

TOWN PLANNING BOARD

Minutes of 315th Meeting of the Rural and New Town Planning Committee held on 11.11.2005

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. C.K. Wong

Professor Nora F.Y. Tam

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Assistant Commissioner for Transport/New Territories,
Transport Department
Miss Cindy Law

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

Assistant Director/New Territories, Lands Department
Mr. Francis Ng

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

Secretary

Absent with Apologies

Professor K.C. Ho

Mr. Francis Y.T. Lui

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Edmund K.H. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Endless S.P. Kong

Agenda Item 1

Confirmation of the Draft Minutes of the 314th RNTPC Meeting held on 28.10.2005

1. The draft minutes of the 314th RNTPC meeting held on 28.10.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

(i) **Approval of Four Outline Zoning Plans (OZPs)**

2. The Secretary informed Members that on 8.11.2005, the Chief Executive in Council (CE in C) approved the draft Tai Po OZP No. S/TP/18A (renumbered S/TP/19), draft North East Lantau OZP No. S/I-NEL/11A (renumbered S/I-NEL/12), draft Chai Wan OZP No. S/H20/16A (renumbered S/H20/17) and draft Tin Shui Wai OZP No. S/TSW/9A (renumbered S/TSW/10) under section 9(1)(a) of the Town Planning Ordinance. The approval of these OZPs would be notified in the Gazette on 18.11.2005.

(ii) **Reference Back of Two OZPs**

3. The Secretary reported that on 8.11.2005, the CE in C referred the approved Wan Chai OZP No. S/H5/23 and approved Tuen Mun OZP No. S/TM/20 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance.

4. The Secretary informed Members that the reference back of the approved OZPs for amendment would be notified in the Gazette on 18.11.2005.

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

Sai Kung and Sha Tin District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/SK-PK/141 Residential Institution (Hostel)
in "Recreation" zone,
Lot 333BRP in DD 221, Sha Kok Mei,
Sai Kung
(RNTPC Paper No. A/SK-PK/141)

Presentation and Question Session

5. The Committee noted that the applicant requested on 4.11.2005 for deferment of the consideration of the application to allow additional time for providing further information on the application.

Deliberation Session

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within 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.

Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Tai Po and North (DPO/TPN), and Miss Alice Y.C. Liu, Senior Town Planner/Tai Po and North (STP/TPN), were invited to the meeting at this point.]

Agenda Item 4

Section 16/16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-FTA/70 Temporary Open Storage of
Construction Materials and Equipment
for a Period of 3 Years
in “Other Specified Uses” annotated
“Port Back-up Uses” zone,
Lot 188(Part) in DD 52 and Adjoining Government Land,
Fu Tei Au,
Sheung Shui

(RNTPC Paper No. A/NE-FTA/70)

Presentation and Question Session

7. Miss Alice Y.C. Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment;
- (c) departmental comments – the Transport Department had reservation on the application as the access road to the application site was a substandard village track, which was considered not suitable for large vehicles and

container tractors/trailers. Other concerned Government departments had no adverse comments on the application;

- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons detailed in paragraph 12.2 of the Paper in that the development was generally in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” which covered the major part of the application site and the development was not incompatible with the existing uses of the surrounding area. The concern raised by the Transport Department could be addressed by imposing an appropriate approval condition prohibiting the use of medium and heavy goods vehicles for transportation of goods to/from the application site.

8. A Member asked whether it was feasible to prohibit the use of medium and heavy goods vehicles for the development. Mr. W.K. Hui, DPO/TPN, said that the applicant had stated that the use of medium and heavy goods vehicles for the transportation of goods was not required for the development, and an approval condition to this effect was recommended should the application be approved.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.11.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (b) the use of medium and heavy goods vehicles for transportation of goods

to/from the application site was not allowed at any time during the planning approval period;

- (c) the peripheral fencing and paving of the application site should be maintained at all times during the planning approval period;
- (d) the submission of proposals for vehicular access, car parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 11.5.2006;
- (e) in relation to (d) above, the implementation of proposals for vehicular access, car parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 11.8.2006;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.5.2006;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.8.2006;
- (h) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 11.5.2006;
- (i) in relation to (h) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 11.8.2006;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied

with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the owners of the subject lot should apply to the District Lands Office/North, Lands Department for a short term waiver and a short term tenancy for the regularization of the structures erected on the lot and the occupation of Government land respectively;
- (b) for provision of water supply to the development, the applicant might need to extend his/her private water mains 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 private water mains within the private lots to the Water Supplies Department's standards; and
- (c) relevant mitigation measures specified in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' published by the Environmental Protection Department should be adopted to minimize any possible environmental impacts.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-KLH/342 Temporary Open Storage of Building Materials
for a Period of 3 Years
in “Agriculture” zone,
Lots 409 and 410 in DD 7,
Tai Hang, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/342)
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Presentation and Question Session

