 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;
- (f) note the Chief Highways Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track between the site and Kung Um Road;
- (g) follow the latest Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses issued by the Environmental Protection Department;
- (h) note the Director of Fire Services' comments that relevant building plans



incorporating the proposed fire service installations should be submitted to his department for approval even though the submission of general building plans was not required under the BO; and

- (i) note the Chief Engineer/Development(2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-HT/487 Temporary Open Storage of Containers for a Period of 3 Years in "Recreation" zone, Lots 383(Part), 386(Part), 387(Part), 388(Part), 389, 390, 391, 392(Part), 393, 394(Part), 395(Part), 396(Part), 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413(Part), 416(Part), 424(Part), 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443A, 443B, 445, 446, 447, 448, 450, 451(Part), 452(Part), 453, 454, 455, 456, 457, 458A(Part), 458B(Part), 458C(Part), 459A, 460, 461, 462, 463, 464, 465(Part), 466, 467(Part), 547(Part), 548 (Part), 549, 550(Part), 551(Part), 552(Part), 559(Part), 560(Part), 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574(Part), 575(Part), 576(Part), 577(Part), 578(Part) and 579(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/487)
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#### Presentation and Question Sessions

101. Mr. Anthony C.Y. Lee, STP/TMYL, informed that replacement pages 13, 17 and Appendix V for the Paper had already been sent to Members. He then presented the

application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and along the access road (San Wai Road and Tin Ha Road) and environmental nuisance was expected. The Environmental Assessment submitted by the applicant failed to address the issue of noise nuisance on sensitive receivers along the access roads. The Assistant Commissioner for Transport/New Territories considered that approval of the application might set an undesirable precedent for other similar applications. The Traffic Impact Assessment had not addressed the cumulative adverse traffic impact on the nearby road network caused by similar application in the surrounding areas. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as the site, which was already formed, hard paved and in use, was considered not in harmony with the surrounding environment which was embraced by green belts with lush vegetation and of green and natural landscape character. The Chief Engineer/Mainland North, Drainage Services Department raised a number of technical concerns on the Drainage Impact Assessment (DIA) and required the submission of a revised DIA;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the applied use was not in line with the “Recreation” (“REC”) zoning and of excessive scale, and it would generate traffic pressure on San Wai Road and affect the environment; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The applied use was not in line with the planning intention of the “REC” zone.

It was not compatible with the surrounding uses which was a predominantly rural neighbourhood, and environmental nuisance generated from the site was expected. The open storage use was considered not in harmony with the surrounding environment from landscape planning point of view. The technical assessments on traffic, environmental and drainage impacts submitted with the application were not acceptable to concerned departments. There was insufficient information in the submission to demonstrate that the applied use would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. It had been the Town Planning Board's practice that sites in the "REC" zone not directly abutting San Wai Road would only be approved on sympathetic consideration under special circumstances.

102. Members had no question on the application.

#### Deliberation Session

103. 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 "Recreation" zone, which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would result in degradation of the natural

environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-HT/515 Temporary Logistics Centre, Container Vehicle Park, Open Storage of Containers and Construction Materials with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2187RP(Part), 2380RP(Part), 2381RP, 2382, 2383RP(Part), 2384A(Part), 2384B(Part), 2385RP, 2415RP(Part), 2416, 2417(Part) and 2418RP(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/515)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre, container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road (Lau Fau Shan Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Comprehensive Development Area” zone since there was not yet any programme/known intention to implement this zoned use. To address DEP's concern, approval conditions as recommended in paragraphs 12.3(a) to (d) of the Paper would be imposed to minimise any potential environmental impacts from the development.

105. Members had no question on the application.

#### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 7 storeys at any time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application

No. A/YL-HT/361 should be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.2.2008;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.5.2008;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.8.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site; and
- (b) follow the latest Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-MP/162 Proposed School Extension and Minor Relaxation of Plot Ratio Restriction in “Residential (Group C)” zone, Lot 4739 in DD 104, Fairview Park, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/162)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school extension and minor relaxation of plot ratio restriction;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

109. Members had no question on the application.

Deliberation Session

110. 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 30.11.2011, 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 landscape planting on the site should be maintained during the approval period; and
- (b) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that Building (Planning) Regulation 41D regarding the provision of EVA was applicable to the new extension, detailed comments would be given at building plan submission stage; and
- (c) note the Director of Electrical and Mechanical Services' comments that the Code of Practice on Working near Electricity Supply Lines established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.



**Agenda Item 7**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/80-4      Application for Amendment to Permission –  
Proposed Residential Development (Amendments to the Scheme  
Previously Approved under Application No. A/YL-LFS/80)  
in “Green Belt” zone,  
Various Lots in DD 129 and Government Land,  
Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/80-4C)

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**Presentation and Question Sessions**

112.            The Secretary informed that replacement page 3 for the Paper had already been sent to Members. The Committee noted that the applicant on 19.11.2007 requested for a deferment of the consideration of the application to allow time for preparing clarifications to departmental comments.

**Deliberation Session**

113.            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 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 (a total of six months had been 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 Messrs. W.M. Lam, Frederick S.T. Ng and Anthony C.Y. Lee, STPs/TMYL, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

**Agenda Item 8**

Any Other Business

114.        There being no other business, the meeting was closed at 5:45 p.m..