

## **TOWN PLANNING BOARD**

### **Minutes of 425th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 10.9.2010**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr. T.K. Choi

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

Assistant Director/New Territories, Lands Department  
Mr. Simon K.M. Yu

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

Secretary

**Absent with Apologies**

Dr. James C. W. Lau

Professor Paul K.S. Lam

Dr. W.K. Lo

Assistant Director (2), Home Affairs Department  
Mr. Andrew Y.T. Tsang

**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 424th RNTPC Meeting held on 27.8.2010

[Open Meeting]

1. The draft minutes of the 424th RNTPC meeting held on 27.8.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

(a) Town Planning Appeal No. 13 of 2010

Proposed Minor Relaxation of Building Height and Plot Ratio Restrictions  
for an Ancillary Green House on the Roof of Block C  
in “Residential (Group C)” zone, Parisian, 8 Stanley Mound Road, Stanley  

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(Application No. A/H19/61)

2. The Secretary reported that a Notice of Appeal dated 2.9.2010 against the decision of the Town Planning Board (TPB) on 18.6.2010 to reject on review an application (No. A/H19/61) for the proposed minor relaxation of building height and plot ratio restrictions for an ancillary green house on the roof of block C in “Residential (Group C)” zone, Parisian, 8 Stanley Mound Road, Stanley on the approved Stanley Outline Zoning Plan No. S/H19/10 was received by the Appeal Board Panel (Town Planning) (ABP). The application was rejected by the TPB for the following reasons :

- (a) there were no planning and design merits to justify the proposed relaxation of plot ratio and building height restrictions for the proposed development ; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would jeopardize the intention of imposing the development

restrictions for low-rise and low-density residential development in the area.

3. The hearing dates of the appeal were yet to be fixed, and the Secretariat would represent the Board in the ABP proceedings in the usual manner.

(b) Town Planning Appeal No. 14 of 2010  
Proposed Houses (Four New Territories Exempted Houses)  
in “Undetermined” zone, Lot 757 in D.D. 115,  
Tung Shing Lei, Nam Sang Wai, Yuen Long  
(Application No. A/YL-NSW/188)

4. The Secretary reported that a Notice of Appeal dated 7.9.2010 against the decision of the TPB on 18.6.2010 to reject on review an application (No. A/YL-NSW/188) for the proposed four houses (New Territories Exempted Houses) at a site zoned “Undetermined” (“U”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 was received by the ABP. The application was rejected by the TPB for the following reasons:

- (a) with the completion of the major infrastructure, a land use review was being undertaken for the subject “U” zone. Consideration of the application at this stage was premature as it might jeopardize the overall land use planning for the area; and
- (b) there was industrial/residential interface problem between the proposed development and the adjacent open storage uses and workshops which could not be satisfactorily resolved.

5. The hearing dates of the appeal were yet to be fixed, and the Secretariat would represent the Board in the ABP proceedings in the usual manner.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 9 of 2009

Proposed Temporary Vehicle Park for Container Vehicles and Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 894 RP(Part), 895(Part), 967, 968, 969, 970, 971 RP(Part),973 RP(Part), 1299 RP(Part) and 1302 RP and Adjoining Government Land in D.D. 122, Ping Shan, Yuen Long

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(Application No. A/YL- PS/290)

6. The Secretary informed the Committee of the appeal decision. The appeal was lodged by the Appellant on 24.11.2009 against the TPB’s decision to reject on review an application (No. A/YL-PS/290) for a proposed temporary vehicle park for container vehicles and open storage of construction materials at the application site in the “Undetermined” (“U”) zone on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11.

7. The appeal was heard by the ABP on 7 and 29.6.2010 and dismissed by ABP on 23.8.2010 based on the following considerations:

- (a) Planning Department (PlanD) had undertaken a land use review study on the “U” zones in the Ping Shan area and the planning intention was to encourage environmental upgrading by phasing out the existing non-conforming uses for low-rise and low-density developments. The Town Planning and Development Committee of the Yuen Long District Council was consulted on the recommendations of PlanD’s land use review. PlanD was intending to submit the recommendations of the land use review for TPB’s consideration soon. Allowing the appellant’s application would have an obstructive effect on the proposed comprehensive planning of the area; and
- (b) there were adequate sites designated for container vehicle parks in the vicinity of the site near the Yuen Long Industrial Estate and thus the need for such facilities had been sufficiently catered for.

(iii) Appeal Statistics

8. The Secretary reported that as at 10.9.2010, a total of 24 cases were yet to be heard by the ABP. Details of the appeal statistics were as follows:

Allowed	:	25
Dismissed	:	112
Abandoned/Withdrawn/Invalid	:	142
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	307

### **Sai Kung and Islands District**

[Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

#### **Agenda Item 3**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/13      Proposed Holiday Camp in “Green Belt” zone,  
Lots Nos. 72RP, 73, 75, 76, 77 S.A, 77 S.B, 77RP, 78,  
79(Part), 80 S.A, 80 S.B, 80RP, 81, 82, 83RP, 84RP and  
Adjoining Government Land in D.D. 229, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/13)

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

9. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed holiday camp;

[Mr. Rock Chen arrived to join the meeting at this point.]

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the extensive footprint of the proposed development was considered to be incompatible within the area zoned “GB”. There was also insufficient visual illustration in the submission to demonstrate that the proposed holiday camp development would be visually compatible with the surrounding environment. CTP/UD&L objected to the application from the landscape planning point of view. The scale and the recreational uses were not in line with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” (“GB”) Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10). The Landscape Impact Assessment had inadequately estimated the impact of the proposed development on the landscape resources and landscape character of the area. Most of the existing trees and vegetation within the “GB” had to be cleared for the holiday camp. The proposed vehicular access extended to the northern site boundary would extend the vehicular impacts to the adjacent site within the “GB” zone. Hence the green buffer between Clear Water Bay School and Clear Water Bay Road would be adversely affected. The approval of the application would set an undesirable precedent for similar requests within the “GB”. Commissioner for Transport (C for T) had reservation on the application as the proposed 8 car parking spaces appeared excessive. The Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) advised that further information should be submitted to demonstrate that no significant change/increase in surface runoff would be resulted from the proposed development and no adverse impacts would be caused to the existing drainage system;

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

- (d) during the statutory publication period, five public comments, including two objections, were received. The operator of the Bluet Garden objected to the proposed filling of land by 3m high for the proposed holiday camp due to the concern on potential flooding and the drainage problems and the

change of natural ground and environment. Designing Hong Kong Limited objected to the application as there was no information on compensation for the proposed land filling, and the loss of land zoned “GB” was intolerable. The third comment was lodged by the operator of Clear Water Bay School, i.e. English Schools Foundation, who raised concerns on the measures to safeguard the safety/security of students and traffic arrangements during the construction of the proposed development. The other two comments were submitted by two individuals of the public. They were concerned about the resultant heavy traffic which would overtax Clear Water Bay district and the proposed development would bring about flooding to this area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed development of a holiday camp was not in line with the planning intention of the “GB” zone. There was a general presumption against development in “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention. There was no justification of the need for private recreational use at the site which included 13.5% of Government land. The proposed development did not comply with the TPB PG-No. 10 in that it would cause adverse landscape and visual impacts on the surrounding area. The proposed holiday camp would significantly alter the landscape and character of the site as more than 90% of land would be filled, paved and built upon. There was also insufficient visual illustration in the submission to demonstrate that the proposed holiday camp development would be visually compatible with the surrounding environment. As regards the drainage and flooding issues, there was insufficient information to demonstrate that there would not be adverse drainage impact on the surrounding area and no flooding problems resulting from the proposed development. Approval of the application would also set an undesirable precedent for attracting more and more similar applications within the “GB” zone on the OZP. The cumulative effect of approving such proposals would result in a general degradation of the environment and



bring about adverse drainage, visual and landscape impacts on the area.

10. Members had no question on the application.

#### Deliberation Session

11. A Member said that the applicant had not provided sufficient information to demonstrate that the proposed development would not have adverse drainage impact to the surrounding area. The same Member considered that as the site fell within an area zoned “GB”, strong justification should be provided in the submission for departure from the planning intention of this zone. As the applicant did not provide sufficient information, the Member considered that the application should not be approved.

12. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were:

- (a) the proposed development of a holiday camp was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development would cause adverse landscape, visual and drainage impacts on the area. There was insufficient information to demonstrate that the proposed holiday camp use and the filling of land would not create adverse impacts on the surrounding areas; and
- (c) approval of this application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving

such similar proposals would result in a general degradation of the environment and bring about adverse drainage, visual and landscape impacts on the area.

[Mr. Stephen Yip arrived to join the meeting at this point.]

**Agenda Item 4**

Section 16 Application

[Open Meeting]

A/SK-HC/183            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot No. 681 RP in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/183)

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13.            The Committee noted that the applicant requested on 6.9.2010 for a deferment of the consideration of the application for two months to allow more time for the applicant to address departmental comments on the application.

14.            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 5**

Section 16 Application

[Open Meeting]

A/TKO/87            Proposed Flats in “Residential (Group E)” zone,  
1-3 Shek Kok Road, Area 85, Tseung Kwan O  
(RNTPC Paper No. A/TKO/87)

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15. The Committee noted that the applicant requested on 25.8.2010 for a deferment of the consideration of the application for two months to allow time to consult Government departments on the technical assessments and prepare further information to address the departmental comments.

16. 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 and a total of 4 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 Chairman thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members' enquiries. Miss Wong left the meeting at this point.]