11. Miss Alice Y.C. Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed open storage of building materials;
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department did not support the application as the application site had high potential for agricultural rehabilitation. The Drainage Services Department did not support the application as the site fell within the flood fringe, which was subject to overland flow and inundation during heavy rainfall. The Water Supplies Department objected to the application as the proposed development would increase the pollution risk to the water quality of the water gathering grounds. The Environmental Protection Department did not support the application as the development would likely cause noise nuisance to the nearby sensitive receivers and might cause pollution to the water gathering grounds;
- (d) no public comment was received, but there were local objections to the application on the ground that the development would cause environmental pollution, water pollution and adverse landscape impact on

the surrounding area; and

[Miss Cindy Law arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Agriculture” zone; there was no previous planning approval granted to the application site and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, water quality and drainage impacts on the surrounding area, and hence the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and approval of the application would set an undesirable precedent.

12. Members had no question on the application.

Deliberation Session

13. Members noted that there were objections to the application from a number of Government departments and no similar applications had been approved in the area before. Also, there was no previous planning approval granted to the application site.

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

- (a) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been provided for a departure from this

planning intention, even on a temporary basis;

- (b) the development was not in compliance with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval granted to the application site, there was no technical assessment in the submission to demonstrate that the proposed temporary open storage use would not generate adverse environmental impact on the surrounding areas, the development was located within the water gathering grounds and there was insufficient information in the submission to demonstrate that the development would not cause adverse impact on the water quality in the area;
- (c) there was insufficient information in the submission to demonstrate that the development would not increase the flooding risk of the nearby areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-TK/195 Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Village Type Development” and “Green Belt” zones, Lots 422D and 422E in DD 26, Shuen Wan Lei Uk Village, Tai Po
(RNTPC Paper No. A/NE-TK/195)
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Presentation and Question Session

15. Miss Alice Y.C. Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed two houses (NTEHs) (Small Houses);
- (c) departmental comments – no adverse comments from the concerned Government departments were received;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed development generally complied with the interim criteria for assessing planning application for NTEH/Small House development and was considered compatible with the surrounding area which was predominantly rural in character.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 11.11.2009, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (b) the submission of a slope assessment and the implementation of stabilization works identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) in case non-exempted site formation works and/or communal drainage systems were involved, the applicants should make submissions to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (b) the applicants should avoid affecting the large trees lying to the southwest of the application site;
- (c) the applicants might need to extend their inside services to the nearest Government water mains for connection. The applicants 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 the Water Supplies Department's standards; and
- (d) water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/TP/357 Proposed Residential Development and
Minor Relaxation of Number of Storeys
in “Residential (Group B)1” and “Green Belt” zones,
Tai Po Town Lot 179, Ma Wo,
Tai Po
(RNTPC Paper No. A/TP/357)
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19. The application was submitted by a subsidiary company of Sino Land Co. Ltd. (Sino). The Committee noted that Mr. Francis Y.T. Lui, having current business dealings with Sino, had declared an interest in this item. Mr. Lui had tendered his apologies for being unable to attend the meeting.

Presentation and Question Session

20. The Committee noted that the applicant requested on 20.10.2005 for deferment of the consideration of the application to allow time to resolve major technical issues with the Environmental Protection Department.

Deliberation Session

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

[Open Meeting (Presentation and Question Session only)]

(v) A/NE-KLH/84-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B5 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/84-1)

(vi) A/NE-KLH/85-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B6 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/85-1)

(vii) A/NE-KLH/87-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B9 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/87-1)

(viii) A/NE-KLH/89-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B1 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/89-1)

(ix) A/NE-KLH/91-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B4 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/91-1)

(x) A/NE-KLH/92-1 Application for Extension of Time for
Commencement of Approved Development –
New Territories Exempted House (NTEH)
in “Agriculture” zone,
Lot 111B2 in DD 7,
Tai Wo Village, Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/92-1)

22. Noting that Applications No. A/NE-KLH/84-1, A/NE-KLH/85-1, A/NE-KLH/87-1, A/NE-KLH/89-1, A/NE-KLH/91-1 and A/NE-KLH/92-1 were similar in nature and the sites were adjacent to one another within the same “Agriculture” zone, Members agreed that these applications could be considered together.

