

TOWN PLANNING BOARD

Minutes of 372nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.5.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose Cheong

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

Assistant Director/New Territories, Lands Department
Mr. Chris Mills

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Tony C.N. Kan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Miss Vivian M.F. Lai

Agenda Item 1

Confirmation of the Draft Minutes of the 371st RNTPC Meeting held on 9.5.2008

[Open Meeting]

1. The draft minutes of the 371st RNTPC meeting held on 9.5.2008 were confirmed subject to the following amendments :

- (a) line 3 of paragraph 59(f), add ‘from Ping Ha Road’ before ‘...should be checked...’; and
- (b) lines 2 and 4 of paragraph 70(e), add ‘proposed access road between the site and Kam Tin Road’ after ‘...the land status of the...’, and ‘access road’ before ‘...should be clarified...’.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

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

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Ma On Shan Outline Zoning Plan No. S/MOS/13

(RNTPC Paper No. 7/08)

3. The Secretary reported that the proposed amendment was related to land vested to the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item.

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

4. The Committee noted that Ms. Hsia and Mr. Cheng had tendered apologies for being unable to attend the meeting. Since the consideration of the proposed amendment to the subject OZP was part of the plan-making process, the interest of the above Members was considered indirect. The above Members were allowed to stay in the meeting and participate in the discussion of and determination on this item.

Presentation and Question Sessions

5. Mr. W.W. Chan, STP/STN, presented the proposed amendments and covered the following aspects as detailed in the Paper :

- (a) background to the proposed amendments - on 10.8.2007, the Rural and New Town Planning Committee (the Committee) agreed to a s12A application (Application No. Y/MOS/1) for amendment to the approved Ma On Shan OZP No. S/MOS/13 to rezone a site at the junction of Hang Chi Street and Hang Tai Street, Area 86B, Ma On Shan from "Road" to "Residential (Group B) 2" ("R(B)2") to integrate with the "R(B)2" zone to its north for a public rental housing (PRH) development.;
- (b) proposed amendments to the Outline Zoning Plan (OZP) –to take forward the Committee's decision, the subject site would be rezoned to "R(B)2";

- (c) departmental comments – no objection was received from relevant departments except from a Sha Tin District Councillor who raised concern on the deletion of a footbridge connecting the proposed public housing developments at Area 86B and the ‘C’ site at Area 77. In this regard, the Director of Housing (D of H) considered and the Assistant Commissioner for Transport/NT concurred, that given the existing subways and at-grade pedestrian crossing in the area, the need for the proposed footbridge was not imminent. But the D of H would reserve an area in Area 86B so that a pedestrian link could be built if need arose in future. The Project Manager/NT East of the Civil Engineering and Development Department pointed out that the proposed footbridge had to cross over the elevated Ma On Shan Railway and associated structures, resulting a height of over 20m above ground, which would unlikely be attractive to pedestrians; and
- (d) the proposed amendments would be submitted to the Sha Tin District Council and Sha Tin Rural Committee for consultation before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedule.

6. Members had no question on the proposed amendments.

Deliberation Session

7. After deliberation, the Committee decided to :

- (a) agree to the proposed amendment to the approved Ma On Shan OZP No. S/MOS/13 as mentioned in paragraph 4 of the Paper;
- (b) agree that the amendment Plan No. S/MOS/13A at Annex B (to be renumbered to S/MOS/14 upon gazetting) and its Notes at Annex C were suitable for exhibition for public inspection under section 5 of the Ordinance;

- (c) adopt the revised Explanatory Statement (ES) at Annex D as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Ma On Shan OZP and to be issued under the name of the Board; and
- (d) agree that the revised ES at Annex D was suitable for exhibition for public inspection together with the draft OZP No. S/MOS/13A (to be renumbered to S/MOS/14 upon gazetting).

Agenda Item 4

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/7

(RNTPC Paper No. 9/08)

8. The Secretary reported that the proposed amendment was related to land owned by 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. Y.K.Cheng had tendered apologies for being unable to attend the meeting. Since the consideration of the proposed amendment to the subject OZP was part of the plan-making process, the interest of the above Members was considered indirect. Mr. Yap was allowed to stay in the meeting and participate in the discussion of and determination on this item.