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

[Mr. W.W. Chan, Ms. Doris S.Y. Ting and Ms. Lisa L.S. Cheng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/82                    Comprehensive Residential Development with Commercial and Government, Institution or Community Facilities – Minor Relaxation of Maximum Gross Floor Area to the Approved Master Layout Plan in “Comprehensive Development Area (1)” zone, STTL 502 and Adjoining Government Land  
(RNTPC Paper No. A/MOS/82)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the comprehensive residential development with commercial and government, institution or community facilities – minor relaxation of maximum gross floor area to the approved master layout plan;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments from two Sha Tin District Councillors, Mr. Tsoi Ah Chung and Mr. Yeung Cheung Li were received. Mr. Tsoi objected to the application on the grounds that there was a lack of justification for the relaxation of plot ratio by 32%. Mr. Yeung commented that bicycle tracks should be provided alongside the public pedestrian walkway and automated bicycle hiring system should be installed to complement the future development of Whitehead as a recreational activities centre; 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. This application was mainly to seek permission for amendment to the previously approved scheme No. A/MOS/61-12 for minor relaxation of maximum non-domestic gross floor area (GFA) from 10,000 m<sup>2</sup> to 13,200 m<sup>2</sup>. The increase in GFA of 3,200 m<sup>2</sup> was due to the inclusion of the covered area of the 24-hour pedestrian walkway as well as its ancillary facilities into GFA calculation under the Buildings Ordinance at the building plan submission stage. The covered area was assumed to be exempted from GFA calculation in the approved Master Layout Plan (MLP). As the proposed increase in GFA was to account for the covered public pedestrian walkway, it would not in effect increase the intensity of the development in terms of population and commercial activity and thus would not have adverse impacts on the environment, surrounding traffic conditions and the adjacent infrastructures. Regarding the public comment that there was a lack of justification for the application, it should be noted that the covered public pedestrian walkway would not increase the intensity of the development. For the suggestion to provide cycle track, Commissioner for Transport advised that cycle track together with the planned roads at the western and northern boundaries of the application site were currently under construction. As such, it was not necessary to duplicate the provision of cycle track along the 24-hour pedestrian walkway.

[Mr. Y. K. Cheng and Dr. C. P. Lau arrived to join the meeting at this point.]

18. Members had no question on the application.

#### Deliberation Session

19. A Member asked whether the additional GFA of 3200m<sup>2</sup> could be restricted for pedestrian walkway use under the lease to avoid future conversion to other uses. Mr. Simon Yu said that pedestrian walkway was exempted from GFA calculation under the lease. The Secretary explained that as the site was zoned “Comprehensive Development Area”, the

development on the site would be governed by the Master Layout Plan approved by the Board, which indicated clearly that a GFA of 3200m<sup>2</sup> would be for covered walkway use. Another Member supported the provision of covered walkway in the development.

20. 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 10.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of the noise mitigation measures identified in the revised noise impact assessment (May 2010) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of vehicular access, pedestrian circulation system, parking

spaces, entrance and exit points to car parks, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (g) the submission of a revised traffic impact assessment and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB;
- (k) the implementation of the recommendations identified in the revised cultural heritage impact assessment (January 2007), including an archaeological survey and a historical survey to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) the implementation of the drainage facilities identified in the revised drainage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the implementation of the sewerage facilities identified in the revised sewerage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and

- (o) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with a 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 the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the proposed new roads leading to the proposed development required under the Buildings Ordinance (BO) should be completed prior to application for occupation permit;
- (c) liaison should be made with CLP Power Hong Kong Limited to ensure that additional electricity demand for the proposed development could be supplied from the existing electricity network;
- (d) each phase of the proposed development should be self-sustainable in every aspect under the BO including plot ratio, site coverage, means of escape, means of access for firefighting and rescue, fire resisting construction, collection of refuse and segregation of vehicular and pedestrian traffic as well as provision of clubhouse facilities. Each phase of the development should have its self-contained clubhouse of which the gross floor area (GFA) of such facilities would not exceed 5% of the total domestic GFA of the phase;
- (e) two existing water mains at the north-eastern part of the site would be replaced/rehabilitated. Liaison with the Consultants Management Division of the Water Supplies Department (WSD) was required should



diversion of these water mains be required. WSD was planning to lay fresh water main and salt water main along the planned Road A and planned Road B. The main laying works would likely be carried out in conjunction with the developer's roadwork. The developer should take this into consideration in the planning and construction of the proposed roadworks and approach WSD during their detailed design stage to sort out the interfacing issue between the two projects. The cost of any necessary diversion of existing water mains affected by the development should be borne by the development project. Right of Way should also be provided to WSD for their staff and contractor to carry out inspection and maintenance of waterworks installations at the north-eastern corner of the development site;

- (f) observation of the Code of Practice for Means of Access for Firefighting and Rescue during General Building Plan submission stage;
- (g) if a boundary wall near the Government retaining walls along Road A and Road B was to be constructed, the design and construction details should be agreed by Highways Department to avoid the creation of a narrow and long trough between the boundary/retaining walls;
- (h) filling up the gap between the Government retaining wall and the boundary fence wall would not be carried out until the retaining wall had been handed over from Civil Engineering and Development Department to Highways Department; and
- (i) effort should be made to preserve the existing large trees in-situ, in particular Tree Nos. T1042, T1046 and T1125. Vertical landscaping or greening design should be incorporated so as to visually soften the outlook of the high-rise buildings.

[The Chairman thanked Mr. W.W. Chan, STP/STN, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/197                      Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 2 Years in “Residential (Group A)” and “Open Space” zones, Lots 3035RP, 3036S.A, 3036RP, 3037, 3044, 3045RP in D.D. 51 and adjoining Government land, San Wan Road, Fanling  
(RNTPC Paper No. A/FSS/197)

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**Presentation and Question Sessions**

22.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary public vehicle park (private car and light goods vehicle) for a period of 2 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) advised that there had been previous complaints on noise and light nuisance at the application site over the past year. Given the history of noise complaints on the application site and objection from residents of the nearby Fanling Centre, the current application for extending the planning permission to allow parking of light goods vehicles and 24-hour operation for monthly parking would result in an increase in potential for noise nuisance, especially during the night time and early morning. As such, he had reservation on the application. Commissioner of Police (C of P) advised that over the past twelve months, he received one report of noise complaint against the public vehicle park that it was operating well after 23:00. In addition, he received another eight similar noise complaints referred to him by other Government departments;

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

- (d) during the statutory publication period, 4 public comments from a member of the public, an owner of Fanling Centre, the Chairperson of the Incorporated Owner of Fanling Centre, and Designing Hong Kong Limited were received. The member of the public supported the application as the public vehicle park would facilitate parking by local residents. However, the owner of Fanling Centre and the Chairperson of the Incorporated Owner of Fanling Centre raised strong objection to the application. They pointed out that the previous planning permissions were revoked due to non-compliance with approval conditions, reflecting the applicant's lack of sincerity in fulfilling approval conditions. The residents of Fanling Centre had been adversely affected by the noise of vehicles entering and leaving the vehicle park at mid-night, particularly the noise from vehicles installed with reverse warning device. The residents were awakened by the annoying noise from the vehicles sounding their horns in the vehicle park at night. Residents on the lower floors were affected by the strong spotlights installed at the vehicle park. Designing Hong Kong Limited also objected to the application as the car park was a blight on the environment and not in line with the planning intention for the area. District Officer (North), Home Affairs Department (DO(N), HAD) had received complaints from a resident of Fanling Centre complaining about the noise, lighting, excessive parking, mid-night operation, applicant's failure to implement the promised improvement measures and lack of sincerity in complying with approval conditions, etc. A previous complainant was consulted but no reply was received from her as of 10.8.2010; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. As compared with the previously approved application (No. A/FSS/187), the applicant proposed to increase the number of private car parking spaces from 50 to 70 and allow the provision of 15 parking spaces for light goods vehicles. The applicant also proposed to include round the clock operation for those monthly parking spaces. It was considered that the current mode of operation as proposed by the applicant would generate

additional noise nuisance to the local residents. DEP had reservation on the current application as the applicant's proposals to allow parking of light goods vehicles and 24-hour operation for monthly parking would result in an increase in potential for noise nuisance, especially during night time and early morning. Two previously approved applications (No. A/FSS/169 & 187) were revoked due to non-compliance with approval conditions on operation hours and the type of vehicles parked. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control. Besides, local objections were received and the applicant had not submitted any proposal to minimize environmental nuisance to the local residents.

23. Members had no question on the application.

#### Deliberation Session

24. The Chairman said that the nuisance generated by the vehicle park was also the subject of an Ombudsman case. Members noted that given the repeated non-compliance of approval conditions in the previous applications, the application should not be given sympathetic consideration. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) there was no information in the submission to demonstrate that the public vehicle park would not have adverse environmental impacts on the surrounding areas; and
- (b) the application involved two previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval

conditions, thus nullifying statutory planning control.

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/292      Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 546 S.D in D.D. 100, Tsiu Keng Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/292)

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### **Presentation and Question Sessions**

25.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site fell mostly within an area zoned “Agriculture” and the site was categorized as ‘good’ grading agricultural land and had high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, he considered that the application could be tolerated as it only involved construction of one Small House;
- (d) during the statutory publication period, four public comments from a member of the public, two indigenous inhabitants of Tsiu Keng Lo Wai, and Designing Hong Kong Limited were received. The member of the public supported the application as it would facilitate the local villagers.

The indigenous inhabitants of Tsiu Keng Lo Wai raised strong objections to the application mainly on the grounds of flooding, adverse ecological impact and 'fung shui'. Designing Hong Kong Limited objected to the application as the zoning intention and character of the area was incompatible with urban sprawl, the layout of existing and proposed infrastructure and development was incompatible with current and proposed land uses, and the area lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. Failure to ensure a sustainable layout before approval might further deteriorate the living environment of the villages; and

- (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 Small House development complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprint of the proposed Small House fell entirely within the village 'environs' ('VE') of Tsiu Keng and there was a general shortage of land in the "V" zone of the same village to meet the demand for Small House development. Sympathetic consideration could be given to the application. Though DAFC did not support the application, it should be noted that the application site was close to the boundary of the "V" zone and fell entirely within its village 'environs'. The proposed Small House was not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, 14 similar applications for Small House developments in the vicinity within the same "Agriculture" zone had been approved by the Committee. Regarding the public comments received, concerned Government departments consulted had no adverse comment or objection to the application and fung shui was outside the planning consideration by the Committee.

26. Noting that a public commenter stated that the application site was in front of the grave of his ancestor and would affect the fung shui of the grave, a Member asked where the grave was. Ms. Doris Ting said that as revealed in a recent site visit, there was no grave

around the application site and the survey plan on Plan A-2 also did not show any grave around the application site.

