

TOWN PLANNING BOARD

Minutes of 379th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.9.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. 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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department (Atg.)
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. Maggie M.K. Chan

Dr. James C. W. Lau

Professor Edwin H.W. Chan

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
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 378th RNTPC Meeting held on 15.8.2008

[Open Meeting]

1. The draft minutes of the 378th RNTPC meeting held on 15.8.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/15 Proposed Public Utility Installation (Electricity Package Transformer)
in “Residential (Group D)” zone,
Government Land near Tai Tei Tong Village, Mui Wo, Lantau
(RNTPC Paper No. A/I-MWF/15)

Presentation and Question Sessions

3. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) proposed public utility installation (electricity package transformer);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One indicated support to the application while one objected to the application and raised concerns on shortage of land for Small House development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The proposed electricity package transformer was an essential public utility facility to meet the growth in load demand in the area. It was small in scale and was considered compatible with the low-rise village houses in the surrounding areas. It would not cause any adverse environmental and landscape impacts on the surroundings. Regarding the public comment on the shortage of land for Small House development, the subject site was outside the area zoned "V" on the OZP and as such, approving the application would not affect the land reserved for Small House development.

4. Members had no question on the application.

Deliberation Session

5. 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 5.9.2012, 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 architectural design, external finishes and colour scheme proposal of the proposed development to the

satisfaction of the Director of Planning or of the TPB;

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

6. The Committee also agreed to advise the applicant to note:

- (a) the Director of Fire Services' comment that the existing emergency vehicular access with an effective minimum width of 4.5m should be maintained and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) the District Lands Officer/Islands, Lands Department's comment that the applicant should apply to his office for a direct grant of the site for the proposed use and this would be subject to payment of premium and administrative fee;
- (c) the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the access road fronting the site was an emergency vehicular access which had been designed for exclusive use by emergency vehicles. The applicant should observe that there was no vehicular access serving the proposed site; and
- (d) the Chief Engineer/Development (2), Water Supplies Department's comment that as the existing water mains would be affected, the applicant should bear the cost of any necessary diversion works affected by the proposed development.

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/157

Proposed 10 Houses

(New Territories Exempted Houses — Small Houses)

in “Green Belt”, “Recreation” and “Village Type Development” zones,
Lots 489A3, 490A1, 490ARP, 490B, 490C, 491D1, 491DRP, 491E,
491RP, 492A1, 492ARP, 492B1, 492B2, 492BRP, 492C to 492G,
588B, 588C1, 588CRP, 588D, 588RP(Part), 592A, 592B, 592RP,
594E1 and 594H in DD 222 and Adjoining Government Land,

Pak Kong, Sai Kung

(RNTPC Paper No. A/SK-PK/157)

Presentation and Question Sessions

7. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed 10 houses (New Territories Exempted Houses — Small Houses);
- (c) departmental comments — no objection from concerned Government departments was received;

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

- (d) one public comment from a Sai Kung District Councillor was received during the statutory publication period and he raised concerns on the right of the nearby residents to enjoy the greenery and potential impact of the van track indicated in the submission; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 13 of the Paper. Although the proposed development did not fully meet the interim criteria for assessing planning applications for Small House development, planning approval for the development had been approved for the development in 1995 and was extended several times. The processing of the Small House application was also at an advance stage. Hence, sympathetic consideration would be given to the application. Besides, there was a general shortage of land in meeting the Small House demand in the “V” zone of Pak Kong Village and the development was not incompatible with the surrounding areas which were characterised by clusters of village houses. Concerned Government departments had no objection to the application. Regarding the public comment on the impact on the greenery and the van track, approval conditions on landscaping and the provision of an emergency vehicular access (EVA) were recommended.

8. The Chairperson asked whether the land covered by the proposed EVA was owned by the applicants. Ms Ann O. Y. Wong replied that the EVA area did not belong to the applicants. An approval condition for the provision of an emergency vehicular access was imposed and the applicants should make the necessary arrangement for the provision.

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

Deliberation Session

9. 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 5.9.2012, 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 provision of an emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the provision of sewerage connection to the existing sewer to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the provision of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

10. The Committee also agreed to advise the applicant to liaise with :

- (a) the District Lands Officer/Sai Kung, Lands Department on the land grant to effect the proposed Small House applications;
- (b) the Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) about the provision of water supply to the proposed development. The applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/D(2), WSD's satisfaction; and
- (c) the Director of Fire Services on alternative fire service installations and fire fighting water supplies requirements.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/68-3 Proposed Class B Amendments to Master Layout Plan –
Comprehensive Commercial and Residential Development
in “Comprehensive Development Area” zone,
Area 86, Tseung Kwan O
(RNTPC Paper No. A/TKO/68-3)

11. The application was submitted by Mass Transit Railway Corporation Limited (MTRCL). Mr Y. M. Lee of Transport Department declared an interest in this item as the Assistant Commissioner for Transport was an alternate member for the Deputy Secretary for Transport and Housing (Transport)¹ who was a member of the Board of MTRCL.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed amendments to the previously approved Master Layout Plan under application No. A/TKO/86;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) District Officer/Sai Kung advised that 33 persons including Sai Kung District Councillors, chairmen and members of relevant area committees and owners incorporations and other affected parties had been consulted. One Sai Kung District Council (SKDC) member supported the proposal. One SKDC member cum Chairman of Incorporated Owner of Beverly Garden objected to the proposal for reasons of insufficient details including

no comparison between the approved and proposed MLPs and no reasons being given for the proposed amendments. He maintained his objection after receiving information from the applicant. The remaining 31 respondents had no comments on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The Class B amendments, which involved mainly revisions to the design and built form of open space, layout of internal road, arrangement of ingress/egress and design of pedestrian way and extension of the development programme, were minor in nature and mainly to reflect further refinement/enhancement to the detailed design of the scheme and were considered acceptable. Previous approval conditions would be retained and updated with appropriate modifications. Since some phases of the development were under construction or near completion, extension of the validity period of the planning approval would not be required.