Presentation and Question Session

23. Miss Alice Y.C. Liu, STP/TPN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications - the applications were for the extension of time for commencement of the Small House developments approved by the Committee on 20.9.1996. The validity periods of each of the planning permission had been extended by the Town Planning Board for three times for a total of 7 years up to 20.9.2005;
- (b) the proposed further extension of time for commencement of the approved developments for a period of 2 years until 20.9.2007;
- (c) departmental comments – the Environmental Protection Department did not support the applications as the application sites fell within the water gathering grounds (WGGs) where public sewers were not available and the proposed developments would have the potential to cause water pollution to the WGGs. The Agriculture, Fisheries and Conservation Department did not favour the applications as the application sites had high potential for agricultural rehabilitation. The Lands Department had no objection to the applications as the proposed developments were being processed. Other concerned Government departments had no adverse comments on the applications;
- (d) no local objection was received for these applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons detailed in paragraph 8.2 of the Papers in that sympathetic consideration might be given as the delay of the commencement of the proposed developments was due to the problems in relation to resolution of land matters which might not be entirely under the control of the applicants.

24. Members had no question on the applications.

Deliberation Session

25. Mr. Francis Ng said that more time would be required to complete the required land administrative procedure and to resolve the local objections to the proposed Small House developments.

26. After deliberation, the Committee decided to approve each of the Applications (No. A/NE-KLH/84-1, A/NE-KLH/85-1, A/NE-KLH/87-1, A/NE-KLH/89-1, A/NE-KLH/91-1 and A/NE-KLH/92-1) for extending the time for commencement of the approved developments for 2 years until 20.9.2007, on the terms of the applications as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the provision of sewage disposal facilities during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of a septic tank and a soakaway pit for foul effluent disposal and the sewerage system at a distance of not less than 30m from any watercourse to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

27. The Committee also agreed to advise the applicants that :

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning

Board. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the Town Planning Board Guidelines No. 35 and 36 for details; and

(b) note the comments of the Chief Engineer/Development (2), Water Supplies Department that :

(i) all spoils arising as a result of site formation and construction works should be contained and protected to prevent pollution and siltation to watercourses; and

(ii) the septic tank and soakaway pit system should be properly maintained and desludged at a regular interval. The sludge should be carried away and disposed of outside the water gathering grounds.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, and Miss Alice Y.C. Liu, STP/TPN, for their attendance to answer Members' enquiries. Mr. Hui and Miss Liu left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Anthony C.Y. Lee, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the development was small in scale and the relevant Government departments consulted had no objection to the application.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 11.11.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the submission and provision of fire service installations of the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) the District Lands Officer/Tuen Mun, Lands Department's comments that the owner should be advised to apply for a renewal of waiver; and
- (b) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the separation between uses of the fire resisting period of not less than 2 hours under the Building (Construction) Regulation 90 should be provided between each unit and the remaining parts of the building.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-KTS/354 Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lot 466 in DD 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/354)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of vehicles and vehicle parts;
- (c) departmental comments – the Drainage Services Department (DSD) did not object to the application subject to the condition that resumption of land for a drainage project to commence in August 2006 would not be affected by the development. The Agriculture, Fisheries and Conservation Department did not favour the application as the site had high potential for agricultural rehabilitation. The Environmental Protection Department considered that the development could be tolerated for a shorter approval period. Other concerned Government departments had no adverse comments on the application;
- (d) one public comment was received objecting to the application on the ground that the development was not in line with the planning intention of the “Agriculture” zone and would affect the residents and visual amenity of the surrounding area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the use could be tolerated for a period of three years for the reasons detailed in paragraph 12.2 of the Paper in that the DSD's concern on encroachment on the proposed drainage works limit could be addressed by imposing an approval condition on setting back of the application site. There was previous planning approval granted to the application site and the applicant had complied with the approval conditions on stacking height, and maintenance of landscape and drainage facilities. Hence, the development complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The public concerns could be addressed by imposing approval conditions on limiting the stacking height of vehicles and vehicle parts, and restricting the operation hours of the development.

34. Questions raised by Members were summarised below:

- (a) whether there were any dismantling activities within the application site;
- (b) whether the concern on the encroachment on the proposed drainage works limit could be addressed by the proposed relocation of the gate such that it was no longer necessary to impose a shorter approval period as in the previous Application No. A/YL-KTS/310; and
- (c) whether the development would have any adverse environmental impact on the residential structure to the north of the application site.