### Deliberation Session

27. 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 10.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (ii) the application site was located within the flood pumping gathering ground; and
  - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Items 9 to 11**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/293      Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lots 641 S.G ss.1 and 641 S.H ss.4 in D.D. 100,  
Tsiu Keng Lo Wai Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/293)

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[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/294 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 641 S.F R.P. and 641 S.H ss.1 in D.D. 100,  
Tsiu Keng Lo Wai Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/294)

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[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/295 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 641 S.G R.P. and 641 S.H ss. 3 in D.D. 100  
Tsiu Keng Lo Wai Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/295)

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29. Noting that the three 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

30. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the applications as the application sites fell within an area zoned “Agriculture” and the sites were categorized as ‘good’ grading agricultural land. The Commissioner for Transport had reservation on the applications and said that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, he considered that these applications could be tolerated as each of the applications only involved the construction of one Small House;

- (d) during the statutory publication period, four public comments for each application were received from the same commenters (viz. one general public, two villagers of Tsiu Keng Village and Designing Hong Kong Limited.) While a member of the public indicate ‘no comment’, two villagers of Tsiu Keng Village objected to all the three applications mainly on the grounds of adverse impact to the rural environment and ‘fung shui’. Designing Hong Kong Limited also objected to the applications as the zoning intention and character of the area was incompatible with urban sprawl, the layout of existing and proposed infrastructure and development was incompatible with current and proposed land uses, and the area lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. Failure to ensure a sustainable layout before approval might further deteriorate the living environment of the villages; 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 majority of the footprints of the proposed Small Houses of A/NE-KTS/293 and 295 and the whole footprint of the proposed Small House of A/NE-KTS/294 fell within the ‘VE’ of Tsiu Keng, and there was a general shortage of land in the “V” zone of the same village to meet the demand for Small House development. Sympathetic consideration could be given to the applications. Although DAFC was not in favour of the applications, the application sites were close to the boundary of the “V” zone, and majority of the application sites fell within its village ‘environs’. The proposed Small Houses were not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, the applicants had previously obtained planning permissions for 3 proposed Small Houses at the application sites, and 14 similar applications for Small House developments in the vicinity within the same “Agriculture” zone had been approved by the Committee. Regarding the

public comments received, concerned Government departments consulted had no adverse comment or objection to the application, and 'fung shui' was outside the planning consideration by the Committee.

31. Members had no question on the applications.

#### Deliberation Session

32. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 10.9.2014, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted was commenced or the permission was renewed. The permissions were 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.

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

- (a) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that as the application sites were in close proximity to Tsiu Keng Road, the applicants should provide, at their own costs, suitable mitigation measures (e.g. noise barriers, etc.) to mitigate nuisance emitted from the adjacent Tsiu Keng Road;
- (b) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (c) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
  - (i) 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;
  - (ii) the application site was located within the flood pumping gathering ground; and
  - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should take due diligence not to affect the existing mature trees adjacent to the application sites when construction works for the proposed Small Houses were undertaken; and
- (f) to note that the permissions were only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the

relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/341      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone,  
Lot 26 S.B (Part II) in D.D. 46, Tai Tong Wu, Fanling  
(RNTPC Paper No. A/NE-TKL/341)

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Presentation and Question Sessions

34.      Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had advised that the application site was well vegetated in 2008 but site inspection on 6.7.2010 revealed that extensive vegetation clearance and paving with asphalt had occurred and approval of the application might further encourage the malpractice. Besides, the application was against the planning intention and approval of the application would set an undesirable precedent for other similar applications. Moreover, removal or significant pruning of trees growing in close proximity to the application site was anticipated. Commissioner for Transport (C for T) had reservation on the application and advised that the Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Such development if permitted would set an undesirable precedent for similar applications in the

future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involved construction of one Small House. The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) had advised that the application site might be subject to flooding risk due to suspected unauthorized land filling of a river nearby. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed Small House was incompatible with the surrounding woodland environment and significant disturbance to the existing landscape resources had taken place. Besides, the approval of the application might attract similar applications in the “Green Belt” (“GB”) zone, leading to continual proliferation of Small Houses in the zone and undermining the intactness of “GB” zone and its rural character. Moreover, construction works for the proposed Small House would likely affect the trees close to the site;

- (d) during the statutory publication period, three public comments were received, one of which supporting the application was submitted by a member of the general public on the grounds that the application would facilitate the construction of village house by villagers. The other two public comments submitted by Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong objected to the application. Their grounds of objection included (a) the zoning intention and character of the area was incompatible with urban sprawl; (b) there was a lack of plan for a sustainable village layout of infrastructure and development to ensure the health and well being of current and future residents; (c) tree felling was observed. The proposed development might incur adverse impact on the tall trees of a secondary forest growing at the fringe of the application site; (d) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and any deliberate degradation of the natural environment in the hope that the Town Planning Board would grant an easy approval was not acceptable; (e) the approval of the application might set an undesirable precedent for future applications within “GB” zone. The District Officer/North advised that the Chairman of Sha Tau Kok District

Rural Committee and the concerned North District Councillor had no comment and the village representatives of Tai Tong Wu supported the application. The Government should be sympathetic towards the application as the land was owned by indigenous inhabitant and the environment and livelihood of villagers should be balanced; 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 application site and the footprint of the proposed Small House fell entirely within the “GB” zone and the proposed development was not in line with the planning intention of the “GB” zone. As such, DAFC and CTP/UD&L had adverse comments on the application. Although sympathetic consideration might be given to the application in that more than 50% of the footprint of the proposed NTEH/Small House was located within the village ‘environs’ of Tai Tong Wu Village and there was a general shortage of land in meeting the Small House demand in the “V” zone, the proposed development did not meet the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that it would frustrate the planning intention of the respective zone and cause adverse impacts on the surrounding areas. The proposed development was not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance and Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that it would cause adverse landscape impacts on the surrounding areas as removal or significant pruning of mature trees in close proximity of the application site was anticipated. No similar application for proposed Small House development within the same “GB” zone in the vicinity of the application site had been approved by the Committee. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative impacts of approving the application would cause adverse landscape impacts on the surrounding areas.

Deliberation Session

35. In response to a Member's query, Ms. Doris Ting explained that the application site was the subject of one previous application for the same use submitted by the same applicant which was rejected by the Committee. The same Member asked if the repeated submission of applications by the same applicant for the same use was allowed under the Town Planning Ordinance. The Chairman said that the Town Planning Ordinance, did not preclude repeated applications.

36. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance and Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that it would cause adverse landscape impacts on the surrounding areas as removal or significant pruning of mature trees in close proximity to the application site was anticipated; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative impacts of approving such application would cause adverse landscape impacts on the surrounding areas.



**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/342      Temporary Open Storage of Construction Equipment  
for a Period of 3 Years in “Agriculture” zone,  
Lots 1344 (Part) and 1345 (Part) in D.D. 82, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/342)

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**Presentation and Question Sessions**

37.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary open storage of construction equipment for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. There was no record of pollution complaint for the application site in the past 3 years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as it had a high potential for agricultural rehabilitation. Active agricultural activities were found in the vicinity of the site. Should the application be approved, the applicant should be advised to adopt good site practice and avoid surface runoff from polluting the watercourses located adjacent to the application site. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as some parts of the application site were within the project areas of the proposed Drainage Channel TKL05 under “Drainage Improvement in Northern New Territories – Package C (Remaining Works)”, which was scheduled to start construction in late

2012. Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) advised that North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) was commissioned in June 2008. The application site fell within Ping Che/Ta Kwu Ling New Development Area (NDA). As the site formation works for the NDAs development were tentatively scheduled to commence in 2014/2015 subject to review under the NENT NDAs Study, he would suggest that the effective period of permission for the application be granted to a date no later than the year of 2013;

- (d) during the statutory publication period, two public comments were received, one of which indicating ‘no comment’ was submitted by a member of the general public. The other public comment submitted by Designing Hong Kong Limited objected to the application on the grounds that the open storage use was a blight on the environment; the open storage use was not in line with the planning intention of “AGR” zone; and a condition requiring a plan for quality landscaping and well-designed fencing of the perimeter of the application site should be stipulated if the application was approved. The District Officer/North, Home Affairs Department advised that the Residents Representative (RR) of Lei Uk supported the application. The current application was only a renewal application and no complaint was received regarding the application site. He wished the Government to promote the use of vacant agricultural land to attain better local economic benefits. The Vice-Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representative (IIR) of Lei Uk and RR of Tai Po Tin had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The application site had been paved and used for open storage of construction equipment since 2001 and it was unlikely that the applicant would use the site for agricultural activities. Besides, the development was not incompatible with the

surrounding land uses, which comprised vacant and unused land, open storage yards of construction materials. Moreover, the development would unlikely cause adverse traffic and landscape impacts on the surrounding areas and concerned Government departments had no adverse comment on or no objection to the application. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there were no major adverse departmental comments and local objection and the concerns of the departments could be addressed through the implementation of approval conditions and advisory clauses. Although CE/MN, DSD did not support the application as a portion of the application site fell within the project areas of the proposed drainage channel TKL05, the Chief Engineer/Drainage Projects, Drainage Services Department had advised that an approval condition of the setting back of the application site boundary to avoid encroachment on the project areas could be imposed. Regarding DEP's comment, there was no record of pollution complaint for the application site in the past three years and the concern could be addressed through the incorporation of approval conditions. Regarding the potential interface with the Ping Che/Ta Kwu Ling NDA, the approval of the application on a temporary basis for 3 years until 10.9.2013 would not frustrate the long-term planning of the future Ping Che/Ta Kwu Ling NDA development.

38. Noting that the applied use was for the storage of construction equipment, a Member said that the site photo on Plan A-4 showed some construction material stored on the site. That Member asked whether planning approval would cover both construction equipment and materials. Ms. Doris Ting explained that the site was the subject of 4 previous planning applications which were all for the storage of construction equipment. The Chairman said that the Committee would have to make a decision only on the use that was applied for.

#### Deliberation Session

39. The Secretary said that an advisory clause (b) was proposed to remind the

applicant that the permission was given to the use under application and it did not condone any other use which currently existed on the site but not covered by the application. Besides, since the last approval was revoked due to non-compliance with the approval conditions, a shorter compliance period was recommended so as to monitor the progress of compliance. Furthermore, the applicant would be advised that should the applicant fail to comply with the approval conditions again, sympathetic consideration might not be given to any further application.

40. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the stacking height of the materials stored within five metres of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the peripheral fencing and paving of the application site should be maintained at all times during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period;
- (f) the setting back of the application site boundary to avoid encroachment on the project areas of the proposed Drainage Channel TKL05 under “Drainage Improvement in Northern New Territories (NT) – Package C (Remaining Works)” as and when required by the Drainage Services Department;

- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2010;
- (h) in relation to (g) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;
- (i) the submission of proposals for water supplies for fire fighting and fire service installations (FSIs) within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2010;
- (j) in relation to (i) above, the provision of water supplies for fire fighting and fire service installations (FSIs) within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2011;
- (k) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2010;
- (l) in relation to (k) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2011;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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

- (o) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (e) to note the comments of District Lands Officer/North, Lands Department that should planning permission be granted, the owners of Lot 1344 in D.D. 82 should apply to his office for a Short Term Waiver for the regularization of the structures erected on the lot;
- (f) to note the comments of the Commissioner for Transport that the village track leading to Ping Che Road was not under the management of Transport Department. The land status of the village track should be

checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation to adopt good site practice and avoid surface runoff from polluting the watercourses located adjacent to the application site;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available and Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (i) to note the comments of the Chief Engineer/Drainage Projects, Drainage Services Department to liaise with his department to obtain the latest information of the proposed drainage channel TKL05;
- (j) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
  - (ii) the proposed development was within the flood pumping gathering ground;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be

removed. 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;

- (l) to note the comments of the Director of Fire Services that submission of layout plans incorporated with the proposed FSIs to his department for approval was required and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans;
- (m) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that some of the existing trees within the application site were dead, damaged or covered by creepers; and
- (n) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

[The Chairman thanked Ms. Doris Ting, STP/STN, for her attendance to answer Members’ enquiries. Ms. Ting left the meeting at this point.]



**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/74            Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Government Land in D.D. 209, Sai Keng Village,  
Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/74)

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**Presentation and Question Sessions**

42.            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) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); 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 proposed Small House development met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Sai Keng Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sai Keng. Although the proposed Small House development was not in line with the planning intention of the

“Green Belt” (“GB”) zoning for the area, it was generally compatible with the surrounding environment which was predominantly rural in character occupied by village houses. There were similar applications No. A/NE-SSH/60 and A/NE-SSH/72 in the same “GB” zone approved by the Committee in March 2009 and July 2010. The current application could warrant the same consideration of the approved similar applications for Small House development within the same “GB” zone.

43. Members had no question on the application.

#### Deliberation Session

44. 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 10.9.2014, 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 provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant should assure that the finish level of the Small House terrace should be higher than that of the adjoining house so as to match with the landscape character of the rural village development;
- (b) the applicant should provide tree preservation measures to preserve the nearby tree. Tree pruning, whenever necessary, should be kept to minimum and good site practices should be implemented to minimize the adverse

impacts to the tree;

- (c) the applicant should note that the proposed small house development encroached the existing water main as shown in the attached Plan No.W67880/8-NW-21A. Diversion of the water mains was required and the cost of diversion should be borne by the applicant;
- (d) the applicant should note that the proposed development would have interface with the current replacement & rehabilitation of water mains Contract No. 20/WSD/06 as shown in the attached Plan No.8/NW-21A. The applicant should liaise with Engineer/Consultant Management(10) of Water Supplies Department;
- (e) the applicant should note that public sewerage system at Sai Keng was planned to be implemented under the project “Tolo Harbour Sewerage of Unsewered Areas, Stage II”. The project was at its design stage and was tentatively scheduled to start by phases commencing in 2011 for staged completion in 2018. Upon completion of the public sewerage system at Sai Keng, Environmental Protection Department (EPD) might require the applicant to make proper sewer connection from his premises into the public sewer at his own cost;
- (f) there were no existing Drainage Services Department maintained public stormwater drains available for connection in the 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 should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (g) the applicant should note that public sewerage connection was currently not available for the site. EPD should be consulted regarding the sewerage

treatment/disposal aspects of the proposed development and the provision of septic tank; and

- (h) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-TK/303 Proposed Columbarium

in “Government, Institution or Community” zone,

Soka Gakkai International of Hong Kong Cultural and Recreational Centre,

Tai Po Town Lot 127 (Part), 33 Shan Nam Road, Tai Po

(RNTPC Paper No. A/NE-TK/303)

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46. The Secretary reported that after issuing the RNTPC paper, a letter was received from the applicant’s representative on 6.9.2010 (tabled at the meeting) requesting for a deferment of the consideration of the planning application for two months to allow time for the applicant to consult Tai Po District Council and to address the comments from Transport Department on the provision of transport facilities and the detailed traffic arrangement. The Secretary said that the justifications for deferment met the criteria as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No.33).

47. 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 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/453                      Proposed Utility Installation for Private Project  
(Electricity Package Substations)  
in “Village Type Development” zone,  
Lots 520 S.B. (Part), 520 R.P. (Part), 521 S.B. (Part),  
521 R.P. (Part) and 524 (Part) in D.D. 22, Cheung Uk Tei, Tai Po  
(RNTPC Paper No. A/TP/453)

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**Presentation and Question Sessions**

48.            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) the proposed utility installation for private project (electricity package substations);
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the proposed utility installation as it would block the existing village track;
- (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 had no objection to the application based on the assessments given in paragraph 10 of the Paper. The proposed utility installation was a mini-type transformer required for providing power supply to the nearby Small House developments within and near the subject “Village Type Development” zone. The proposed

electricity package substations were small in scale, which had a land take of about 24m<sup>2</sup> and a height of about 3m. The proposed development was considered not incompatible with the surrounding landscape and rural setting. In view of the scale and design of the proposed electricity substation and there was no existing trees on the site, it was unlikely that the proposed substation would have adverse landscape impact on the surrounding area. Regarding C for T's concern that installation would block an existing village track, the applicant had further clarified that an alternative village track was available to the north of the site and the proposed location of the two substations including landscaping treatment would not block the access.

49. Members had no question on the application.

#### Deliberation Session

50. 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 10.9.2014, 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 provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the applicant should apply to the District Lands Officer/Tai Po, Lands

Department (DLO/TP, LandsD) for approval of the proposed development by way of Short Term Waiver;

- (b) the applicant should apply to DLO/TP, LandsD for approval for any excavation works to be carried out on Government land, if any;
- (c) as the proposed emergency vehicular access (EVA) was on private lots, there was no guarantee by the Government for the provision of the EVA. The applicant had to obtain owners' consent for the construction of the EVA;
- (d) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) upon commissioning of the electricity package substation, compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should be verified by direct on-site measurements by relevant parties;
- (f) the applicant should note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as mentioned in paragraph 8.1.8 of the Paper;
- (g) the applicant should note that the access adjoining the subject site was not maintained by Highways Department; and
- (h) the applicant should note that he 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 Water Supplies Department's standards.

[The Chairman thanked Ms. Lisa L.S. Cheng, STP/STN, for her attendance to answer Members' enquiries. Ms. Cheng left the meeting at this point.]

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

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

#### **Agenda Item 17**

[Open Meeting (Presentation and Question Sessions only)]

Land Use Review of the "Undetermined" Zones on the  
Approved Ping Shan Outline Zoning Plan No. S/YL-PS/11  
(RNTPC Paper No. 10/10)

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

52. With the aid of a Powerpoint presentation, Mr. W. M. Lam, STP/TMYL, presented the Paper and covered the following aspects :

##### **Background**

- (a) There were 4 areas zoned "Undetermined" ("U") in the Ping Shan Outline Zoning Plan (OZP) covering a total area of about 53.4 ha. These areas were zoned "U" on the first draft Ping Shan OZP in 1996 as the land were affected by the West Rail (WR) project. The WR had been completed and in operation. Opportunity was taken to conduct review study on the "U" zones with a view to providing clear land use zonings for these areas.

##### **Review of the Four "U" Zones**

###### **Area A** (about 27.7 ha)

- (b) Area A was bounded by Long Tin Road, Long Ping Road and the WR



viaduct. The central part of this area mainly consisted of clusters of residential dwellings.

- (c) Item A1 - The Chomolongma Multicultural Community Centre (CMCC) (about 1,561m<sup>2</sup>) was approved by the Rural and New Town Planning Committee (RNTPC) on 23.8.2002 (Application No. A/YL-PS/117). The CMCC development had been completed and operated for a few years to provide services to the ethnic minorities in Yuen Long district and was a venue for facilitating community interaction and a place for education and training of the ethnic minorities. The proposed rezoning to “Government, Institution or Community” (“G/IC”) zone was to reflect the approved scheme and the current use of the site.
  
- (d) Item A2 - The two green knolls along Yung Yuen Road (about 4.66 ha) and the strip of land underneath and to the north of the WR viaduct (about 3.5 ha) were proposed to be rezoned to “Green Belt” (“GB”). The two knolls were covered with mature trees and vegetation as well as some fruit trees. There were a number of graves on the knolls. The two knolls were proposed to be rezoned to “GB” for better conservation of their existing natural setting. The strip of land underneath and to the north of WR viaduct was formed during the construction of WR in the 1990’s and was mainly covered with vegetation. An informal rural track ran along the alignment of the WR viaduct providing vehicular access to nearby village houses and workshops. The land was also proposed to be rezoned to “GB” to provide amenity underneath the WR viaduct and a buffer between the rail alignment and village settlements nearby. The proposed “GB” zone could also help define the limits of the development areas and protect the wider unspoiled rural area to the north of Area A.
  
- (e) Item A3 - Two MTR Emergency Access Points at the eastern and western ends (about 0.95 ha) which were authorised under Railways Ordinance for WR facilities, were proposed to be shown as ‘Railway/Road’ to reflect the intended use for emergency relief.

- (f) Item A4 - The remaining Area A was proposed to be rezoned to “Comprehensive Development Area” (“CDA”) (about 22 ha). The eastern and western parts of Area A were mainly land covered by temporary structures, vehicle parks, open storage yards and workshops. To avoid piecemeal development and ensure that developments in the area would be environmentally acceptable and not subject to industrial/residential (“I/R”) interface problems, the area was proposed to be rezoned to three “CDA” zones. The three “CDA” zones, western (about 8.3 ha), central (about 5.1 ha) and eastern (about 8.5 ha) portions were intended for low-rise and low-density development to facilitate comprehensive upgrading of the areas and provide necessary planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. A maximum plot ratio of 0.4 and a maximum building height of 3 storeys were recommended to complement the rural character of the area.