13. In response to a Member query, Mr Wilfred C.H. Cheng responded that the previous condition regarding the submission of a report on the feasibility of applying low noise road surfacing at Wan Po Road had been complied with to the satisfaction of Director of Highways. As such, the condition was discharged and not included in the list of approval conditions for the current application.

Deliberation Session

14. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) and development schedule to take into account the approval conditions (b), to (ad) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan to the satisfaction of the Director of Planning or of the TPB;

- (c) the design and provision of environmental mitigation measures within the application site, including but not limited to noise, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision and maintenance of the noise mitigation measures identified in the report on the feasibility of applying low noise road surfacing at Wan Po Road approved by the Director of Highways on 28.7.2006 or any other alternative measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission and implementation of an environmental monitoring and audit programme to ensure protection of the future residents in Area 86 from the potential industrial noise impact from the Tseung Kwan O Industrial Estate, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission and implementation of a monitoring programme and contingency plan for dealing with potential landfill gas and leachate migration to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the design and provision of emergency vehicular access, fire service installations and fire fighting water supplies to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the implementation and completion of the junction improvement works proposed under the “Revised Final Report - Further Traffic Impact Assessment” dated September 2006 prior to the population intake of Stage 2 of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the detailed design and provision of vehicular accesses arrangement to the application site and internal roads and roadside loading/unloading facilities within the application site to the satisfaction of the Commissioner for

Transport or of the TPB;

- (j) the design and provision of decking of internal roads within the application site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the design, construction and timing on the operationalization of the temporary and permanent combined public transport interchanges to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and provision of a cycle track and cycle parking system serving the development to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the submission of a detailed assessment on the adequacy of pedestrian circulation facilities at the junction of Wan Po Road and Shek Kok Road and provisions of improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the design and provision of a covered pedestrian walkway system within the application site and a footbridge across Road D10 (to be known as Road L861), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (p) the design and provision of structural support and connections for one footbridge across Road D9 and for two possible footbridges across Wan Po Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (q) the submission of a revised visual impact assessment study for the Master Layout Plan and implementation of the mitigation measures identified therein to the satisfaction of Director of Planning or of the TPB;

- (r) the design and provision of terraced podia for Package 1 and Package 2 within Stage 1 of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (s) the design and provision of drainage and sewage disposal facilities including drainage and sewerage reserves to the satisfaction of the Director of Drainage Services or of the TPB;
- (t) the designation of water main reserves within the application site to the satisfaction of the Director of Water Supplies or of the TPB;
- (u) the design and provision of a minimum of 2.3 hectares of district open space and 7.07 hectares of local open space to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (v) the design, provision, maintenance and management of a 3m green strip between the southern boundary of the application site and Road D9 as proposed by the applicant to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (w) the design and provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (x) the provision of a site for an indoor recreation centre to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (y) the design and provision of kindergartens to the satisfaction of the Secretary for Education or of the TPB;
- (z) the design and provision of three primary schools and two secondary schools to the satisfaction of the Secretary for Education or of the TPB;
- (aa) the design and provision of an integrated team of children and youth services centre, neighbourhood elderly centre, nursery, social centres for

the elderly and residential care home for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;

- (ab) the design and provision of a community hall to the satisfaction of the Director of Home Affairs or of the TPB;
- (ac) the design and provision of a police facility room to the satisfaction of the Commissioner of Police or of the TPB; and
- (ad) the submission and implementation of a staged development programme of the proposed development based on a comprehensive traffic impact assessment to the satisfaction of the Director of Planning or of the TPB.

15. The Committee also agreed to advise the applicant :

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to liaise with the Project Manager/New Territories East, Civil Engineering and Development Department and Chief Estate Surveyor/Railway Development, Lands Department to incorporate a clause in the land grant conditions on the provision of noise mitigation measures at the southern boundary of the application site, as proposed by the applicant, to tie in with the construction of Road D9;

- (c) to liaise with the Director of Leisure and Cultural Services, Project Management/New Territories East, Civil Engineering and Development Department and Chief Estate Surveyor/Railway Development, Lands Department to work out the details related to the implementation, maintenance and management of the 10m green strip between the southern boundary of the application site and Road D9, as proposed by the applicant;
- (d) to follow the requirements as stipulated in Practice Notes for Authorized Person No. 165 and Environment, Transport and Works Bureau Technical Circular for submission of engineering works as part of the site falls within the Strategic Sewerage Disposal Scheme Tunnel Protection Area;
- (e) to phase the construction of Stage 3 development to maintain the operation of the temporary public transport interchange until completion of the permanent public transport interchange; and
- (f) that the proposal of the master water meter room at the southeastern portion of the application site and plumbing works should be submitted to the Director of Water Supplies for approval prior to the construction of the proposed plumbing works.

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

[Mr Y. M. Lee returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/374 Proposed Houses in “Green Belt” zone,
 Lot No. 33 R.P., D.D.300, Area 45, Tuen Mun
 (RNTPC Paper No. A/TM/374)

Presentation and Question Sessions

16. The Committee noted that on 14.8.2008, the applicant requested for deferment of the consideration of the application for two months in order to address departmental comments.

Deliberation Session

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/45 Proposed Social Welfare Facilities, Training Centre and Public Clinic
(Community Health Centre) in “Residential (Group B) 1” zone,
Government Land under Short Term Tenancy No. 1975,
Tin Shui Wai Area 104
(RNTPC Paper No. A/TSW/45)

18. The application was submitted by the Hong Kong Housing Authority and the following Members had declared interests on this application:

- | | |
|--|---|
| 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
the Home Affairs Department
(absent with apologies) | • Being an alternate member for the Director of Home Affairs who is a member of the SPC of HKHA |
| Mr C. S. Mills
as the Assistant Director/NT
of lands Department | • Being an alternate member for the Director of Lands who is a member of HKHA |
| Mr Y. K. Cheng | • Being a former HKHA member |

19. Mr B. W. Chan said that he was a former HKHA member but he had left HKHA for more than three years. The Secretary explained that if Members had left an organisation for more than three years and had not been involved in the project before, there was no need for him/her to declare interest.