35. In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

- (a) no dismantling activities were proposed in the application or found on the application site. Nevertheless, an approval condition was suggested to be imposed to prohibit any dismantling activities within the application site;

- (b) a shorter approval period of 18 months up to 27.8.2005 was imposed in the approval of the previous Application No. A/YL-KTS/310 in view of the DSD's concern that the development would affect the proposed drainage works, which was scheduled for commencement in late 2005. For the subject application, the imposition of an approval condition on the setting back requirement was suggested instead as the DSD had recently reached an agreement by accepting the applicant's proposal for relocating the gate;

- (c) during the consideration of the previous Application No. A/YL-KTS/208 on review in 2000, the applicant had clarified that the residential structures to the north of the application site were owned by the operator of the adjacent open storage yard. Noting that there were no local objection to the application and no major adverse departmental comments were received, the previous application was approved by the Town Planning Board.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.11.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the setting back of the southern boundary of the application site from the proposed drainage works limit at any time during the planning approval period;

- (b) stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the application site at any time during the planning approval period;

- (c) no workshop, vehicle repairing, dismantling and paint-spraying activities should be undertaken on the application site at any time during the

planning approval period;

- (d) no machinery was allowed to be stored at the application site at any time during the planning approval period;
- (e) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (f) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) 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 Town Planning Board by 11.5.2006;
- (h) in relation to (g) 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 Town Planning Board by 11.8.2006;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with at any time 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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comment that the applicant should submit application for regularization of unauthorized occupation on Government land to his office after planning permission was granted;
- (b) the Chief Highway Engineer/New Territories West, Highways Department's comment that the run-in/out should be constructed in accordance with the Highway Standard Drawings No. H1113B and H1114A;
- (c) the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that in preparing the revised landscape submission, the applicant was reminded to incorporate relevant recommendations in the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance", e.g. landscape treatment along public frontage, if any;
- (d) the Chief Engineer/Development (2), Water Supplies Department's comment that the existing 200mm diameter fresh water main would be affected and the applicant should setback the application site at the south-western boundary to exclude the fresh water main;
- (e) the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status, management and maintenance responsibilities of the strip of land between Kam Sheung Road and the application site should be checked and the relevant land authorities should be consulted; and
- (f) the environmental mitigation measures as set out in the 'Code of Practice

on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be used to minimize any possible environmental nuisances.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-KTS/357 Proposed Temporary Open Storage of Containers
for a Period of 3 Years
in "Agriculture" zone,
Lots 299RP(Part), 301(Part), 302, 304(Part), 305(Part),
308(Part), 309(Part), 310 and 311(Part) in DD 113,
near Ma On Kong, Kam Tin,
Yuen Long

(RNTPC Paper No. A/YL-KTS/357)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of containers;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as the proposed development would cause noise nuisance to the nearby sensitive receivers. The Transport Department raised strong objection to the application as the subject site would need to be accessed via Kam Ho Road where access of vehicles exceeding 7 metres in length was prohibited;
- (d) no local objection to the application was received by the District Officer/Yuen Long but there were two public comments objecting to the application on the grounds that the development would cause

environmental pollution, noise and dust nuisances, risk to children riding bicycles, adverse ecological impacts on the environment and infringement of property right; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; there was no previous planning approval granted for the application site and adverse environmental nuisances on the nearby residential dwelling were envisaged, and hence the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and approval of the application would set an undesirable precedent.

39. Members had no question on the application.

Deliberation Session

40. The Chairman remarked that no similar application in the same “AGR” zone had been approved by the Committee before.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that

there was no previous planning approval for the site, and residential dwellings which were located to its close proximity would be susceptible to adverse environmental nuisance generated by the development. Adverse comments were received from the relevant Government departments consulted on environmental and traffic grounds; and

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-MP/149 Proposed Temporary Storage of Vehicles, Container Trailers, Containers and Groceries for a Period of 3 Years in “Village Type Development” zone, Lots 3250A2ARP(Part) and 3250B32RP(Part) in DD 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/149)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of vehicles, container trailers, containers and groceries;
- (c) departmental comments – the Environmental Protection Department did

not support the application as the proposed development would cause traffic noise nuisance to the nearby sensitive receivers. The Drainage Services Department considered that the submission of a drainage proposal was required. The Chief Town Planner/Urban Design and Landscape, Planning Department also advised that the submission and implementation of landscape proposal was required. Other concerned Government departments had no adverse comments on the application;

- (d) four public comments were received objecting to the application on the grounds of worsening of the local traffic situation and environment in the area, noise and dust nuisances, adverse visual impact, 'fung shui' and endangering of the lives of the local villagers and children; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Village Type Development” zone; there were adverse comments from the relevant Government departments consulted and local objections to the application; there was insufficient information in the submission to demonstrate no adverse drainage, visual and environmental impacts on the surrounding area and hence the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and approval of the application would set an undesirable precedent.

43. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone which was primarily to designate

both existing recognized villages and areas of land considered suitable for village expansion;

- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to justify approval of the application and there were adverse departmental comments and local objections. There was insufficient information in the submission to demonstrate that the proposed use would not generate adverse drainage, visual and environmental impacts on the surrounding areas; and
- (c) the proposed development was not compatible with the nearby residential settlements. Approval of the application would set an undesirable precedent for other similar applications, which would lead to further degradation of the local environment.

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-PS/229 Proposed Residential Development
in “Residential (Group E)2” zone,
Lots 620, 621A1 and 621B1 in DD 122,
Yung Yuen Road, Ping Shan,
Yuen Long

(RNTPC Paper No. A/YL-PS/229)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed residential development;

- (c) departmental comments – highlighting that the Drainage Services Department’s concern that the application site was located in an area where public storm water drainage connection was not available and no drainage proposal had been submitted. The Environmental Protection Department did not support the application in view of the industrial/residential interface problem and adverse industrial noise impact on the proposed development. The Transport Department considered that the issues on the provision of parking and loading/unloading facilities, the adequacy of the existing road facilities, and the land status, management and maintenance responsibilities of the road/path/tracks leading to the application site should be sorted out first;

- (d) six public comments were received objecting to the application on the grounds of inadequacy of the traffic capacity of Yung Yuen Road to cater for the traffic flow arising from the proposed development and causing inconvenience to the local residents; non-submission of the drainage proposal; absence of the information on the future development right of the lots under the management of Hang Mei Tsuen Tso Tong; and impacts on ‘fung shui’ as well as the villagers’ daily lives and land uses in the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone and there was insufficient information in the submission to demonstrate no adverse drainage, environmental, traffic and visual impacts on the surrounding areas.

46. A Member asked whether the residential zoning for the application site was appropriate as it appeared that the environmental concerns raised by the Environmental Protection Department could not be easily addressed.

47. Mr. Wilson Y.L So, DPO/TMYL, said that the subject “R(E)” zone and another

nearby “R(E)” zone were originally zoned “Comprehensive Development Area” (“CDA”) and intended for phasing out the existing industrial uses by comprehensive residential development. These two sites were rezoned to “R(E)” in 2001 as it was considered that the more stringent planning control under the “CDA” zoning might slow down the upgrading of the areas. Under the “R(E)” zoning, residential development was not permitted as of right as in other residential zonings but required planning permission to demonstrate that the proposed residential development was environmentally acceptable and not subject to any industrial/residential interface problem.

48. The Chairman pointed out that there were two applications for residential developments (Applications No. A/YL-PS/116 and A/YL-PS/128) approved in the “R(E)” zone to the east of the application site as the technical submissions for those applications were considered acceptable to concerned Government departments.

Deliberation Session

49. A Member opined that it was premature to approve the proposed residential development in view of the adverse comments from the relevant Government departments.

50. Mr. H.M. Wong said that there were at present no proper drainage, sewerage and transport infrastructures in the area to facilitate residential development. A Member said that it would be desirable if the Government could provide the required infrastructures. The Chairman said that the planning intention of the “R(E)” zone was to encourage private initiatives to phase out the industrial use by allowing residential use through application to the Town Planning Board. The similar applications approved in the adjacent “R(E)” zone showed that it was feasible to address the environmental and infrastructural problems. However, the proposed residential development under application had not yet addressed such concerns satisfactorily.

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

- (a) the proposed residential development was not in line with the planning

intention of the “Residential (Group E)2” zone. The approval of the application would render the future residents subject to the industrial/residential interface problem which was unacceptable; and

- (b) insufficient information had been submitted to demonstrate that the proposed residential development would not cause adverse drainage, environmental, traffic and visual impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-PS/231 Temporary Open Storage of Building and Landscaping Materials for a Period of 12 Months in “Residential (Group B)1” and “Road” zones, Lots 138RP(Part), 139RP(Part), 195CRP in DD 121 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/231)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of building and landscaping materials;
- (c) departmental comments – the Commissioner of Police raised concern that the existing transport infrastructure in the Ping Shan area was not sufficient to cater for the increase in traffic generated by the development. Other concerned Government departments, including the Transport

Department, had no adverse comments on the application;

- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper in that the development would not jeopardize the planned permanent developments in the “Residential (Group B)” zone; the development was not incompatible with the surrounding area; no adverse drainage, traffic, landscape and environmental impacts on the surrounding areas were envisaged; and there was previous planning approval granted for the subject site and the applicant had complied with the approval conditions.

53. Members had no question on the application.

Deliberation Session

54. A Member asked what were the exceptional circumstances which deserved sympathetic consideration of the subject application.