Presentation and Question Sessions

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

- (a) background to the proposed amendments - on 10.8.2007, the Rural and New Town Planning Committee (the Committee) approved an application No. A/NE-SSH/26-1 for minor amendments to an approved comprehensive

residential and recreational development including Government, Institution and Community facilities. The approved scheme resulted in a reduction in gross floor area (GFA) which made it more compatible with the surrounding areas;

- (b) proposed amendments to the Outline Zoning Plan (OZP) –to take forward the Committee’s decision, the Notes of “Comprehensive Development Area” (“CDA”) zone would be amended accordingly;
- (c) departmental comments – no adverse comments was received from relevant Government departments; and
- (d) the proposed amendments would be submitted to the Sai Kung District Council for consultation after gazetting of the proposed amendments.

10. In response to a Member’s query, Dr. Kenneth S.S. Tang reported that the proposed deletion of access restriction in paragraph 9.9.2(b) of the updated Explanatory Statement (ES) was an advice from the Director of Agriculture, Fisheries and Conservation. Noting some Members were of the view that the access restriction could help to protect and ensure the survival of the mangrove marsh from littering and trampling by visitors, the Chairman proposed and Members agreed that the paragraph should be retained in the ES.

Deliberation Session

11. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Shap Sz Heung OZP No. S/NE-SSH/7A as described in paragraph 3 of the Paper;
- (b) agree that the Amendment Plan No. S/NE-SSH/7A at Annex B (to be renumbered to S/NE-SSH/8 upon gazetting) and the Notes of the Amendment Plan at Annex C were suitable for exhibition for public inspection under section 5 of the Ordinance;

- (c) subject to retaining paragraph 9.9.2(b) in the Explanatory Statement, adopt the updated Explanatory Statement (ES) at Annex D as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Shap Sz Heung OZP and to be issued under the name of the Board; and
- (d) agree that the updated ES at Annex D was suitable for exhibition for public inspection together with the draft Shap Sz Heung OZP.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-LYT/374 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1824C in DD 76,
Ma Mei Ha Leng Tsui,
Fanling

(RNTPC Paper No. A/NE-LYT/374)

12. The Secretary reported that a public comment objecting to the application was received on 22.5.2008, but it was filed out-of-time.

Presentation and Question Sessions

13. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – the Assistant Commissioner for Transport/NT (AC for T/NT) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation. AC for T/NT considered that, despite insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent case for similar applications causing substantial adverse traffic impact. CTP/UD&L pointed out that there was no landscape proposal in the submission to mitigate the adverse impact on existing landscape character/resources of the application site including the well maintained trees;
- (d) during the statutory publication period, one public comment stating no comment and one public comment with 12 signatures objecting to the application were received. The objection was on the ground that the present village living environment would be disrupted by the proposed development. The developer of this cluster of Small Houses had given them a false impression that the mini-soccer pitch, barbecue site and small farm at the rear of the village were available for use and would remain unchanged for at least eight to ten years. The District Officer (North) advised that the Chairman of Fanling District Rural Committee, the Indigenous Inhabitants Representatives and the Residents' Representative of Ma Mei Ha Leng Tsui had no comment on the application; and
- (e) PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. Notwithstanding AC for T/NT's reservation, a total of 6 similar applications were approved in the vicinity of the application site within the same zone, and most of the concerned Government departments had no objection to this application. The concern of CTP/UD&L could be addressed through imposing appropriate approval condition. As to the local objection, the applicant would be advised to liaise with the villagers to address their concerns.

14. In response to the Chairman and a Member's query, Mr. W.W. Chan advised that the recreation facilities were on private land. The barbecue site to the immediate west of the

application site was previously approved for NTEH, and thus the proposed development would be surrounded by NTEHs eventually.

Deliberation Session

15. 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 23.5.2012, 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 firefighting 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 tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that:
 - (i) the application site was located within WSD flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
 - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with

the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works; and
- (c) to liaise with the villagers to address their concerns.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-TK/253 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1738ARP in DD 17,
Lung Mei,
Tai Po
(RNTPC Paper No. A/NE-TK/253)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received requesting for an access path to his house located in the vicinity of the application site; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The local request was relayed to the District Lands Officer/Tai Po who would consider the access issue when processing the Small House application.