20. As the applicant requested to defer consideration of the application, Members who declared interest were allowed to remain at the meeting.

Presentation and Question Sessions

21. The Committee noted that on 28.8.2008, the applicant requested for deferment of the consideration of the application until the next meeting (i.e. 19.9.2008) in order to address departmental comments.

Deliberation Session

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/285 Proposed Temporary Vehicle Park for Private Cars
for a Period of 3 Years in “Village Type Development” zone,
Lot 285 RP in D.D. 123, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/285)

[Mr. Edmund K.H. Leung and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Presentation and Question Sessions

23. 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) proposed temporary vehicle park for private cars;

- (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/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. According to District Lands Officer/Yuen Long, there was currently no Small House application at the site. It was also considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed vehicle park, which was for private cars only, was not incompatible with the surrounding land uses which were predominantly residential in character. The small scale and nature of the development was unlikely to create significant adverse impacts on the surrounding areas.

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

24. In response to a Member query, Mr W.M Lam said that some of the approval conditions of the previous planning application were not complied with because the land issue was not resolved and the applicant was not able to implement the works required. Members noted that shorter compliance periods were recommended so as to closely monitor the fulfilment of the approval conditions.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.9.2011, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (c) no goods vehicles, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2008;
- (e) in relation to (d) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (f) the provision of the drainage facilities as proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2008;
- (g) 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;
- (h) if any of the above planning conditions (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

26. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were imposed so as to monitor the fulfilment of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments 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 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) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comment 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;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that the access proposal should be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point and in accordance with the latest version of HyD Standard

further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/563 Temporary Warehouses (Storage of Paper) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 797 RP(Part), 799(Part), 800(Part) and 801(Part) in D.D.125, Lots 3299 RP(Part), 3300(Part), 3301, 3302(Part), 3316(Part), 3317(Part), 3323 S.A.(Part), 3324 S.A, 3324 S.B, 3325(Part) and 3326(Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/563)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouses (storage of paper) 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 access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of three years based on the

assessments given in paragraph 12 of the paper. The application site fell within Category 1 areas under the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The applied use was not incompatible with the surrounding uses. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the "CDA" zone on the outline zoning plan since there was not yet any programme/known intention to implement the zoned use on the OZP. Although DEP did not support the application, approval conditions restricting the operation hours and types of activity on site had been recommended. The Committee had recently approved similar applications in the same "CDA" zone. Approval of the subject application was in line with the Committee's previous decision.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. to 9:00 a.m. on Mondays to Fridays, and 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, 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 cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) the submission of a revised landscape proposal with indication of existing and proposed trees within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;

- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (f) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2009;
- (g) in relation to (f), the provision of fire service installations, including sprinkler system, for the proposed structures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.6.2009;
- (h) the submission of a Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2009;
- (i) in relation to (h) above, the implementation and maintenance of the flood mitigation measures/provision of stormwater drainage facilities identified in the DIA within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2009;
- (j) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.3.2009;
- (k) in relation to (j) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.6.2009;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (m) if any of the above planning conditions (d), (e), (f), (g), (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.

32. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that the permission was given to the use/development under application. It did not condone any other use/development which currently exists on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;

- (e) to note the the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the run-in should be constructed at the access point and in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 as appropriate to suit the type of pavement of the adjacent footpath;

- (f) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSI proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 "Commercial – Low Rise" and in paragraph 4.29 "Industrial/Godown – Low Rise" of the current version of the 'Codes of Practice for Minimum Fire Service Installations and Equipment' for the proposed office and warehouse respectively. In this connection, the applicant should also be advised on the following points:
 - (i) the building plans should be drawn to scale and depicted with dimensions; and

 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the building plans.

Moreover, the applicant was advised that sprinkler system should be provided to the warehouses which had covered floor area over 230m². The applicant might seek advice from his New Projects Division where necessary;

- (g) to note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply

for Short Term Waiver to regularize the unauthorized structures on site;

- (h) to 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; and
- (i) to 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 should be consulted accordingly.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/169 School (Tutorial School) in "Residential (Group C)" zone,
Room 16, 1/F, Block C, Town Centre, Fairview Park, Ginkgo Road,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/169)

Presentation and Question Sessions

33. 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) 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/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines No. TPB PG-No.40 in that the tutorial school was situated at the first floor of a commercial complex and it was considered not incompatible with the existing uses of the surrounding premises. The proposed use was not expected to create any disturbance to the residents of Fairview Park. The subject tutorial school was small in scale and it would unlikely cause any significant adverse impacts on the surroundings.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The Committee also agreed to advise the applicant :

- (a) that prior planning permission should be obtained before continuing the school use (tutorial school);
- (b) to note the Director of Fire Services's comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans application ; and
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application premises.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/182 Proposed Petrol Filling Station
in “Undetermined” zone and area shown as ‘Road’,
Lots 999E, 1001 S.A RP, 1002 S.A RP and 1327RP in D.D. 115 and
Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/182)

Presentation and Question Sessions

36. The Committee noted that Dr James C. W. Lau had declared an interest in the application in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd. which was the consultant for the application. He had tendered apologies for not attending the meeting.

37. The Committee noted that on 12.8.2008, the applicant requested for deferment of the consideration of the application so as to allow time to address departmental comments.