55. Mr. Wilson Y.L. So, DPO/TMYL, said that the application site fell within Category 4 areas under both the Town Planning Board Guidelines (TPB) No. 13C and the revised Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. The intention of Category 4 areas was to encourage phasing out of the non-conforming uses as early as possible. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in complying with approval conditions of the previous planning applications. The application site was the subject of two previous planning approvals (Applications No. A/YL-PS/161 and A/YL-PS/197), each for a period of 12 months. Sympathetic consideration might be given to the subject application as the applicant had complied with all the approval conditions under the last application (No. A/YL-PS/197) and no substantial adverse impacts on the surrounding area were envisaged. Nevertheless, the applicant could be advised to note that the temporary permission was granted to facilitate the applicant to identify suitable sites for relocation and no further renewal of approval would be

given unless under very exceptional circumstances.

56. In response to another Member's enquiry on renewal of planning permission, Mr. Wilson Y.L. So said that under the TPB Guidelines No. 13C, a shorter period of approval was usually granted for renewal of planning permission for sites which fell within Category 4 areas. In the revised TPB Guidelines No. 13D, it was stipulated that a maximum period of 2 years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. The Chairman pointed out that the applicant had only applied for 1 year in the application.

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months up to 11.11.2006, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (b) the drainage facilities and landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the site fell within Category 4 areas of the Town Planning Board

Guidelines for Application for Open Storage and Port Back-up Uses. The temporary permission was granted to facilitate the applicant to identify suitable sites for relocation. No further renewal of approval would be given unless under very exceptional circumstances;

- (b) the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action if breach of the conditions under the subject short term waiver was found on site subsequently without prior approval from his office;
- (c) the Chief Engineer/Mainland North, Drainage Services Department's comments on the need to submit record of the existing drainage on the application site to his satisfaction and to rectify the drainage system if it was found ineffective/inadequate during operation;
- (d) the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the vehicular access to the application site;
- (e) the Chief Highway Engineer/New Territories West, Highways Department's comments on the need to consult the relevant maintenance agent of the concerned access track; and
- (f) the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of all unauthorized building works/structures which were subject to enforcement action, and the need to appoint an Authorised Person to coordinate all building works which were subject to compliance with the Buildings Ordinance.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-ST/293 Temporary Sale Office for Second-Hand Private Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 3055D(Part), 3057RP(Part), 3058A, 3058RP, 3059(Part), 3060(Part), 3061(Part) and 3067(Part) in DD 102, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/293)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary sale office for second-hand private vehicles;
- (c) departmental comments – the Lands Department did not support the application as the development would jeopardize the proposed Small House developments falling within the application site. The Drainage Services Department considered that a revised drainage proposal was required. Other concerned Government departments had no adverse comments on the application;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Village Type Development” zone; the development would frustrate the proposed Small House developments with an active programme; and there was

insufficient information in the submission to demonstrate that the development would have no adverse drainage impacts on the surrounding area, and hence did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses.

60. In reply to a Member's question, Mr. Wilson W.L. So, DPO/TMYL, said that the proposed Small House applications on Lots 3058A and 3058RP on Plan A-2 of the Paper were being processed by the Lands Department when the previous planning application No. S/YL-ST/261 was approved by the TPB on review in June 2004. For the current application, the Lands Department advised that these two Small House applications had already been approved by the Lands Department and another Small House application on Lot 3055D had recently been considered by the District Lands Office Conference. Mr. Francis Ng confirmed that approval had already been given to the Small House application on Lot 3055D.

Deliberation Session

61. Members were of the view that as three Small House developments had been approved, approval of the subject application would affect the planning intention of the "V" zone and should not be supported.

62. 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" ("V") zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. As there was an active programme for Small House developments within the application site, the approval of the application would frustrate the planning intention; and
- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that

there was insufficient information in the submission to demonstrate that the use would not generate adverse drainage impact on the surrounding area.

[Open Meeting (Presentation and Question Session only)]

(viii) A/YL-TYST/299 Proposed Residential cum
Government, Institution or Community Development
with Minor Relaxation of Maximum Building Height
from 17 to 22 Storeys
(including a One-storey Basement Car Park,
Ground Floor Entrance and Lift Lobby)
in “Comprehensive Development Area”,
“Residential (Group B)1” and “Green Belt” zones,
Lot 2064 in DD 121, Hung Shui Kiu,
Yuen Long

(RNTPC Paper No. A/YL-TYST/299)

63. The application was submitted by a subsidiary company of Cheung Kong (Holdings) Ltd. (Cheung Kong). The Committee noted that Mr. Francis Y.T. Lui and Dr. Lily Chiang, having current business dealings with Cheung Kong, had declared interests in this item. Mr. Lui and Dr. Chiang had tendered their apologies for being unable to attend the meeting.