**Area B** (about 7.3 ha)

- (g) The area was bounded by the WR Tin Shui Wai Station, WR viaduct and Tin Fuk Road, Long Tin Road, Sheung Cheung Wai and Ping Ha Road. The area was generally rural in character with village houses and temporary vehicle parks.
- (h) Item B1 - At the north-western edge of the area along the WR Tin Shui Wai Station, there were several government, institution or community facilities. Two existing electricity substations for the light rail and WR, Kwok Yat Wai College, the Tin Shui Wai Public Library cum Indoor Recreation Centre (under construction) (about 2.16 ha) were proposed to be rezoned from “U” to “G/IC” to reflect the existing and intended uses.
- (i) Item B2 - The Sheung Cheung Wai First and Second Floodwater Pumping Stations and the flood pond (about 1 ha) currently straddled both “U” and “Village Type Development” (“V”) zones. The portion of the pumping station and flood pond under “V” zone was about 0.93 ha. These sites were proposed to be rezoned from “U” and “V” to “OU” annotated

“Pumping Station and Associated Facilities” to reflect the existing uses and to be in line with the zonings for similar facilities in other areas.

- (j) Item B3a - Tsui Sing Lau Pagoda (about 21 m<sup>2</sup>) was a declared monument and an important landmark for the Ping Shan Heritage Trail. Tat Tak Communal Hall (494 m<sup>2</sup>) was a Grade I historic building under active planning for restoration. Taking into account the importance of building preservation and the heritage value of the monument and the historic building, a specific zoning “Other Specified Uses” (“OU”) annotated “Historic Building for Cultural and Community Uses” was proposed for both buildings. The planning intention was to facilitate in-situ preservation of the historic buildings for cultural and community uses for enjoyment of the public. Any new development, or major addition, alteration and/or modification to the existing buildings required planning permission from the Town Planning Board.
  
- (k) Item B3b - Land around Tsui Sing Lau Pagoda and Tat Tak Communal Hall were proposed to be rezoned to “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (about 4,963m<sup>2</sup>). AMO advised that development in the area around Tsui Sing Lau Pagoda should not be too high and incompatible with the setting of the pagoda from both cultural heritage conservation and visual impact viewpoints. In this regard, a piece of land (about 3,180m<sup>2</sup>) around the pagoda was proposed to be rezoned to “OU (Heritage and Cultural Tourism Related Uses)”. The planning intention was to ensure that the setting of the monument would not be compromised by incompatible developments. Low-rise development with a maximum plot ratio of 0.4 and a maximum building height of 10mPD (about 6m high) was proposed to protect the vista of the Pagoda and at the same time provide incentive for development. The area around Tat Tak Communal Hall (about 1,783 m<sup>2</sup>) was also proposed to be rezoned to the same zone. The purpose of designating the land to such zoning with the same development restrictions was to avoid incompatible use in front of the historic building and to reserve land for possible ancillary facilities of the future use of the communal hall.

- (l) Item B4 - The north-eastern portion of Area B (about 2.4 ha) covered the existing WR Tin Shui Wai Station, WR viaduct, Light Rail stations, Tsui Sing Road, and some vacant Government land. CEDD had proposed a cycling entry/exit hub at the strip of land to the north of the WR viaduct as part of the comprehensive cycle track system connecting North West New Territories with North East New Territories. The proposed hub together with the cycle track were already authorized under the Roads (Works, Use and Compensation) Ordinance in January 2010 and was proposed to be shown as 'Road'.
  
- (m) Item B5 - The remaining area of Area B (about 1.9 ha) was located along the Ping Shan Heritage Trail and in proximity to the existing village settlements of Sheung Cheung Wai, Hang Tau Tsuen and Hang Mei Tsuen. The area, which was already occupied by 3-storey low-rise housing such as Elle Garden and Ping Wu Garden was considered suitable for further village type development and therefore proposed to be rezoned to "V".

**Area C** (about 5.1 ha)

- (n) The area, bounded by Ping Ha Road, Hung Tin Road, WR Tin Shui Wai Station and viaduct, was within the possible extension area of the proposed Hung Shui Kiu New Development Area (NDA) for open space development identified by the former Planning and Development Study on North West New Territories (NWNT Study). According to the Policy Address 2007-08, the consideration of the NDA would be revived. Besides, the adjacent "Industrial" ("I") zone was currently covered by a review exercise being undertaken by Planning Department to update the assessments for industrial land in the territory. The findings of the exercise might also include land use proposal for the area to complement possible transformation within the "I" zone. In view of the imminent and ongoing studies, no proposal was recommended for this "U" zone at this stage.

**Area D** (about 13.4 ha)

- (o) The area was near Tin Sam Tsuen and was adjacent to the WR viaduct and was within the boundary of the proposed Hung Shui Kiu NDA. The further planning and engineering study for the Hung Shui Kiu NDA was being prepared. In view of the imminent study, no proposal was recommended for this “U” zone at this stage.

**Consultation**

- (p) The Ping Shan Rural Committee and the Town Planning & Development Committee of Yuen Long District Council were consulted on the results of the land use review of the “U” zones and the proposed amendments to the Ping Shan OZP on 29.4.2010 and 19.5.2010 respectively. Both of them had no adverse comments on the proposed amendments in general. Some members were of the view that the private land of indigenous villagers at Area B should be rezoned to “V” for Small Houses development.

53. A Member asked what the future use of Tat Tak Communal Hall would be. Mr. W. M. Lam replied that Tat Tak Communal Hall was currently under active planning for restoration by AMO and the future use was not yet determined.

54. The same Member also asked whether the current land use proposal for Area B had taken into account the comment made by some Members of Ping Shan Rural Committee and Yuen Long District Council that the private land of indigenous villagers should be rezoned to “V” for Small House development (para 10.2 of the Paper). Mr. W. M. Lam explained that the area proposed to be rezoned to “OU” in Area B was largely Government land or land belonged to Tso Tong and most of the private land owned by villagers was proposed to be rezoned to “Village Type Development”.

55. Another Member commented that the accessibility and the provision of parking spaces for private cars and coaches should be improved to facilitate visitors to access the attractions along Ping Shan Heritage Trail more conveniently. Besides, more directional signs should be provided along the Heritage Trail. The Chairman said that Ping Shan Heritage Trail was a walking trail and there were signs along the Heritage Trail. Tsui Sing

Lau Pagoda was within a short walk from West Rail Line Tin Shui Wai Station. Mr. W. M. Lam pointed out that there was an existing temporary parking area adjacent to Shrine of the Earth God to meet visitors' demand. Another Member said that it might not be necessary to have direct vehicle access to attractions along the Heritage Trail. There should be a proper balance between the provision of car parks/ vehicular access and the preservation of the overall environment along the Heritage Trail.

56. Noting that the areas around the pagoda and Tat Tak Communal Hall were proposed to be rezoned to "OU (Heritage and Cultural Tourism Related Uses)", the Chairman said that PlanD should keep in view of the landowners on the implementation of the project.

57. The Chairman asked whether there were measures to preserve the trees to west of Area A. Mr. W. M. Lam explained that the area was proposed to be rezoned to "Comprehensive Development Area" and a planning brief would be prepared to incorporate detailed requirement including tree preservation.

58. A Member said that if the area under the WR viaduct was zoned as "GB", there would not be an implementation agent for the area, rendering the area susceptible to unauthorised uses. Mr. W. M. Lam said that most of the area under the WR viaduct was allocated to and managed by WR. Another Member said that the land under the WR viaduct could be better utilised for community purposes such as organic farming. The Member suggested encouraging NGOs or local community groups to take the lead in developing ideas to make better use of the land available. The Chairman said that the Notes of "GB" zone would allow the flexibility to accommodate uses such as organic farming.

59. Noting that three "CDA" zones were proposed in Area A which was currently covered by different uses of open storage yards and workshops etc., a Member asked whether there was enough flexibility in the planning application system to facilitate the implementation of the "CDA" zone. Mr. W. M. Lam responded that while the applicant should submit a Master Layout Plan covering the whole "CDA" zone, the implementation of the proposed development could be carried out by phases to tie in with the developers acquisition programme. The Secretary said that there was a Town Planning Board Guidelines for designation of "Comprehensive Development Area" zones and monitoring the progress of "CDA" developments (TPB PG-No.17) which indicated clearly that allowance for phased

development could be considered for site not under single ownership. However, in devising the phasing, it should be demonstrated that the planning intention of the CDA would not be undermined, the comprehensiveness of the development would not be adversely affected, the resultant development should be self-contained and the development potential of the unacquired lots within the CDA zone should not be absorbed in the early phases of the development. At the end of the third year after the designation of the CDA zone, the zoning would be reviewed annually to check whether there were implementation difficulties or whether changes needed to be made to improve the incentives for redevelopment.

60. After deliberation, the Committee decided to :

- (a) note the findings of the land use review; and
- (b) agree that the zoning proposals as stated in paragraphs 4, 5, 6 and 7 of the Paper should form a basis for amending the draft Ping Shan OZP No. S/YL-PS/11 for its further consideration.

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

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/685            Temporary Open Storage of Converted Containers,  
Used Containers, Construction Materials, Construction Machinery,  
Logistics Vehicles Back-Up Centre and Recycling of Metal  
with Ancillary Repair Workshop for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots No. 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part),  
3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176,  
3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and  
3187 RP (Part) in D.D. 129 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
  
(RNTPC Paper No. A/YL-HT/685)

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**Presentation and Question Sessions**

61.            Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that replacement pages of the plans for the Paper were tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of converted containers, used containers, construction materials, construction machinery, logistics vehicles back-up centre and recycling of metal with ancillary repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road) and environmental nuisance was expected. No pollution complaint against the site was received between January 2007 and April 2010;



- (d) during the statutory publication period, one public comment was received. The commenter considered the use of the site for open storage was a blight on the environment, and not in line with the planning intention for the area. She was of the view that the site fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E), and therefore opined that it was not suitable for open storage use. She considered that a condition requiring a quality landscape plan and well-designed perimeter fencing to mitigate the blight should be imposed should the application be approved; and
  
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The applied use was not incompatible with the surrounding uses, which were predominantly vehicle parks and open storage yards. The sites fell within Category 1 areas under the TPB PG-No. 13E. The development was in line with the TPB PG-No. 13E in that DEP’s and the commenters’ concerns could be addressed by way of approval conditions, and there was no adverse comment from other concerned Government departments. Regarding DEP’s comments, there was no environmental complaint against the site over the past years despite that the site had been used for open storage since 1999. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, and stacking height of materials/containers stored had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved a number of applications in the same “Comprehensive Development Area” (“CDA”) zone for similar temporary open storage and port back-up uses. Approval of the subject application was therefore in line with the Committee’s previous decisions. On the public comments received, it was noted that peripheral fencing and landscaping had already been provided. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use. It was also

noted that the site fell within Category 1 area under the TPB PG-No. 13E instead of Category 3 area as mentioned by the commenter.