18. Members had no question on the application.

Deliberation Session

19. 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 23.5.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal 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 fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (c) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (d) based on the information provided by CLP Power Hong Kong Limited, there were low voltage underground cables in the vicinity of the site. The applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-TK/254 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 254F in DD 26,
Wong Yue Tan,
Tai Po

(RNTPC Paper No. A/NE-TK/254)
- (iv) A/NE-TK/255 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 254E in DD 26,
Wong Yue Tan,
Tai Po

(RNTPC Paper No. A/NE-TK/255)
- (v) A/NE-TK/256 Proposed 2 Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 254G, 255J and 255K in DD 26,
Wong Yue Tan,
Tai Po

(RNTPC Paper No. A/NE-TK/256)

21. Noting that the three applications were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together.

22. The Secretary said that the following members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted comments on the applications, declared interests in this item :

- Prof. David Dudgeon - being members of the Mai Po management and Development Committee under the WWF
- Dr. James C.W. Lau - being an ex-member of WWF

23. The Committee noted that Prof. Dudgeon had tendered apology for being unable to attend the meeting. As Dr. Lau was only an ex-member of WWF, his interest was considered indirect. He was allowed to stay in the meeting and participate in the discussion of and determination on this item.

Presentation and Question Sessions

24. Dr. Kenneth S.S. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Assistant Commissioner for Transport/NT (AC for T/NT) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation on the application. AC for T/NT considered that, despite insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent for similar applications, the cumulative traffic impact of approving such applications would be substantial. CTP/UD&L pointed out that the landscape in the “Green Belt” (“GB”) and the nearby “Conservation Area” (“CA”) zones were largely undisturbed and still predominately rural, and the application site contained tall grass and young seedlings of an exotic invasive species. She was concerned that the mature trees in the wooded area to the west of the application site would be susceptible to felling for the village expansion. The Director of Agriculture, Fisheries and Conservation also raised concern on the same issue;

- (d) during the statutory publication period, the District Officer/Tai Po (DO/TP) received objections from the Indigenous Inhabitants' Representative (IIR) and the Resident Representative of Wong Yu Tan on grounds that the applicant was not of their same 'Heung'. Two public comments, from WWF Hong Kong (WWF HK) and Kadoorie Farm & Botanic Garden corporation (KFBG) objected to the application on grounds that the cumulative impact of approving similar applications in the area would adversely affect the landscape value of the "GB" zone and erode its buffer function between the residential area and the "CA" zone at Shuen Wan Marsh; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. Regarding the concern of allowing further expansion of the village westward, similar application would have to be submitted to the Town Planning Board for approval, and no applications falling outside the village environ had been approved so far. In response to local villagers' objection, the District Lands Officer/ Tai Po confirmed that the Chuen Shui Tseng Village (A/NE-TK/254), Kam Shan Village (A/NE-TK/255), Luk Heung Chung Pui Village (A/NE-TK/256), Tai Po Mei Village (A/NE-TK/256) and Wong Yue Tan Village (A/NE-TK/254, 255 and 256) were within Tai Po 'Heung'.

25. Members had no question on the applications.

Deliberation Session

26. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.5.2012, 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. Each permission was subject to the following conditions:

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

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

- (a) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the applicant(s) might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (c) the applicant(s) should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant(s) should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/PSK/7 Proposed Minor Relaxation of Building Height Restrictions in “Residential (Group B)2” and “Residential (Group B)3” zones, Tai Po Town Lots 187 and 188, Pak Shek Kok, Tai Po
(RNTPC Paper No. A/PSK/7)
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28. The Secretary said that the application was submitted by subsidiaries of Nan Fung Development Co. Ltd. and Sino Land Co. Ltd. The Chairman invited Members to declare interest, if any, on this item.

29. The Secretary reported that a replacement page (page 7) of the Paper incorporating the revised comments from the Chief Architect/ASC of the Architectural Services Department, a letter received on 22.5.2008 from the applicant responding to the Director of Environmental Protection (DEP)’s comment, and a petition letter received on 23.5.2008 from the Incorporated Owners of Deerhill Bay were tabled at the Meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application –
- i. when the draft Pak Shek Kok (East) OZP No. S/PSK/2 was exhibited for public inspection on 26.3.1999, there were strong objections from the residents of Deerhill Bay against the proposed land use zonings and development restrictions which covered the application site;
 - ii. the Planning Department then undertook a review and recommended a development option with reduced plot ratio and building height to

achieve a stepped height profile descending towards to the Tolo Harbour while protecting the ridgeline. In respect of the application site, development was restricted to a domestic plot ratio (PR) of 3.5 and a building height (BH) of 45m under “Residential (Group B)2” (“R(B)2”) zone, and a domestic PR of 3 and non-domestic PR of 0.2 and a BH of 30m under “R(B)3” zone. The recommendations were agreed by the Town Planning Board (TPB) on 23.6.2000;