Presentation and Question Session

64. The Committee noted that the applicant requested on 28.10.2005 for deferment of the consideration of the application to allow time to consult relevant Government departments to resolve their concerns and submit supplementary information on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-HT/383-1 Application for Minor Amendment to the Site Area/Boundary of the Approved Planning Application No. A/YL-HT/383 for inclusion of Additional Land which includes Lots 3035RP(Part), 3041RP, 3042RP(Part), 3043(Part), 3044(Part), 3045RP, 3046RP(Part), 3047RP and 3051(Part) for Temporary Open Storage of Containers and Ancillary Office, Parking of Vehicles and Maintenance Workshop in “Comprehensive Development Area” zone, Lots 38(Part), 54(Part), 55, 56(Part), 57(Part), and 63(Part) in DD 128 and Lots 2999(Part), 3000RP(Part), 3001RP, 3003RP(Part), 3004(Part), 3005, 3006, 3007, 3008RP, 3009RP, 3010RP, 3011RP, 3012RP, 3010-3015, 3016(Part), 3017(Part), 3020(Part), 3021(Part), 3035RP(Part), 3036(Part), 3037(Part), 3038RP, 3039(Part), 3040RP(Part), 3041RP, 3042RP(Part), 3043(Part), 3044(Part), 3045RP, 3046RP(Part), 3047RP, 3051(Part), 3053(Part), 3055(Part), 3056A(Part), 3056B(Part), 3058(Part), 3062(Part), 3063(Part), 3064, 3065(Part), 3067(Part), 3068(Part), 3069(Part), 3070(Part), 3071, 3072(Part), 3073A(Part), 3106(Part), 3107, 3108(Part), 3134RP and 3135(Part) in DD 129

and Adjoining Government Land, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/383-1)

Presentation and Question Session

66. 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 – the application was for minor amendments to the approved Application No. S/YL-HT/383 for temporary open storage of containers and ancillary office, parking of vehicles and maintenance workshop for a period until 18.3.2008;
- (b) the proposed extension of the site boundary by inclusion of an additional area and corresponding increase in the site area by about 6.3%;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application due to a concern on the uses existing on the application site which involved the handling of the imported hazardous e-waste. The Lands Department also had reservation on the application as the existing open storage and recycling of scrap metal with workshop uses deviated from the applied use. The Commissioner of Police raised concern on the adverse traffic impact of the development in the Ha Tsuen area. However, other concerned Government departments, including the Transport Department, had no adverse comments on the application;
- (d) no local objection was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for a temporary period until 18.3.2008 for the reasons detailed in paragraph 10.3 of the Paper in that the proposed development was not

incompatible with the use of the surrounding area which comprised predominantly open storage of containers. The concern on handling of the waste materials within the application site could be addressed by imposing an appropriate approval condition. No adverse comment on the traffic impact was received from the Transport Department. Moreover, the applicant had complied with the approval conditions of the previous approved Applications No. A/YL-HT/235 and A/YL-HT/273.

67. Questions made by some Members were summarized below:

- (a) noting that unauthorized open storage of used electrical appliances and scrap metal was found on the application site in particular the proposed extension area as shown in Plan A-2 of the Paper, whether an approval condition prohibiting the handling of e-waste had been imposed on the previous application; and
- (b) whether the major use of the application site was for open storage or maintenance workshop, and whether the recycling of electrical appliances and scrap metal with workshop was included in the application.

68. In reply, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

- (a) approval condition to prohibit the handling of e-waste had not been imposed on the previous Application No. A/YL-HT/383 as indicated in Appendix III of the Paper. In view of open storage of used electrical appliances and scrap metal found on the application site, an additional approval condition was suggested to be imposed to prohibit the handling of such waste materials should the subject application be approved. Should such use continue, the planning permission could be revoked and planning enforcement actions would follow; and
- (b) as shown in Drawing A-2 of the Paper, the major use under application was for open storage of containers, and the maintenance workshop at the

north-western part of the application site was an ancillary use only.

Deliberation Session

69. Some Members had no in-principle objection to the uses applied for but had grave concerns on the handling of e-waste found on the application site, which had deviated from the uses approved under Application No. A/YL-HT/383.

70. A Member opined that the applicant should be asked to discontinue the unauthorized use first and a decision on the application should be deferred. Another Member shared the similar view and said that the approval of the application should be withheld until the applicant had addressed the concerns raised by the relevant Government departments by clearing the unauthorized use on the application site.