62. Members had no question on the application.

#### Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.9.2013, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (e) no material was allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/584 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/584 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage

Services or of the TPB by 10.3.2011;

- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2011;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (j) 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 10.3.2011;
- (k) in relation to (j), the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2011;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) prior planning permission should have been obtained before commencing the open storage of converted containers and used containers, recycling of metals and ancillary repair workshop on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval; and to apply for Short Term Tenancy (STT)/ Short Term Waiver (STW) to regularize the unauthorized occupation of Government land and unauthorized structures on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate land control/lease enforcement action against the occupier/registered owner(s). He also reserved the right to take enforcement action under the conditions of the STWs No. 3054 and 3242;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to maintain the access to the site in good condition, and that no debris and loose aggregates should be brought onto the public roads/drains via the site access;
- (g) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department 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)” which construction works commenced in December 2007 for completion by end 2010, and that he should not be entitled for any compensation thereof; that the run-in would also be used for access to/from the adjoining Lot No. 3174 RP in D.D. 129;
- (h) to note the Director of Fire Services’ comments on the requirements of formulating fire service installation (FSI) proposals as stated in Appendix V of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. Use of containers as Offices and storerooms were considered as temporary structures and were subject to control under Building (Planning)

Regulations (B(P)R) Part VII. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Provision of emergency vehicular access to all buildings under B(P)R 41D was applicable.

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/694            Temporary Storage of Banquet Utensils for a Period of 3 Years  
in “Village Type Development” zone,  
Lots No. 945 (Part) and 968 (Part) in D.D. 125 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/694)

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

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

- (a) background to the application;
- (b) the temporary storage of banquet utensils 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 temporary use could be tolerated for a period of three years based on the

assessments given in paragraph 11 of the paper. The temporary storage facility under application was for storage of banquet utensils and tabletops. According to the applicant, the stored items were for use in festive banquets being held at the adjoining Shi Wang Study Hall. In this regard, the applied use was not incompatible with the surrounding village settlements. Although the temporary storage itself was not in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long advised that no small house application had been received on the site. It was therefore considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The subject application was of an entirely different nature from temporary storage uses, and approval of the subject application should not be regarded as a precedent for storage uses within the “V” zone.

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.9.2013, 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 10:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no repairing and food processing workshop, other than cutting of food and cleansing of food/cooking utensils, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) only light goods vehicles/vans not exceeding 5.5 tonnes, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;

- (d) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2011;
- (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 10.6.2011;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2011;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (j) if any of the above planning conditions (a), (b) or (c) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application



site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the other concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long 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 confine the applied use within the private lots and avoid affecting Government land as far as possible;
- (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 to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.

The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

- (g) 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 site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; the storage area and the converted container were temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII; if the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; the site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected. The applicant should bear the costs of any necessary diversion works affected by the development. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Ms. Anna Kwong left the meeting temporarily at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/YL-LFS/203      Proposed Temporary Electric Merry-go-round Pertaining to the Approved Recreational Development under Application No. A/YL-LFS/39 for a Period of 3 Years in “Village Type Development” zone, Lots No. 2800 (Part) and 2831 (Part) in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/203)

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69.            The Committee noted that the applicant requested on 30.8.2010 for a deferment of the consideration of the application for two months to allow time for him to revise the development proposal to satisfy the needs of the visitors.

70.            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 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/204      Temporary Open Storage of Plastic and Metal Ware for a Period of 3 Years in “Residential (Group E)” zone, Lots No. 2201 (Part), 2219 RP (Part), 2225 (Part), 2339 S.A (Part) and 2341 (Part) in D.D.129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/204)

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Presentation and Question Sessions

71. 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;

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

- (b) the temporary open storage of plastic and metal ware 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 (the closest one being about 8m away) and the access road (Deep Bay Road), and environmental nuisance was expected. There were 1 air, 2 noise and 1 water pollution complaints against the site in 2009, and 1 air, 3 noise and 2 water pollution complaints against the site from January to June 2010;
- (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 temporary use could be tolerated for a period of one year based on the assessments given in paragraph 12 of the paper. Although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, there was no immediate development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim. The area was predominantly occupied by vehicle parks and open storage yards. The development was therefore not incompatible with the general character of the area. The development was in line with the “Town Planning Board Guidelines for Application for Open Storage and

Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) in that there was no adverse comment from concerned Government departments except DEP whose concern could be addressed by way of approval conditions. To mitigate any potential environmental impacts raised by DEP, approval conditions restricting the operation hours, the stacking height of materials, and prohibition of workshop activities and the types of vehicles to be used, had been proposed. Due to the demand for open storage uses in the area, the Committee/the Board had approved a number of similar applications within the same “R(E)” zone. Approval of the subject application was therefore in line with the Committee’s previous decisions. As there were a total of 10 pollution complaints against the site in 2009 and 2010, a shorter approval period of 1 year, instead of 3 years sought, was therefore recommended to monitor the situation of the site.

72. A Member asked whether the approval conditions of the previous planning permission were the same as those proposed under the current planning application. Mr. Anthony Lee explained that the approval conditions were largely the same as those in the previous planning permission (No. A/YL-LFS/159). The Secretary supplemented that the approval conditions of the current application relating to the operation hours and days were the same as those of the previous permission. In the current application, an additional approval condition requiring for maintaining all the existing trees on the site was proposed and the approval condition relating to the drainage facilities was revised. In response to the same Member’s query on the water pollution complaint, Mr. C. W. Tse advised that he had no information at hand but he noted that Members would need to consider some residential dwellings were located close to the application site and if the potential environmental impact could be accepted.

#### Deliberation Session

73. The Chairman said that a shorter approval period of 1 year, instead of 3 years sought, could be granted to monitor the situation of the site. The Secretary advised that the District Planning Officer should closely monitor the situation on site. Should the applicant fail to comply with the approval conditions, the planning permission would be revoked.

74. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 10.9.2011, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) no vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (f) all existing trees on the site should be maintained at all times during the approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-LFS/159 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-LFS/159 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2010;

- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2010;
- (j) in relation to (i), the implementation of the 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 10.3.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to note that a shorter approval period of 1 year and shorter compliance periods were granted in order to monitor the situation of the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots held under the Block

Government Lease upon which no structure was allowed to be erected without his prior approval; and to apply to him for Short Term Waiver (STW) to regularize the unauthorized structures on-site. Should no STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate lease enforcement action against the registered owner;

- (e) 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 to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport 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 consult the relevant lands and maintenance authorities accordingly;
- (g) to note the Director of Fire Services' requirements in formulating fire service installation (FSI) proposals that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on the layout plan. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under BO or other enactment might be taken if contravention



was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. Use of containers as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulations Part VII; and

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD's) comments that for provision of water supply to the 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.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/501      Proposed Temporary Open Storage of Construction Machinery,  
Private Cars and Vehicle Parts for a Period of 3 Years  
in "Other Specified Uses" annotated "Rural Use" zone,  
Lots 395 RP, 398 RP, 414 RP and 415 RP in D.D. 106,  
Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/501)

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### **Presentation and Question Sessions**

76.      Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

[Mr. Rock Chen left the meeting temporarily at this point.]

- (b) the proposed temporary open storage of construction machinery, private cars and vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the planning application as there were sensitive receivers, i.e. residential structures, located to the east, south and west of the site and environmental nuisance was expected. An environmental complaint in relation to air (construction dust) had been received in 2008;
- (d) during the statutory publication period, two public comments from a Yuen Long District Councillor and Designing Hong Kong Limited were received. Designing Hong Kong Limited objected to the application as the use of the site for open storage was a blight on the environment and was not in line with the planning intention of the “Other Specified Uses” annotated ‘Rural Use’ (“OU(RU)”) zone of the area. The site in Category 3 areas was not suitable for open storage use. If the application was approved, a condition requiring for submission of a plan for quality landscaping and well-designed fencing should be imposed to mitigate the impact. The Yuen Long District Councillor was concerned about the adverse traffic impact on Kam Sheung Road arising from the use of heavy vehicles for the proposed development. The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advised that a local objection from the Village Representative (VR) of Shek Wu Tong Tsuen was received. The VR stated that the local villagers strongly objected to the application as the proposed use would cause environmental pollution. Besides, the site involved private road and vehicles were not allowed to use the private road to access the village area without permission from the owners; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the

assessments given in paragraph 12 of the paper. The proposed development was considered not incompatible with the surrounding land uses. Similar applications No. A/YL-KTS/485 and 496 located within the same “OU(RU)” zone had recently been approved by the Committee. As there was no known development programme for the “OU(RU)” site, it was considered that a temporary planning permission would not frustrate the long-term planning intention of the “OU(RU)” zone. The current application was generally in line with “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) in that the site was in a Category 3 area and it was the subject of previous planning approvals for various open storage uses since 1998 and no adverse comment on the current application from the relevant departments except DEP had been received. As there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. Regarding DEP’s comments, a shorter approval period of 1 year, instead of 3 years sought, should be given to monitor the situation on the site. Besides, approval conditions restricting the operation hours and prohibiting workshop activities were recommended. Since Application No. A/YL-KTS/405 was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance. Regarding the public comments and comments conveyed by DO/YL, the proposed development was considered not incompatible with the surrounding land uses and a temporary planning permission would not frustrate the planning intention of the “OU(RU)” zone. C for T also had no adverse comment on the application. In addition, the applicant would be advised to consult the local villagers of Shek Wu Tong Tsuen on the vehicular access arrangement for the proposed development.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 10.9.2011, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) all existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (e) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2010;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2010;
- (g) in relation to (f) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2010;

- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2011;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if the above planning conditions (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 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.