- iii. During further considerations of objections on 15.10.1999 and 12.5.2000, the TPB had concern on the impact of the noise barriers along the Tolo Highway, and agreed that, with the proposed reduction in PR and BH of the residential sites, the concerned section of noise barriers should be deleted and alternative mitigation measures such as design and layout of the application sites should be adopted; and
 - iv. the application sites were sold by public auction on 13.3.2007. The subject application was submitted on 2.11.2007, 8 months after the public auction. Consideration of the application was deferred twice at the request of the applicant.
- (b) the proposed minor relaxation of building height restrictions from 30m to 36m and 45m to 57.6m to allow for the incorporation of communal sky gardens in a residential development at the application site;
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) advised that the subject lots were sold by public auction in March 2007; and under the prevailing land policy, major lease modification would not normally be entertained for auction site within 5 years from the date of sale. The DEP did not support the application as the noise impact assessment (NIA) in the submission did not dovetail with the Information Statement (IS) accompanying the land sale document on traffic noise compliance through layout design instead of building noise barriers at Tolo Highway. The Project Manager (NT North and West) (PM/NT N&W) of the Civil Engineering and Development Department and the Chief Engineer/ Major

Works 1-1 (CE/MW1-1) of the Highways Department also cautioned that the assumption in the submitted noise impact assessment that noise barrier would be provided along Tolo Highway did not comply with IS;

- (d) during the statutory publication period, the District Officer/Tai Po (DO/TP) received strong objections from the residents of Deerhill Bay on the grounds that the proposal was not minor in nature and it would induce adverse visual/environmental impacts. They also considered that it was not fair to the public and other purchasers to relax the building height of the application site soon after the public land auction. A Tai Po District Councillor supported the objection raised by the residents of Deerhill Bay. Eleven public comments were received objecting to the application on concerns of adverse visual and environmental impacts, and fairness to the public and other purchasers; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper. The proposal was not in line with the TPB's intention for imposing building height restrictions to meet public objections to the OZP. The submitted scheme was based on the assumption that relevant noise barriers would be introduced back along the Tolo Highway, which was not in line with TPB's decision, and the applicant had not demonstrated that the proposal would not result in exposing residents to adverse traffic noise impact. The proposed scheme was considered visually prominent and excessive, and the proposed increase in height was not minor in nature. Adverse departmental and public comments were received.

31. In response to a Member's query, Mr. Chris Mills explained that under the land policy, Lands Department would not entertain major lease modification for auction site within five years from the date of sale. In this case whether such modification was major or not remained to be decided by the Lands Department. He however considered that the issue was not a material consideration in determining the application.

32. With regard to applicant's letter of 22.5.2008 tabled at the meeting, Mr. C.W. Tse explained that in the NIA submitted by the applicant, the first and second scenario assumed that the noise barriers would be built by the Government. This assumption did not dovetail with the IS which stated that 'the noise barriers will not be constructed by the Government' and that 'any openings on the façade of any noise sensitive rooms.... shall not have a line-of-sight of the Tolo Highway and Chong San Road.'. The third scenario in the NIA concluded that if the noise barrier was not built by the Government, adverse traffic noise impact of the proposal could not be mitigated to meet the standards. In other words, the NIA failed to comply with traffic noise requirements. Considering the above and that more flats would be exposed to road traffic noise because of the increased in building height, DEP did not support the application.

Deliberation Session

33. A Member remarked that for low to medium rise buildings, sky gardens were not necessary. It would not create the positive effect as that for the high-rise buildings in terms of permeability and air ventilation, but would generate adverse noise and visual impacts. There were no clear planning merits for the proposal. Members agreed.

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

- (a) the application was not in line with the Board's intention for imposing building height restrictions to meet public objections to the Pak Shek Kok Outline Zoning Plan;
- (b) there was insufficient information in the submission to demonstrate that the increase in building height would not result in an increase in number of flats exposed to adverse traffic noise impact;
- (c) the proposed relaxation of building height restrictions from 30m to 36m and 45m to 57.6m on the site was considered not minor in nature; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. Regarding the concern of setting precedent for village boundary expansion, the consideration of each case was on its own merits and similar application would have to be submitted to the Town Planning Board for approval.