Deliberation Session

38. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, i.e. a total of 4 months and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/185 Renewal of Planning Approval for Temporary
‘Driving School and Ancillary Uses’ for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive Development
to include Wetland Restoration Area” zone,
Lot 1347 RP in D.D.115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/185)

Presentation and Question Sessions

39. 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 renewal of planning approval for temporary ‘driving school and ancillary uses’ under application Nos. A/YL-NSW/165 for a period of 3 years until 5.9.2011;
- (c) departmental comments – no objection from concerned Government departments was received;

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

- (d) one public comment was received during the statutory publication period indicating support to the application as the driving school was crucial to the whole Yuen Long District and the applicant had practised a good site management; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The temporary approval would not frustrate the long term planning intention for the area. The

temporary driving school was not incompatible with the surrounding uses which were characterised by unused land and low-rise rural settlements of Shan Pui Chung Hau Tsuen. The current application was a renewal of the previous planning approval (No. A/YL-NSW/165) and the applicant had complied with all the approval conditions imposed under the previous planning permission. No adverse traffic, drainage, environmental, ecological and visual impacts from the development was anticipated.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no training of drivers of heavy vehicles or articulated vehicles was allowed outside the application site after 9:30 p.m. at night during the approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities implemented on the site under previous application No. A/YL-NSW/165 should be maintained at all times during the planning approval period;
- (d) the existing fire service installations on the site should be maintained at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) upon 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.

42. The Committee also agreed to advise the applicant to note :
- (a) the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the concerned parties should consult CLP Power Hong Kong Limited (CLPP). If diversion of the existing low voltage and/or 11kV overhead lines/underground cables within the site boundary and/or in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. 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 prior to and in the course of any works in the vicinity of electricity supply lines; and
 - (b) the Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street not less than 4.5m wide, the development intensity should be determined under B(P)R 19(s) at building plan submission stage.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/227 Proposed Temporary ‘Sales Centre for New Private Vehicles and Lorries (include Medium Goods Vehicles and Container Tractors)’ for a Period of 3 Years in “Residential (Group C)” zone, Lots 1392 RP(Part), 1395 RP(Part), 1396, 1397 RP(Part), 1398(Part), 1399, 1400, 1401, 1485, 1486, 1633(Part), 1634(Part), 1635, 1636, 1637 and 1638(Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/227)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary ‘sales centre for new private vehicles and lorries (include medium goods vehicles and container tractors)’ 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 (about 10m to 100m away), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. No similar car sales centre development was found in the vicinity. The site was partly covered by grassland and partly covered by tarmac with some trees along the boundary within the site. It was considered that the nature of the proposed temporary car sales centre was not compatible with the existing rural landscape character and would further degrade the landscape environment. The Chief Engineer/Mainland North, Drainage Services Department advised that provided that the

applicant would consider revising the site boundary to include the open channel and to design structural crossing over the open channel, he had no objection to the application;

- (d) three public comments from the San Tin Rural Committee, a villager of Mai Po Tsuen and a group of 8 Mai Po residents were received during the statutory publication period indicating objection on the grounds of noise pollution, increasing the threat of flooding, land dispute, destroying the tranquillity of the area, environmental pollution and attracting influx of outsiders; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development did not comply with the Town Planning Board (TPB) Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The use under application was not in line with the planning intention of the "R(C)" zone which was intended primarily for low-rise, low-density residential developments. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis. The proposed use was not compatible with the nearby rural settlement. No similar applications had been approved in the "R(C)" zone. Approval of the application would set an undesirable precedent for similar applications in the area.

44. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone of the site which was intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the proposed 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 was no exceptional circumstances to justify approval; the site did not have any previous planning approvals; adverse departmental comments and local objections 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;
- (c) the proposed development was not compatible with the nearby rural settlements, in particular the residential dwellings to the north, southeast and southwest; and
- (d) no similar applications were previously approved in the “Residential (Group C)” zone. The approval of the application would set an undesirable precedent. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the surrounding area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/228 Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years in “Open Storage” zone, Lots 2757 RP (Part), 2758 RP, 2759, 2760, 2761 S.A, 2761 RP, 2762 (Part), 2765 (Part) and 2803 RP in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/228)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (sales office for sale of goods vehicles) 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 expressing concern that the site encroached upon an existing vehicular access used by residents nearby and would likely block the traffic flow; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The development complied with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. The use under application was generally in line with the planning intention of the “OS” zone. The site had been the subject of 2 approved applications. The applicant had complied with all the approval conditions imposed under the last approved application. There had been no change in planning

circumstances since the approval of the previous application. Regarding the public comment on the use of an existing vehicular access, according to the applicant, no vehicles would be parked on the vehicular access and villagers nearby were free to use the vehicular access.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment onto the Government land near the site entrance for Drainage Services Department (DSD) and its representative to carry out drainage maintenance works as and when required by Government departments;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of a 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 5.3.2009;

- (f) 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 5.3.2009;
- (g) in relation to (f) 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 5.6.2009;
- (h) the submission of landscape proposal including tree preservation scheme within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (i) in relation to (h) above, the implementation of the landscape proposal including tree preservation scheme within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

49. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (c) to note the comments of District Lands Officer/Yuen Long to apply for a Short Term Waiver (STW) or Short Term Tenancy (STT) to regularise the unlawful occupation of Government Land and unauthorised structures on site. Should no STW/STT application be received/approved, his Office on review of the situation would take action as appropriate according to the established district lease enforcement/land control programme;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to ascertain that:
 - (i) a right of way should be allocated to DSD or its authorised representatives to enter the site for inspection or to carry out maintenance works of public drains at any time. The right of way should be free from obstruction and should not be locked and bounded by any physical means, such as barrier, boundary walls and hoarding, etc. Upon request, the applicant should clear all obstruction within the right of way within 24 hours to facilitate his drainage works. For any drainage maintenance works to be carried out within the right of way, DSD or its authorised representatives should not be claimed for any compensation of any damage and responsibility arising from the drainage maintenance works; and
 - (ii) the applicant should not disturb any existing drains and streams within the site or in its vicinity. All proposed drainage facilities should be constructed and maintained by the applicant's own cost. The drainage connection point from the site should be to the existing nullah in Kwu Tung Road. However, if the applicant wished to make use of the other local village drains for connection, the applicant was required to consult the District Officer/Yuen Long, (DO/YL). The village drains were probably maintained by DO/YL and comments should be sought from DO/YL on the proposal. The site was in an area where no sewerage was available in the vicinity for connection. For the sewage disposal and treatment, the applicant should consult the Director of Environmental Protection. The applicant should consult DO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure

unobstructed discharge from the site in future;