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

- (a) a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation and fulfillment of approval conditions on the site;
- (b) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to consult the local villagers of Shek Wu Tong Tsuen on the vehicular access arrangement for the proposed development;
- (e) to note the District Lands Officer/Yuen Long's comments that the site was

situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. No approval had been given for the converted container for office use. The site was accessible to Kam Sheung Road via an informal village track on other private land and a Temporary Government Land Allocation No. GLA-TYL822 granted to the Water Supplies Department for an active project, namely “Replacement and Rehabilitation of Water Mains Stage 2 Main in NT”. His office did not guarantee right-of-way. The registered owner of the relevant lot should apply to his office for Short Term Waiver (STW) to regularize or permit any structures erected or to be erected on the site. Should no STW application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement action against the registered owner;

- (f) 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;
- (g) to note the Commissioner for Transport’s comments that the land status of the road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (i) to note the Director of Agriculture, Fisheries and Conservation’s comments that trees along the site boundary should be preserved as far as possible;

- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should not generate adverse drainage impact to the adjacent area;
  
- (k) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration; and
  
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/502      Temporary Shop and Services (Real Estate Agency Office)  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 367 RP (Part) in D.D. 109, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/502)

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**Presentation and Question Sessions**

80.            Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary shop and services (real estate agency office) for a period of 3 years;

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

- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    during the statutory publication period, two public comments from 13 descendants of Tang Ching Lok Tso Tong, and two local residents with land interests at the site were received. The commenters objected/strongly objected to the application as the applicant had not obtained consent/agreement or confirmation on using the site for the applied use from Tang Ching Lok Tso Tong, who was the land owner of the site, and the local residents, who claimed as having land interests at the site. The development occupied the site illegally and its approval would affect the future development/right of the descendants; and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the



temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The development comprising a structure of about 56m<sup>2</sup> in total floor area within a site of about 284 m<sup>2</sup> was of a relatively small scale. It was considered not incompatible with the surrounding environment. Similar 'shop and services' use on the ground floor of a New Territories Exempted House was always permitted within the "Village Type Development" zone, and other commercial uses might be permitted upon application to the Board. In view of its small scale, the environmental nuisance generated by the development would unlikely be significant. Besides, District Lands Office/Yuen Long, Lands Department had no objection to the application and advised that there was currently no small house application at the site and its vicinity. The approval of the application on a temporary basis for a period of 3 years would not jeopardize the planning intention of the "Village Type Development" zone. To minimize the possible nuisance generated by the proposed development, approval condition restricting the operation hours was recommended. As the public comments received were mainly concerned about the land dispute between the land owner and the applicant, it would be the applicant's responsibility to address the issue with the land owner. An advisory clause to remind the applicant to resolve any land issues relating to the development with the concerned owners of the site was also recommended.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) 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 10.3.2011;
- (c) in relation to (b) 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 10.6.2011;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;
- (e) in relation to (d) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.3.2011;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.6.2011;
- (h) 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;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that the site was situated on an Old Schedule Agricultural Lot held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. No permission had been given for the agency office. The site was accessible to Kam Sheung Road via open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way. The registered owner of the lot should apply to his office for Short Term Waiver (STW) to regularize or permit any structures erected or to be erected on the site. Should no STW application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement action against the registered owner;
- (d) 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 minimize any potential environmental nuisances;
- (e) to note the Commissioner for Transport's comments that the ingress/egress of the site did not abut Kam Sheung Road. The land status of the strip of land leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities

accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the submitted landscape proposal could be further improved by adding some small trees or large shrubs along the building's northern edge and the western site boundary. Potted plant as proposed by the applicant was not acceptable;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should not cause any adverse drainage impact to the adjacent areas;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant should observe that if the enclosed structure was of an area less than 230m<sup>2</sup> with access for emergency vehicle being provided to reach 30m travel distance from the structure, portable hand-operated approved appliances should be provided. If the enclosed structure was of an area less than 230m<sup>2</sup> without access for emergency vehicle being provided to reach 30m travel distance from the structure, a modified hose reel system supplied by a 2m<sup>3</sup> FS water tank and portable hand-operated approved appliances should be provided. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide

justifications to his department for consideration; and

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

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/611            Temporary Vehicle Repairing Workshop for a Period of 3 Years  
in "Village Type Development" zone,  
Lots 710 (Part), 711 (Part), 712 RP (Part), 3098 RP (Part) and  
Taxlord Lot 920 RP (Part) in D.D. 111, Ha Che, Yuen Long  
(RNTPC Paper No. A/YL-PH/611)

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

84.            Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle repairing workshop for a period of 3 years;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site and environmental nuisance was expected. According to his records, he had not received any environmental complaint against the

site in the past 3 years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the planning application. The Ha Che Tsuen and the surrounding area were part of the Kam Tin basin. The area was predominantly rural and characterized by remnant woodland, village clusters, fallow land, streams, and rural industrial uses. Open storage yards and other similar rural industrial uses such as workshops and vehicle parks could be seen in the area but they were further away from the village cores and some were probably operating without valid planning permission. Existing village houses could be found in close proximity to the site and the proposed use was considered incompatible with the existing village setting. Also, the applicant had not provided any information to demonstrate that the potential adverse impact arising from the proposed vehicle repairing workshop could be alleviated satisfactorily;

- (d) during the statutory publication period, a public comment from Designing Hong Kong Limited were received, objecting to the application on the grounds that the use of the site for open storage was a blight on the environment. The site was zoned “Village Type Development” (“V”) and the use was not in line with the planning intention for the area. The area fell into Category 3 areas under the open storage planning criteria, which was not suitable for open storage uses. In case the Board approved the application, conditions requiring the applicant to implement quality landscaping and well-designed fencing of the perimeter of the site should be considered to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “V” zone. District Lands Officer (Yuen Long) advised that though there was no Small House application received for the site, there was one Small House already granted within 50m from the site. Residential dwellings were also located to its north-east, south-east and further south. There was no strong planning justification in the submission for a departure from the

planning intention for the zone, even on a temporary basis. The site was located in an area which was generally residential in character with village settlements in the vicinity. The proposed development was not compatible with the residential developments in the vicinity. Further to the north and south of the subject “V” zone were areas zoned for “Open Storage” (“OS”) use on the Pat Heung OZP where vehicle repair workshop was always permitted. There was no information in the submission on why suitable site in the “OS” zone could not be identified for the development. Although there was a similar application (No. A/YL-PH/76) approved by the Committee on 14.2.1997 within the subject “V” zone, the application involved mainly improvement works. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. A public comment objecting to the application was received.

85. Members had no question on the application.

#### Deliberation Session

86. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong planning justification in the submission for a departure from the planning intention for the zone, even on a temporary basis;
- (b) the site was located in an area which was generally residential in character

with village settlements in the vicinity. The proposed development was not compatible with the residential developments in the vicinity;

- (c) the applicant failed to demonstrate in the submission that the potential adverse environmental and landscape impacts arising from the proposed vehicle repairing workshop could be alleviated; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Ms. Anita Ma left the meeting temporarily at this point.]

### **Agenda Item 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/268            Social Welfare Facility  
                                 (Treatment and Rehabilitation Centre for Young Drug Abusers)  
                                 in “Green Belt” zone,  
                                 Government Land in D.D. 103, Au Tau, Yuen Long  
                                 (RNTPC Paper No. A/YL-TT/268)

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

87.            Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the social welfare facility (treatment and rehabilitation centre for young drug abusers);
- (c) departmental comments – the Commissioner for Narcotics, Security Bureau



advised that Au Tau Youth Centre was a drug treatment and rehabilitation centre subvented by the Department of Health (DH) with a licence issued under the Drug Dependent Persons Treatment and Rehabilitation Centre (Licensing) Ordinance, Cap. 566. The application, if approved, could improve the service environment of the centre and hence, he offered his policy support to the application. The Director of Health (D of Health) had granted funding support to the proposed works which was to remove unauthorized structures and build covered canopy and covers between the three existing building blocks of the Au Tau Youth Centre. Hence, he supported the application provided that it met relevant regulatory and licensing requirements;

- (d) during the statutory publication period, two public comments had been received. One of the comments was submitted by a resident of the Harmonic Villa at Yau Shin Street objecting to the application on the grounds that the centre for young drug abusers was too close to the housing estate and it would cause nuisances to the residents of the housing estate. The security record of the estate was rather poor as there had been a number of burglaries over the years. It was worried that the operation of the centre would worsen the security problem in the housing estate. Another public comment was from a taxi driver who supported the application in that more treatment and rehabilitation centres for young drug abusers should be built in Yuen Long and more resources should be allocated to help the youngsters because there were many young drug abusers nowadays; and
- (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 site was the subject of a previous planning approval (No. A/YL-TT/143) for the same use by the same applicant. Although the site was zoned “Green Belt” (“GB”) on the OZP, it was located at the fringe of the “GB” zone adjoining Castle Peak Road-Yuen Long Section. As the development would not involve tree felling, approval of the application would not frustrate the planning intention of the “GB” zone. Also, in

view of its small scale and nature of operation, the development was considered compatible with the surrounding areas comprising mainly natural vegetation. There was no significant change in planning circumstances since the approval of the previous application. The current application involved only an addition of 2 new single-storey structures in between the existing structures, with an increase of gross floor area of +50.91m<sup>2</sup> (i.e. 18.2%) which was minor in scale. Moreover, the site had been in use for the subject use since its approval in 2003. The proposed additional structures would be located on hard paved area with no significant vegetation and would not affect any existing green landscape within the site. Relevant Government departments consulted had no adverse comments on the development. The current application was meant for enhancing an existing social welfare service provision, therefore it warranted special consideration. Due to the exceptional circumstances, it should not set an undesirable precedent for other applications. Regarding the public comments, the treatment and rehabilitation centre was segregated from the urban cluster including Harmonic Villa at Yau Shin Street by vegetated slopes. The Commissioner of Police had no comment on the application. Moreover, the current application involved improvement to the current facility without proposing to increase the number of residential places there.