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 23.5.2012, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

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

- (c) departmental comments – the Assistant Commissioner for Transport/NT (AC for T/NT) had reservation and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application. AC for T/NT considered that, despite insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent case for similar applications causing substantial adverse traffic impact. CTP/UD&L pointed out that there was no landscape proposal in the submission to mitigate the adverse impact on existing landscape character/resources of the application site including a native tree adjacent to the application site;

- (d) during the statutory publication period, two public comments were received. An Indigenous Inhabitant Representative of Ha Wong Yi Au supported the application. The Kadoorie Farm and Botanic Garden Corporation expressed concerns on the lost of “Green Belt” function of the application site, lost of native trees at the application site, and potential landslide hazard of the application site. The District Officer (Tai Po) (DO/TP) advised that the Indigenous Inhabitants’ Representative (IIR) of Ha Wong Yi Au Village supported the application and the Residents’ Representative of the village had no comment; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Green Belt” zone. It did not comply with the Town Planning Board Guidelines No. 10 in that it would involve clearance of native tree and affect the existing natural landscape of the surrounding environment, nor meet the interim criteria for assessing planning applications for Small House development. There was insufficient information in the submission to justify the departure from planning intention, and to demonstrate that the development would not cause adverse landscape impacts on the surrounding areas.

40. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that it would involve clearance of native tree and affect the existing natural landscape of the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

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

Tuen Mun and Yuen Long District

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/164 Proposed Temporary Container Storage Yard
(Truck Waiting Area with Transitional Storage Ancillary
to an Existing Use of Container Storage)
for a Period of 3 Years
in “Green Belt” zone,
Lot 167(Part), 178BRP(Part) and 180RP(Part) in DD 132
and Adjoining Government Land,
Hong Po Road,
Tze Tin Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/164)
-

42. The Secretary reported that a public comment objecting to the application, which was received on 22.5.2008, was tabled at the meeting for Members’ reference. The public comment was filed out-of-time.

Presentation and Question Sessions

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

- (a) background to the application – the site was involved in an enforcement case concerning storage use. To the immediate north abutting the site was a container storage yard considered as an ‘existing use’ (EU) tolerated under the Town Planning Ordinance;

- (b) the proposed temporary container storage yard (truck waiting area with transitional storage ancillary to an existing use of container storage) 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 application site and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from a Tuen Mun District Councillor supporting the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Green Belt” (“GB”) zone and not compatible with the residential dwellings in the surrounding areas. The applied use, which would imply an intensification of the EU within the “GB” zone, should not be encouraged. It did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval and there were adverse departmental comments. There was insufficient information in the submission to justify the departure from planning intention even on a temporary basis, and to demonstrate that the development would not cause adverse environmental and drainage impacts on the surrounding areas.

44. Members had no question on the application.

Deliberation Session

45. Mr. Ambrose Cheong said that that the proposed use for truck waiting area per se might help relieving the congestion of truck queuing on the road. The Chairperson remarked that such waiting area should have been accommodated within the existing container storage yard next to the application site.

46. 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 “Green Belt” (“GB”) zone. There was no strong justification for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the vicinity;
- (c) there was insufficient information to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas;
- (d) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (e) no similar application for the applied use was approved in the same “GB” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/541 Temporary Public Vehicle Park (Private Cars and Container Vehicles) for a Period of 3 Years in “Comprehensive Development Area” zone, Lot 3323B1 in DD 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/541)
-

Presentation and Question Sessions

47. 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 public vehicle park (private cars and container vehicles) 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 application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP’s concern, appropriate approval conditions restricting the operation hours and workshop activities, and advisory clause were recommended.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night time operation between 7:00 pm to 7:00 am was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, repairing or workshop activities should be permitted on the application site during the planning approval period;
- (d) no vehicle without valid licenses issued under the Traffic Regulations was allowed to be parked/stored on the site;
- (e) the implementation of the accepted landscape proposals as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.11.2008;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.2.2009;
- (h) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.11.2008;
- (i) in relation to (h) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the

Director of Highways or of the TPB by 23.2.2009;

- (j) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (c) note the District Lands Officer/Yuen Long’s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office;
- (d) note the Chief Engineer/Land Works, Civil Engineering and Development Department’s comments that the ingress/egress via Ping Ha Road to/from

the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” commenced in December 2007, and that he should not be entitled for any compensation thereof;

- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly; and
- (f) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)’s comments to construct a run-in at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the type of pavement of adjacent footpath.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/542 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 26RP(Part) and 29RP(Part) in DD 128, Lots 2401(Part), 2402, 2403(Part), 2407(Part), 2409RP(Part), 2420RP(Part), 2422RP(Part), 2423(Part), 2424(Part), 2425(Part), 2426(Part), 2427(Part), 2428, 2429, 2430(Part), 2431(Part), 2439(Part), 2443RP(Part), 2974(Part), 2975A(Part), 2975B(Part), 2977A(Part), 2979(Part), 2980(Part), 2982RP and 2983RP(Part) in DD 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/542)
-

Presentation and Question Sessions

51. 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 open storage of containers with ancillary office 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 application site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours and stacking height of the containers/materials, and advisory clause were recommended.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night time operation between 7:00 pm to 7:00 am was allowed on the site at any time during the 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 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 setting back of the site boundary from the project limit of PWP Item No. 235DS “Fung Kong Tsuen Drainage Improvement” to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/385 should be maintained at all times during the planning approval period;
- (g) the existing trees on the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.11.2008;
- (i) the replacement of all the missing trees within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (j) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or

of the TPB by 23.11.2008;

- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the District Lands Officer/Yuen Long’s comments that the lots under application were Old Schedule Agricultural Lots held under the Block

Government Lease under which no structure was allowed to be erected without prior approval from his Office; and

- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities shall be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/543 Temporary Open Storage of Used Vehicle Tyres with Tyre Repair Workshop for a Period of 3 Years in "Undetermined" zone, Lots 1959B(Part), 1959C(Part) and 1965(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/543)
-

Presentation and Question Sessions

55. 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;

[Mr. B.W. Chan left the meeting temporarily at this point.]

- (b) the temporary open storage of used vehicle tyres with tyre 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 application site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours and advisory clause were recommended.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the application 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 setting back of the site from the works limit of the Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;

- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.11.2008;
- (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 23.11.2008;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2009;
- (i) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

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

- (a) prior planning permission should be obtained before commencing the public vehicle park on the site;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the District Lands Officer/Yuen Long’s comments that the site situates on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver and Short Term Tenancy to regularize the structures on site and the unauthorized occupation of Government land. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established direct lease enforcement and land control programme;
- (e) note the Chief Engineer/Land Works, Civil Engineering and Development Department’s comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” commenced in December 2007, and that he should not be entitled for any compensation thereof;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (g) note the Director of Fire Services’s comments to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating the FSIs proposal, the applicant was advised to note:

- (i) The building plans should be drawn to scale and depicted with dimensions;
- (ii) The location where the proposed FSIs were to be installed should be clearly marked on the building plans; and
- (iii) The usage of each proposed structure should be clearly marked on the building plans.

The applicant should approach his Dangerous Goods Division for advice on licensing of the premises for open storage of used vehicle tyres and repair workshop purposes, and should the storage of tyres exceeds 500 nos., the applicant should notify his Department within 48 hours and additional fire safety requirements would be formulated for compliance accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/544 Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in “Village Type Development” zone,
Lot 376(Part) in DD 124,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/544)
-

Presentation and Question Sessions

59. 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 public utility installation (telecommunications radio base station);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper.

60. Members had no question on the application.

Deliberation Session

61. 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 23.5.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposals to the satisfaction of Director of Fire Services or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long that the site situates on an Old Schedule Agricultural lot granted under the Block Government Lease under which no structure was allowed to be erected without prior approval of his office, and to apply for Short Term Waiver for

the structures to be erected on site;

- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the comments of the Chief Building Surveyor/NT West, Buildings Department that formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and detailed comments on the plot ratio and site coverage would be offered upon formal submission of building plans to his department;
- (e) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of building plans; and
- (f) note the comments of the Director of Health that any location in the vicinity of the proposed radio base station accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields applicable to workers and the public respectively in the 'Code of Practice for the Protection of Workers and Members of the Public against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment' issued by the Office of the Telecommunications Authority (OFTA), ensure that the non-ionizing radiation level of any location in the vicinity of the proposed mobile radio base station accessible to the workers and the public would meet the relevant exposure limits applicable to workers and the public respectively, as recommended by the International Commission on Non-Ionizing Radiation Protection, taking into consideration the combined

effects of transmissions from the same site or sites in the vicinity, and that the compliance with the OFTA code be verified by direct on-site measurement, performed by relevant parties, upon commissioning of the concerned base station.