- (e) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimise the possible environmental nuisance;
- (f) to note the comments of the Director of Fire Services 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 make reference to the requirements as stipulated in para. 4.14 “Commercial – Low Rise” of the current version of the ‘Code of Practice for Minimum Fire Service Installations and Equipment’. The applicant was advised to provide building plans to be drawn to scale and depicted with dimensions, and the location of where the proposed FSIs was to be installed should be clearly marked on building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/308 Temporary Animal Boarding Establishment (Kennel) and Breeding Area for a Period of 3 Years in “Agriculture” zone,
Lot 1427 (Part) in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/308)

Presentation and Question Sessions

50. 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) temporary animal boarding establishment (kennel) and breeding area 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/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The approval of the application on a temporary basis would not frustrate the planning intention of the “AGR” zone. The development making use of existing pigsty sheds for animal boarding and breeding was considered not incompatible with the surrounding land uses. The site was covered by a valid planning permission for the use similar to the current application until 4.8.2009 and all the approval conditions were complied with. Two similar applications for animal boarding establishment use were located to the southwest of the site approved by the Committee. There was no local objection against the application received during the statutory publication period.

51. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 5.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities implemented under application No. A/YL-KTN/253 within the site should be maintained at all times during the planning approval period;
- (b) the implementation of replacement tree planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (c) the submission of fire service installations and Emergency Vehicular Access (EVA) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2009;
- (d) in relation to (c) above, the provision of fire service installations and EVA within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.6.2009;
- (e) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

53. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office would reserve the right to take lease enforcement/land control action against the irregularities. The applicant should apply to his office for a Short Term Tenancy (STT)/Short Term Waiver (STW) to regularize the unlawful occupation of Government land and unauthorized structures on the subject lot. If no STT/STW was received/approved, his office, on review of the situation, would take appropriate action according to the established district land control / lease enforcement programme;
- (c) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances and continue to observe the requirements under the Water Pollution Control Ordinance in order to alleviate any potential impact;
- (d) to note the Chief Engineer/Development (2), Water Supply Department's (WSD) comment that an existing water main would be affected and a waterworks reserve within 1.5 m from the centreline of the water main should be provided to WSD;
- (e) to note the Director of Fire Services' comment that an access road which could allow swift and safe passage of fire appliances as emergency vehicular access (EVA) leading to the site should be provided. Furthermore,

in consideration of the design/nature of the proposed structures, fire service installations were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with proposed fire service installations to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In this connection, the applicant was advised on that the building plans should be drawn to scale and depicted with dimensions; and the location of where the proposed fire service installations to be installed should be clearly marked on the building plans;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Also, 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 not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. Attention should be paid to the provision of EVA to all buildings on site under B(P)R 41D. Besides, detailed consideration would be made at building plan submission stage; and

- (g) to note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the overhead lines 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 the electricity supply lines.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/438 Proposed Houses with Minor Relaxation of Plot Ratio Restriction to about 0.59 in “Other Specified Uses” annotated “Rural Use” zone, Lot 618 RP in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/438)

Presentation and Question Sessions

54. 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) proposed houses with minor relaxation of plot ratio restriction to about 0.59;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application since there was no demonstration on either the design merits or justifications for the proposed minor relaxation of plot ratio (PR). The relaxation of PR from 0.4 to 0.59 would result in a congested layout. There was no information regarding the design of noise barriers which might cause adverse visual impact. The applicant failed to acknowledge the existing trees which could be found along the site boundary. Moreover, no landscape proposal or existing tree survey was submitted in support of the application. The Director of Environmental Protection did not support the application because there might be potential industrial/residential interface problem on the site;

- (d) two public comments from Pat Heung Rural Committee and a member of the public were received during the statutory publication period objecting to the application. The former considers that change of land use or relaxation of plot ratio for a specific area/site should not be approved until a comprehensive land use review for Pat Heung District was conducted by Planning Department. The latter was concerned about the adverse drainage and sewage impacts arising from the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed minor relaxation of plot ratio for house development from 0.4 to 0.592 representing a 48% increase was not considered minor. There was no demonstration on either the design merits or justifications to support the proposed relaxation of plot ratio restriction of the “Other Specified Uses” annotated “Rural Use” zone. The proposed relaxation of PR would result in a congested layout. The excessive building footprint would also deprive the landscape opportunity of the site. No information on the design of the proposed noise barriers, which might cause adverse visual impact, had been provided. The proposed development did not comply with the TPB PG-No. 38 in that there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse impacts on the environment, landscape and drainage facilities of the site and the nearby rural area. The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.

55. Members had no question on the application.

Deliberation Session

56. A Member said that, the planning intention of the “Other Specified Uses” annotated “Rural Use” zone was to allow compatible uses with a view to upgrading or improving the environment and residential use as such the proposed uses should be in line with the planning intention, though he agreed that the development intensity was considered excessive. However, the rejection reasons of the subject application carried a message that the proposed residential development could cause adverse impact on the surrounding area and thus was discouraged in the zone. Members generally agreed with the remarks. The Secretary advised that the rejection reasons (b) and (c) should be revised to indicate clearly that the proposed development was not supported as the applicant had not provided sufficient information to address the concerns on environmental, landscape and drainage aspects. The Chairperson agreed that the application should be rejected mainly on the grounds that there was insufficient information to justify the proposed relaxation of plot ratio, no information to address the concerns on the environment, landscape drainage aspects and the plot ratio was too excessive. The rejection reasons (b) and (c) should be revised accordingly.