88. Members had no question on the application.

#### Deliberation Session

89. 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 10.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

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

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

- (a) to note Government Property Administrator's (GPA) comments that the inclusion of the additional structures into the existing Tenancy Agreement (GPA N119) of the subject premises should be processed by way of a Supplementary Agreement;
- (b) to note the Commissioner for Transport's comments that the land status of the road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Yuen Long;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that 5 dead trees on-site were removed a couple years ago with the approval of GPA. Thus, replacement planting of 5 trees within the application site boundary was recommended; and
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments that there were Waterworks Reserves within the site. Two existing water mains of 1,400mm and 1,200mm diameters would be affected. The boundaries of the Waterworks Reserves should be measured at 5.0 meters away from the edges of the two nos. of affected water mains. No structure should be erected over the Waterworks Reserves and such area should not be used for storage and/or car-parking purposes. The Water

Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. No trees/shrubs should be planted within the Waterworks Reserves. No change of the existing conditions within the Waterworks Reserves should be undertaken without prior agreement of his Department.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/489      Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/489)

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**Presentation and Question Sessions**

91.            Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary open storage of recycling materials (metal, plastic and paper) with ancillary packaging activities for a period of 3 years;

[Ms. Anita Ma returned to join the meeting at this point.]

- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

residential uses to the west and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past 3 years;

- (d) during the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter objected to the application as it considered that the use of the site for open storage was a blight to the environment, and the applied use was not in line with the planning intention of the “Undetermined” (“U”) and “Village Type Development” (“V”) zones for the area. The commenter also requested the Board to impose a condition on landscaping and peripheral fencing should the application be approved; and
  
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 12 of the paper. A majority of the site (93.4%) fell within the “U” zone on the OZP, i.e. Category 1 areas under “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E), with a small portion (6.6%) straddling the adjacent “V” zone, i.e. Category 4 areas. The application was generally in line with the TPB PG-No. 13E in that the concerns of relevant departments were technical in nature and could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “U” zone, i.e. Category 1 areas, that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage and port back-up uses. Although about 6.6% of the site falls within the “V” zone, District Lands Officer/Yuen Long advised that there was no Small House application within this part of the “V” zone currently. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was in general not incompatible with the surrounding areas which were mixed with open storage yards and warehouses. Regarding DEP’s concerns, there had not been any environmental complaint in the

past 3 years. Besides, approval conditions restricting the operation hours, prohibiting the storage of electronic waste and prohibiting the carrying out workshop activities were recommended. As the last planning approval under Application No. A/YL-TYST/404 was revoked due to non-compliance with approval conditions, shorter compliance period was recommended. Noting that there were some isolated residential structures in the vicinity of the site, a shorter approval period of 1 year was recommended to monitor the situation. Regarding the public comments received, as the site fell mainly within Category 1 areas under TPB PG-No. 13E where favourable consideration would normally be given to applications for open storage use, the relevant departments consulted generally had no adverse comment on the application.

92. Noting that the previous planning permission was revoked because the applicant had breached the condition prohibiting the storage of electronic waste, a Member asked how the breach was found out. Mr. Kepler Yuen replied that in a regular patrol by the staff of Planning Department, the storage of electronic waste as well as dismantling and workshop activities were found on-site.

#### Deliberation Session

93. Since the applicant had breached the approval condition in the last planning permission, a Member requested Planning Department to closely monitor the use on site.

94. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 10.9.2011, instead of the period of 3 years sought, 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., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the

application site during the planning approval period;

- (c) no used electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste, as proposed by the applicant, were allowed to be stored on the application site during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2010;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period was allowed to monitor the situation on the application site and shorter compliance periods for approval conditions were given correspondingly;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that any breach of the conditions of Short Term Waiver (STWs) No. 3134 and 3135 issued in respect of Lots 325 and 326 in D.D. 119 was liable for enforcement actions. His office would resume processing the application for STW for Lot 1420 RP in D.D. 119. The registered lot owners concerned should apply to his office for STW or modification of it to regularize the irregularities on the site. Should no such application be received/approved and the irregularities persist on-site, his office would consider taking appropriate enforcement action against the registered owners. It should also be noted that the site was accessible through a long stretch of informal village track on Government land or other private land extended from Shan Ha Road. His office did not provide maintenance works for the track nor guarantee right-of-way;



- (f) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (j) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration; and

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site which were liable to action under section 24 of the Buildings Ordinance should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D.

[The Chairman thanked Mr. Kelper Yuen, STP/STN, for his attendance to answer Members' enquiries. Mr. Yuen left the meeting at this point.]

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/399

Proposed Houses in "Green Belt" zone,

Lot No. 33 R.P. in D.D. 300, Area 45, Tuen Mun

(RNTPC Paper No. A/TM/399)

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96. The Secretary said that the application site belonged to Mr. Lau Wong-fat and Members were invited to declare interest, if any. Mr. Stephen Yip said that he was a Member of Heung Yee Kuk and Mr Lau was the Chairman and he was not a close friend of Mr Lau. Dr. C. P. Lau said that he was a member of Heung Yee Kuk and a Tuen Mun

District Councillor. The Committee considered that Mr Yip and Dr. Lau's interest was indirect and they were allowed to stay in the meeting. Dr. W. K. Yau said that he had business dealing with Mr. Lau. The Committee considered that his interest was direct and Dr. Yau was required to leave the meeting.

[Dr. W. K. Yau left the meeting at this point.]

#### Presentation and Question Sessions

97. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. On landscape aspect, it was noted that the site was covered with dense vegetation and embraced by woodland with reference to the aerial photo taken on 23.11.2009. The surrounding area was generally green, tranquil and mostly wooded creating a natural rural landscape character to the “GB” zone. The proposed development of two houses was considered discordant and not compatible with the existing landscape character and would disturb the intactness of the “GB” zone. The proposed access road on Government land outside the site boundary would further extend the proposed development and disturb vegetation along the access road. Based on the submitted information, 8 mature trees of common species (5 within the site and 3 along the access road) and a large number of banana trees would be felled. The proposed development would incur adverse landscape impact to the vicinity only. 13 compensatory trees would be planted within the site. Given that the access road was on Government land, the applicant would not provide any compensatory tree planting along the road. As significant changes or

disturbances to the existing landscape character and resources of the “GB” were likely, the approval of the subject application would set an undesirable precedent. The landscape quality of the area would deteriorate and intactness of the “GB” zone would be undermined. On urban design aspect, the site was situated on a knoll and surrounded by dense vegetation within the “GB” zone. There was a general presumption against development within this zone’. The proposed house development was not in line with the planning intention of the zone. In addition, as the subject knoll formed part of the green backdrop for the Tuen Mun New Town areas and no previous development had been approved within the subject “GB” zone, the approval of the proposed development might set an undesirable precedent for future developments in the “GB”. Other Government departments had no in-principle objection/ no comment on the application;

- (d) during the statutory publication period, a total of 3 public comments were received, including 1 comment objecting to the application while 2 comments stating that the approval of the application would set an undesirable precedent for similar cases. Designing Hong Kong Limited objected to the application as there was no plan in the application for a sustainable layout of infrastructure/development and a quality urban design, ensuring the health and well-being of current and future residents. Failure to ensure a sustainable layout before approval of further development would deteriorate the living environment in the area, affect the well-being of current and future residents and also create health and social problems and future costs to society. Kadoorie Farm and Botanic Garden Corporation and World Wide Fund (WWF) Hong Kong indicated that the approval of the application would set an undesirable precedent for similar cases in “GB” zone in the future. WWF Hong Kong added that the applicant should clarify the suitability of the site for residential development within the “GB” area and request the applicant to provide strong justification for the proposed development; and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the

application based on the assessment made in paragraph 11 of the Paper. The site fell within an area zoned “Green Belt”. There was a general presumption against development in the “GB” zone. The application did not comply with the Town Planning Board Guidelines No.10 (TPB PG-No. 10) for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’, as there was no exceptional circumstance to justify the new residential development in the “GB” zone. There was no planning justification for deviation from the planning intention of the “GB” zone. The site was mainly covered by dense vegetation and embraced by woodland. The proposed development, together with the proposed access road, would involve extensive clearance of existing natural vegetation, affect the existing natural landscape and cause adverse landscape impact on the surrounding environment. All the previously approved applications for house development in “GB” zone were either for redevelopment or for development on land with building entitlement. These applications were considered by the Committee as complying with the TPB PG-No. 10. As no similar application was previously approved in the same and nearby “GB” zones, the approval of the application would set an undesirable precedent for similar application within “GB” zone. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.

98. A Member asked whether tree felling was required for the proposed house development and the access road and the background for having two “GB” parcels in the middle of the “OU(Public Recreation and Sports Centre)” zone. Mr. C. C. Lau explained that there were some existing trees on the site and according to the applicant, 4 trees were required to be felled for the proposed development and 3 trees were required to be felled to make way for the access road. The applicant had proposed to replant 13 trees to compensate for the loss. Concerning the background of the “GB” zoning of the site, Mr. Lau said that the application site and its surrounding area were zoned “GB” before 1992. An application to rezone the area for public recreation centre use including a public golf-course cum driving range, a horse riding centre, children play area, sitting-out area and leisure walking tracks submitted by the then Director of Regional Services was approved by the Committee in 1992.

The application did not include two parcels of land which was mainly private land. In 1994, the area was rezoned to “OU (Public Recreation and Sports Centre)” to reflect the approved use and the two parcels of land had remained as “GB”. The application site was one of the two parcels of land involved.

### Deliberation Session

99. Noting that the application site fell with “GB” zone, a Member was of the view that the subject application should not be approved since the house development was a new development and it was not in line with the planning intention of “GB” zone. The Member considered that there was no exceptional circumstance in the current submission for the Board to deviate from its existing practice to reject a new development in “GB” zone.

100. Noting the background of the case, a Member asked whether it was an established practice to exclude private land from a public facility and rezone it as “GB”. The Secretary said that as the previous proposal was for the development of a public recreation centre, only Government land was rezoned for “OU(Public Recreation and Sports Centre)” use and the private agricultural land was excluded and remained to be zoned as “GB”. In response to the same Member’s query, the Secretary confirmed that there was no provision for house development under the “OU (Public Recreation and Sports Centre)” zone on the Tuen Mun Outline Zoning Plan No. S/TM/26.

101. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There were no exceptional circumstances in this application that warrant deviation from the general presumption against development for the “GB” zone;
- (b) the proposed development did not comply with Town Planning Board

PG-No. 10 in that the application would involve extensive clearance of existing natural vegetation and cause adverse landscape impact on the surrounding area; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a degradation of the general environment of the area.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lau left the meeting at this point.]

**Agenda Item 28**

Any Other Business

102. There being no other business, the meeting was closed at 5:15 p.m..