[Mr. Chris Mills left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-HT/546 Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in “Coastal Protection Area” zone,
Lot 595RP(Part) in DD 128,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/546)
-

Presentation and Question Sessions

63. 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 public utility installation (telecommunications radio base station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper in that the proposed development was not in line with the planning intention of the “CPA” zone in which there was a general presumption against development and there was insufficient information to justify the location of the proposed use at “CPA” zone.

64. Members had no question on the application.

Deliberation Session

65. 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 “Coastal Protection Area” (“CPA”) zone where there was a general presumption against development;
- (b) there was insufficient information to justify locating the development in the “CPA” zone; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Messrs. B.W. Chan and Chris Mills returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-NTM/222 Proposed Temporary Container Vehicle Park
with Ancillary Repairing Workshop for a Period of 5 Years
in “Open Storage” zone,
Lots 2327, 2328(Part), 2329, 2330, 2344, 2345, 2346,
2347, 2348, 2349, 2844RP, 2845(Part), 2849(Part),
2850, 2851RP, 2854, 2855, 2856, 2857, 2858RP,
2859RP, 2861(Part), 2863(Part), 2864, 2865, 2866(Part),
2870(Part), 2874(Part), 2875(Part), 2893(Part), 2895(Part),
2896(Part), 2897, 2898(Part) and 2899(Part) in DD 102,
and Adjoining Government Land,
Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/222)
-

Presentation and Question Sessions

66. The Committee noted that on 5.5.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time for him to prepare supplementary information to address the interface problem between the Site and the drainage project under PWP Item No. 118CD.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-KTN/296 Proposed Two New Territories Exempted Houses
(Small Houses)
in “Agriculture” zone,
Lots 946A, 946B, 948A2A and 948A2RP, in DD 109,
Tai Kong Po,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/296)
-

Presentation and Question Sessions

68. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Two New Territories Exempted Houses (Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper.

69. Members had no question on the application.

Deliberation Session

70. 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 23.5.2012, 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 setting back of the eastern boundary of the application site to avoid encroachment upon the works limit of the road project “Upgrading of Tai Kong Po Access Road, Pat Heung, Yuen Long” to the satisfaction of the Director of Highways or of the TPB; and
- (c) the setting back of the eastern boundary of the application site to avoid the existing water mains to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) note the Chief Engineer/Development(2) Division, Water Supplies Department’s comments that the existing water mains would be affected. The applicants were required to pay for the costs of any necessary diversion of the existing water mains. Should diversion be not feasible, a Waterworks Reserve within 1.5m from the centerline of the water mains should be provided. No structure or storage was allowed within the waterworks reserve area and the Water Authority and his officers and contractors, his or their workmen should have free access to such area for carrying out any necessary water works;
- (b) note the Chief Engineer/Mainland North and the Chief Engineer/Drainage Projects, Drainage Services Department’s comments that the proposed development should not cause hindrance to the existing overland flow. Otherwise, mitigation measures should be provided;
- (c) note the Director of Fire Services’s comments that emergency vehicular access, fire hydrant and fire service installations (FSIs) would be required

in accordance with the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by Lands Department. Detailed fire safety requirements on emergency vehicular access, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long; and

- (d) note the Director of Electrical and Mechanical Services’s comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were 11kV and low voltage overhead electricity supply lines in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicants of the proposed development, his/her contractors and/or site workers etc.) should consult CLPP and if diversion of the existing 11kV and/or low voltage overhead lines in the vicinity of the proposed structure was necessary, they should liaise with CLPP to arrange diversion of the overhead lines. Besides, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-KTS/421 Temporary Open Storage of Construction Materials
and Machinery for a Period of 3 Years
in “Agriculture” zone,
Lot 1595(Part) in DD 113,
Ma On Kong,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTS/421)
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72. The Secretary said Top Bright Consultants Ltd. (TBC) was a consultant of the application. Dr. James C.W. Lau, having current business dealings with TBC, had declared interests in this item.