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

- (a) the proposed minor relaxation of plot ratio from 0.4 to 0.592 under the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which represents a 48% increase was not considered minor. No design merit or strong justification had been given in the submission to merit a relaxation of the plot ratio restriction of the “OU(RU)” zone;
- (b) the proposed development did not comply with the TPB PG-No. 38 in that there was insufficient information in the submission to address the concerns on the environment, landscape and drainage aspects; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the “OU(RU)” zone. The accumulative effect of approving such application would generate adverse impact on the environment.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/570 Proposed Temporary Open Storage of Construction Machinery
and Materials for a Period of 1 Year
in “Residential (Group D)” and “Village Type Development” zones,
Lot 95 (Part) in D.D. 111 and Adjoining Government Land,
Fan Kam Road, Shui Kan Shek, Yuen Long
(RNTPC Paper No. A/YL-PH/570)

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

Presentation and Question Sessions

58. 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) proposed temporary open storage of construction machinery and materials for a period of 1 year;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed use was likely to have adverse impact on the adjacent village houses. The site was small and there might not be space for reserving a landscape buffer from the village houses. Two previous planning applications were rejected by the Committee. There was insufficient information to demonstrate that there was no adverse impact on existing trees and the nearby houses. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses including residential dwellings located immediately to the east and south-east of the site, and environmental nuisances are

expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The proposed development was not in line with the planning intention of the "V" zone on the OZP. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, drainage, environmental and landscape impacts on the surrounding areas. There was no information in the submission to demonstrate that a suitable site within the "Open Storage" zone could not be identified for the use under application. There was also no strong reason why the operation had to be located in the area which was mainly a village setting.

59. A Member asked whether the site was still in operation despite the rejection of the two previous planning applications. Ms Paulina Kwan responded that the site was the subject of a previous planning enforcement case for unauthorized storage use. Warning letter was issued on 23.1.2008 and subsequent site inspections revealed that the unauthorized development had been discontinued.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan (OZP), 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 proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13D) in that there was no exceptional circumstances to merit approval of the case. Besides, there was no previous planning approval granted for the site and there were adverse departmental comments on the potential adverse impacts of the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, drainage, environmental and landscape impacts on the surrounding areas; and
- (d) to the west of the site across Fan Kam Road was an area zoned “Open Storage” (“OS”) on the OZP which was intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. There was no information in the submission to demonstrate that a suitable site within the “OS” zone could not be identified for the use under application.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/406 Temporary Office for War Game Centre with Ancillary Storage Area
for a Period of 3 Years in “Undetermined” zone,
Lots 489 (Part), 490 S.A and 723 (Part) in D.D. 119, Shan Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/406)

Presentation and Question Sessions

61. The Committee noted that on 14.8.2008, the applicants requested for deferment of the consideration of the application until the next meeting to be held on 19.9.2008 so as to facilitate the consideration of the current applicant and application No. A/YL-TYST/407 by the Committee at the same meeting.

Deliberation Session

62. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant.. The Committee also agreed that the application should be submitted to the Committee for consideration in the next meeting (i.e. 19.9.2008) subject to there being no further information submitted which would require publication for public comments..

[The Chairperson thanked Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, STPs/TMYL, for their attendance to answer Members’ enquires. Mr. Lee and Miss Kwan left the meeting at this point.]

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

Sha Tin, Tai Po and North District

[Mr. W.W. Chan, Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 20

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/3 Application for Amendment to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/13 from “Agriculture” and “Green Belt” to “Other Specified Uses annotated (Spa Resort Hotel)” (“OU(Spa Resort Hotel)”) and addition to a new set of Notes for the Proposed “OU(Spa Resort Hotel)” zone, Various Lots in DD 17 and Adjoining Government Land, Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/3)

Presentation and Question Sessions

63. The Committee noted that Dr James C. W. Lau had declared an interest in the application in this item as he had current business dealings with CM Wong & Associates Ltd. and Hyder Consulting Ltd. which were the consultants for the application. He had tendered apologies for not attending the meeting.

64. The Committee noted that on 26.8.2008, the applicant requested for deferment of the consideration of the application for two months in order to allow time for him to address the Planning Department’s concerns/queries relating to the layout and design of the development proposal.

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

Deliberation Session

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/373 Temporary Warehouse for Storage of Ceramic Tiles
for a Period of 3 Years in “Green Belt” zone,
Lots 617 S.B ss.1 and 618 S.B. R.P. (Part) in D.D. 9,
Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/373)

Presentation and Question Sessions

66. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary warehouse for storage of ceramic tiles for a period of 3 years;

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the nearest village house of Nam Wa Po was located at about 82m to the northwest of the site, and environmental nuisance was anticipated;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The temporary warehouse was not incompatible with the surrounding area occupied by open storage uses. Approval of temporary use would not frustrate the long-term planning intention. There had been no significant change in the planning circumstances since the last temporary planning approval. Planning approval of the current application was in line with the Committee's previous decisions. Regarding DEP's comments, since the development was for the storage of ceramic tiles in an enclosed warehouse, it would unlikely cause significant adverse environmental impacts on the surrounding areas. To minimize any potential environmental impacts, the applicant would be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites". The development would not affect the existing natural landscape or introduce additional adverse visual impact on the surrounding environment.

67. Noting that the area was generally occupied by open storage uses, a Member asked about the long-term planned use for the area. Ms. Lisa L.S. Cheng responded that given the extent of open storage uses in the area, the "GB" zoning would need to be reviewed after the completion of the "Drainage Improvement Works for Ma Wat River, Kau Lung Hang and Nam Wa Po, Tai Po". The Chairperson added that given the change of uses in the area, the land use review should commence the soonest.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period;
- (c) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (d) the submission of proposals of protective measures against pollution or contamination to the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.3.2009;
- (e) in relation to (d) above, the implementation of protective measures against pollution or contamination to the water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.6.2009;
- (f) the submission of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2009;
- (g) in relation to (f) above, the implementation of water supplies for fire fighting and 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 5.6.2009;

- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2009;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2009;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (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 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.

69. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been renewed before continuing the applied use at the site;
- (b) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department;
- (c) to note the Water Supplies Department’s detailed comments in Appendix V of the paper; and

- (d) to note the Director of Electrical and Mechanical Services' comments in paragraph 10.1.10 of the Paper.

Agenda Item 22 and 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 22

A/NE-KTN/129 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" zone,
Lot 1360 S.B in D.D. 95, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/129)

Agenda Item 23

A/NE-KTN/130 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" zone,
Lot 1360 S.A in D.D.95, Ho Sheung Heung, Kwu Tung North,
Sheung Shui
(RNTPC Paper No. A/NE-KTN/130)

70. Noting that the two applications were similar in nature and the application sites were close to each other and within the same zone, Members agreed to consider the two applications together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed two houses (New Territories Exempted Houses - Small Houses) one each for application Nos. A/NE-KTN/129 and A/NE-KTN/130);

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

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as the NTEH developments should be confined within the “Village Type Development” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Director of Agricultural, Fisheries and Conservation (DAFC) did not support the applications since the application sites were classified as “good” agriculture land with a high potential for agricultural rehabilitation and the agriculture life in the vicinity was still active;
- (d) one public comment indicating support of the planning application No. A/NE-KTN/129 was received during the statutory planning period. The District Officer/North advised that the Chairman of the Sheung Shui District Rural Committee supported the applications and the Village Representatives of Ho Sheung Heung and the North District Council member had no comment on the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Paper. The proposed Small Houses complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that both the application sites and the footprints of the proposed Small Houses fell entirely within the ‘VE’ of Ho Sheung Heung Village, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. Regarding DAFC’s comment, the application sites were close to the boundary of the “V” zone and the proposed NTEH developments were not incompatible with the adjacent village setting and surrounding environment of a rural character. Regarding AC for T/NT, TD’s comment, the application sites were located immediately outside the “V” zone of Ho Sheung Heung Village and fell entirely within the ‘VE’. Besides, 3 similar applications for Small House developments had been approved with conditions by the Committee.

72. Members had no question on the applications.

Deliberation Session

73. After deliberation, the Committee decided to approve the application Nos. A/NE-KTN/129 and A/NE-KTN/130, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.9.2012, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

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

74. The Committee also agreed to advise the applicants of both applications:

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the application site was located within flood pumping gathering ground 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; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/387 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 578 S.C in D.D. 8, Ma Po Mei Village, Tai Po
(RNTPC Paper No. A/NE-LT/387)

Presentation and Question Sessions

75. Ms Lisa Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the vicinity of the site was active. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, Plan) had some

reservations on the application since the site had been used as active agricultural land and the proposed house was blocking an existing footpath and might affect a tree, namely, *Dimocarpus longan*. The District Officer/Tai Po advised that the footpath was maintained by the Tai Po District Office. The footpath could be re-routed along the north-eastern boundary of the proposed Small House subject to the consent of the applicant and availability of financial resources;

- (d) no public comment was received during the statutory publication period. and no local objection/view was received by the District Officer/Tai Po; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed NTEH/Small House development generally complied with the assessment criteria for NTEH/Small House development in that more than 50% of the footprint of the application site fell within the 'village environ' of Ma Po Mei Village. There was a general shortage of land in meeting the demand for Small House development in the "V" zone of Tai Mong Che and Ma Po Mei Villages. Regarding the DAFC and CTP/UD&L, PlanD's concerns, the footprint of the proposed Small House had been set back at the southern corner of the site. The impact on the existing tree and agricultural land in the surrounding area to the north of the site was considered minimal. Sympathetic consideration could be given to the application as previous planning approval had been granted.

76. In response to Chairperson's query on whether footprint of the Small House could be slight shifted to avoid affecting an existing tree, canopy and roots. Ms Lisa L.S. Cheng said that though the footprint of the house would not affect the tree, the tree was close to the proposed Small House as shown on Plan A-2 of the Paper.

Deliberation Session

77. The Chairperson suggested that the approval condition should state clearly that the tree should not be affected by the proposed development. Members generally agreed.

[Mr Rock Chan returned to the meeting at this point]

78. After further 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 5.9.2012, 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 of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the proposed development should avoid affecting the existing tree (i.e. *Dimocarpus longan*), including the canopy and the roots ;
- (c) the implementation of the landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) 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;
- (e) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;

- (g) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (h) the re-provisioning of the footpath to the satisfaction of the District Officer/Tai Po or of the TPB.

79. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) to note the Drainage Services Department's comment that since the site was in an area where no existing public sewerage connection was available, the applicant should be required to provide proper drainage facilities for the development to the satisfaction of DSD. There was no existing public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (d) that as the existing 40mm diameter fresh water main would be affected, the applicant should bear the cost of any necessary diversion works affected by the proposed development. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (e) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there was a low voltage (LV) electricity supply line (i.e. overhead line) running across the site. Besides, there was another one LV overhead line in the vicinity of the site. He had no in principle objection to the application subject to the followings:
 - (i) prior to establishing any structure within the site, the concerned parties (i.e. the applicant, his contractors and/or site workers, etc.) should consult CLPP and liaise with them to divert the existing LV overhead lines that were running across the site and/or in the vicinity of the proposed development; and
 - (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the concerned parties prior to and in the course of any works in the vicinity of the electricity supply lines ;
and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 25 and 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 25

A/NE-TK/258 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lots 392 S.A & 393 in D.D. 28, Lung Mei Village,
Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/258)

Agenda Item 30

A/NE-TK/263 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 771 S.A in D.D. 28, Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/263)

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

Presentation and Question Sessions

81. Ms Lisa Cheng, STP/STN, presented the two applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed two houses (New Territories Exempted Houses - Small Houses) each of application Nos. A/NE-TK/258 and A/NE-TK/263;
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the planning applications. The approval of the applications would likely lead to further encroachment onto the green belt and the cumulative impact of small house developments on the landscape of the hillsides would be

significant. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had in-principle objection to the planning application as the site was situated close to steep hillside and a natural terrain hazard study (NTHS) and mitigation measures would be required, thus rendering the development economically not viable. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as the NTEH developments should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning applications as they were not in line with the planning intention of the “GB” zone;

- (d) one public comment from Kadoorie Farm and Botanic Garden Corporation was received during the statutory publication period for both applications. The commenter was concerned that the sites were adjacent to a native woodland and that trees would be cleared or heavily trimmed for site clearance; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers. The proposed developments were not in line with the planning intention of the “GB” zoning where there was a general presumption against development. The applications 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 they would involve clearance of natural vegetation and affect the existing natural landscape of the surrounding environment.

82. Members had no question on the applications.

Deliberation Session

83. After deliberation, the Committee decided to reject the Applications No A/NE-TK/ 258 and A/NE-TK/263 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; and
- (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 natural vegetation, 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 impacts on the surrounding areas.

[Mr B.W. Chan returned to the meeting at this point of time.]

Agenda Item 26 to 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 26

A/NE-TK/259 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 95 in D.D. 28 and Adjoining Government Land,
Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/259)

Agenda Item 27

A/NE-TK/260 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone,
Lot 99 S.B in D.D. 28 and Adjoining Government Land,
Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/260)

Agenda Item 28

A/NE-TK/261 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone,
Lot 99 S.A in D.D. 28 and Adjoining Government Land,
Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/261)

Agenda Item 29

A/NE-TK/262 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone,
Lot 98 in D.D. 28 and Adjoining Government Land,
Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/262)

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

Presentation and Question Sessions

85. Ms Lisa Cheng, STP/STN, presented the four applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed four houses (New Territories Exempted Houses - Small Houses) one each for application Nos. A/NE-TK/259, 260, 261 and 262;
- (c) departmental comments – the Chief Town Planner, Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) objected to the planning applications as the approval would likely lead to further encroachment onto the green belt and the cumulative impact of Small House developments on the landscape of the hillsides would be significant. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation as the NTEH developments should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications since there was a general presumption against development within the “GB” zone. For applications No. A/NE-TK/260, 261 and 262, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had objection to the applications since the sites were situated close to steep hillside and required a natural terrain hazard study (NTHS). The provision of the required mitigation measures could render the development economically not viable.

- (d) no public comment was received during the statutory publication period for Application No. A/NE-TK/259. One public comment from World Wide Fund for Nature was received during the statutory publication period for Application No. A/NE-TK/260 and 261 on the ground of tree felling and stream pollution. Two public comments from World Wide Fund for Nature and Kadoorie Farm and Botanic Garden Corporation were received during the statutory publication period for Application No. A/NE-TK/262 on the ground of tree felling and pollution of stream caused by septic tank; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the applications based on the assessments given in paragraph 12 of the Papers. The proposed Small Houses complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories. There was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. In addition, 10 similar planning applications within the same “GB” zone had been approved by the

Committee. The proposed Small Houses were not incompatible with the surrounding rural environment and were not envisaged to impose adverse impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Regarding the DAFC and CTP/UD&L's concerns, as the sites were at a distance from the foothills and an approval condition on the provision and implementation of landscape proposal was recommended to ensure that there would be no adverse impact on the surrounding areas. The concerns of the public commenter on the tree felling and stream pollution could be addressed through the imposition of relevant approval condition.

86. Members had no question on the applications.

Deliberation Session

87. After deliberation, the Committee decided to approve the application Nos. A/NE-TK/259, 260, 261 and 262, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.9.2012, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each 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 proper drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

88. The Committee also agreed to advise the applicants of the four applications :

- (a) that water mains in the vicinity of the site could not provide the standard

aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed redevelopment of an existing house (other than New Territories Exempted House);
- (c) departmental comments – the District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD) objected to the planning application. mainly on the ground that under Small House Policy, land in either ‘village environs’ of recognized villages or “V” zones in the New Territories should primarily be reserved for Small House development by indigenous villagers. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the planning application. The proposed building on the upper terrace would affect the existing trees. There was insufficient information about the impacts of site formation on the existing vegetation and adjoining areas;
- (d) five public comments from the Village Representative of Sheung Wo Che Village, a group of villagers of Sheung Wo Che Village and three individuals were received during the statutory period. The commenters objected to the application on grounds of incompatibility with surrounding land uses, felling of mature tree, pedestrian safety, slope safety, suspected columbarium use, ‘fung shui’ problem and the setting of undesirable precedent. District Officer/Shia Tin advised that the concerned Village Representative objected to the proposal; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed redevelopment was not in line with the planning intention of “Village Type Development” zone which was intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would set an undesirable precedent for other similar

applications and the cumulative effect of approving such similar application would result in a loss of land for Small House development in the area.

90. Members had no question on the application.

Deliberation Session

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

- (a) the proposed redevelopment was not in line with the planning intention of “V” zone which was intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers; and
- (b) the approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would result in a loss of land for Small House development in the area.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/408 Proposed Residential Development with Kindergarten and Agricultural Uses in “Comprehensive Development Area (1)” zone, Tai Po Town Lot 183, Various Lots in D.D. 11 and Adjoining Government Land, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/408)

Presentation and Question Sessions

92. The Committee noted that on 19.8.2008, the applicant requested for deferment of

the consideration of the application in order to allow time to clarify the comments raised by Government departments.

Deliberation Session

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

[The Chairperson thanked Mr. W.W. Chan, Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. Mr. Chan, Ms. Lai and Ms. Cheng left the meeting at this point.]

Agenda Item 33

Any Other Business

94. There being no other business, the meeting was closed at 4:05 p.m..