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

Presentation and Question Sessions

73. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery 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, i.e. residential structures, in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application as the development would damage the existing landscape character/ resources which formed the landscape foreground to the backdrop of the Tai Lam Country Park and the surrounding areas zoned “Conservation Area” (“CA”);
- (d) during the statutory publication period, comments from a Yuen Long District Councillor and the representative of the Ho Pui Tsuen were received. They objected to the application mainly because the unauthorized use generated heavy vehicle trips which overloaded the roads and pavement, unauthorized access points were created causing adverse impacts to other road users, and the use would generate adverse sewage and noise impacts. The District Officer (Yuen Long) (DO/YL) received an objection from the Yuen Long District Councillor which was the same as the public comment; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper.

The development was not in line with the planning intention of the “Agriculture” zone and not compatible with the pre-dominantly rural surrounding land uses and adjacent large woodland zoned “CA”. The use did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval and there were adverse departmental comments and local objections. There was insufficient information in the submission to justify the departure from planning intention even on a temporary basis, and to demonstrate that the development would not cause adverse environmental, landscape and drainage impacts on the surrounding areas.

74. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13D in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from Government departments;
- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PH/561 Temporary Open Storage of Private Cars Prior to Sale for a Period of 3 Years in “Village Type Development” zone, Lots 327(Part), 328A to 328C, 328D(Part), 328E(Part), 328F(Part), 328G(Part), 328H, 328RP, 329A(Part), 329B(Part), 329C(Part), 329D to 329N, 329RP, 330A1(Part), 330A2, 330A3, 330ARP and 330BRP(Part) in DD 111 and Adjoining Government Land, Fan Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/561)
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Presentation and Question Sessions

76. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the temporary open storage of private cars prior to sale for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the

vicinity of the application site and environmental nuisance was expected. The District Lands Officer/Yuen Long (DLO/YL) advised that his office had received Small House applications on some lots within the application sites, of which two were approved and six were under processing;

- (d) during the statutory publication period, one public comment was received objecting to the application on grounds of adverse noise, environmental, traffic and traffic safety impacts arising from the development to the surrounding area including the adjacent stream course; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The development would frustrate the planning intention of “Village Type Development” zone and the permanent development of Small Houses by indigenous villagers given that there were approved and processing Small House applications at the application site. Open storage was not considered compatible with the surrounding land uses. In addition, the application was not in line with TPB Guidelines No. 13D in that there were adverse departmental comments and local objection. There was insufficient information in the submission to justify the departure from planning intention even on a temporary basis, and to demonstrate that the development would not cause adverse environmental impact on the surrounding areas.

77. Members had no question on the application.

Deliberation Session

78. 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 “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered

suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13D) in that the development was not compatible with the residential dwellings in the vicinity of the site, there were no exceptional circumstances to merit approval of the application and also there were adverse departmental comment and local objection against the applied use; and
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TYST/390 Renewal of Planning Approval for Temporary ‘Open Storage of Construction Machinery and Material’ Use for a Period of 2 Years until 2.6.2010 in “Undetermined” zone, Lots 2416RP(Part), 2417(Part) and 2418(Part) in DD 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/390)
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Presentation and Question Sessions

79. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for Temporary 'Open Storage of Construction Machinery and Material' use for a period of 2 years until 2.6.2010;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours, workshop activities and types of vehicles and advisory clause were recommended.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 2.6.2010, 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 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;

- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) only light goods vehicles 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 existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the replacement planting of 4 landscaping trees on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2008;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.11.2008;
- (i) in relation to (h) 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 23.2.2009;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take control action against the erection of unauthorized structures on the site. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district land control programme. Moreover, the vehicular access from Kung Um Road leading to the site ran through Government land without particular maintenance works to be carried out thereon;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be 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;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track between the site and Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;

- (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. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for compliance with approval condition (h) above, the applicant should make reference to the requirements as stipulated in paragraph 4.14 'Commercial buildings – low rise' and paragraph 4.29 'Industrial/godown buildings – low rise' of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment for the structures used as offices and storage respectively. The applicant should also note that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs to be installed should be clearly marked on the building plans;

- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. He should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (h) 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). However, 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 said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the 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. Containers used as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation Part VII. The applicant's attention was also drawn to the provision of emergency vehicular access under Building (Planning) Regulation 41D. Detailed consideration would be made at building plan submission stage; and

- (i) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP to divert the low voltage overhead lines as well as low voltage underground cables away from the vicinity of the proposed structure. 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.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TMYL, Mr. Anthony C.Y. Lee, STP/TMYL and Miss Paulina Y.L. Kwan, STP/TMYL, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 7

Any Other Business

83. There being no other business, the meeting was closed at 4 p.m..