71. Mr. H.M. Wong did not support the application due to the existence of the unauthorized handling of e-waste within the application site and made the following views:

- (a) some operators might continue using the site for unauthorized use due to ignorance. As substantial time was required for taking enforcement actions under the Waste Disposal Ordinance as well as the Town Planning Ordinance, the applicant should be asked to discontinue the unauthorized use before the Committee considered granting further planning approval for a larger site; and
- (b) the approval of the subject application might give a wrong signal to the applicant that the current uses on the application site, including the handling of e-waste, were tolerable and the extension of such use was acceptable.

72. In response, the Chairman and the Secretary made the following points:

- (a) it would not be appropriate for the Committee to withhold a decision on the application simply based on unauthorized uses found on the application

site. The Committee should consider the case based on the terms of the application as submitted and leaving the enforcement against the unauthorized uses to the relevant authorities under their respective Ordinances. The issue of enforcement by the Planning Authority and consideration of a planning application by the Town Planning Board should be dealt with separately under the Town Planning Ordinance;

- (b) to address Members' and departmental concerns, an approval condition could be imposed to prohibit the handling of e-waste to give a clear message to the applicant that such use was not permitted. The applicant could also be advised to note that the unauthorized development would be subject to enforcement action by the Planning Authority; and
- (c) to ensure that the situation could be rectified as soon as possible, the Central Enforcement & Prosecution Section of the Planning Department would be asked to expedite enforcement action against the unauthorized development within the application site.

73. Members generally agreed to the views expressed by the Chairman and the Secretary.

74. In response to a Member's enquiry, the Secretary said that with the imposition of an approval condition prohibiting the handling of e-waste, the planning permission if granted could be revoked immediately if such use was found within the application site.

75. A Member said that it would be useful to arrange a briefing for Members on the enforcement work of the Planning Department. The Secretary said that a paper on the enforcement and prosecution work undertaken by the Planning Authority would be submitted to the Town Planning Board for consideration in early 2006.

76. In reply to Mr. Francis Ng's question, Mr. Wilson Y.L. So said that as an extension of time limit was not the subject of amendment under application, the time limit for the development previously approved would be adhered to.

77. After further deliberation, the Committee decided to approve the application on a temporary basis until 18.3.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence at any time during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m. was permitted at the application site at any time during the planning approval period;
- (c) the maintenance of the landscape planting on the application site at all time during the planning approval period;
- (d) no handling (including loading, unloading, and storage) of waste materials and used electrical/electronic appliances including cathode-ray tubes was permitted at the application site at any time during the planning approval period;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.5.2006;
- (f) in relation to (e) above, the provision of drainage facilities/system for the application site within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.8.2006;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher for the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.5.2006;

- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time 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 (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 Town Planning Board.

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

- (a) note that the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. Immediate action should be taken to discontinue such use/development not covered by the permission;
- (b) note that since the application was for amendment to the previously approved Application No. A/YL-HT/383, the planning approval period of the previous application had been adopted in the current application, i.e. up to 18.3.2008;
- (c) apply to the District Lands Office/Yuen Long, Lands Department for a short term waiver for the erection of structures on the application site;
- (d) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;

- (e) note the Chief Engineer/Development(2), Water Supplies Department's comment that existing water mains would be affected and the applicant should bear the cost of any necessary diversion works affected by the applied uses;
- (f) approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the premises for storage and use of Dangerous Goods;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the application site and the "newly added area" and to consult the relevant lands/maintenance authorities; and
- (h) note the comments of the Director of Environmental Protection to take note/observe the Waste Disposal Ordinance (WDO) and the Waste Disposal (Chemical Waste) (General) Regulation under the WDO.

[Mr. Tony C.N. Kan left the meeting temporarily and Mr. Alfred Donald Yap left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Proposed Amendments to the

Approved Tuen Mun Outline Zoning Plan No. S/TM/20

(RNTPC Paper No. 33/05)

79. As the rezoning site of Amendment Item A was the subject of a previously approved rezoning request submitted by the Environmental Protection Department, Mr. H.M.

Wong declared an interest in this item.

[Mr. H.M. Wong left the meeting temporarily at this point.]

Presentation and Question Session

80. Mr. Wilson Y.L. So, DPO/TMYL, presented the proposed amendments and covered the following aspects as detailed in the Paper:

- (a) background to the proposed amendments to the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/20;
- (b) the proposed amendments to the OZP – these included rezoning of a site of about 20 hectares at Tuen Mun Area 38 from “Other Specified Uses” annotated “Special Industries Area” (“OU(SIA)”) to “Other Specified Uses” annotated “Resource Recovery Park” (“OU(RRP)”); and refinements to the definitions of “existing use” and “existing building” in the covering Notes, to the specifications pertaining to “Educational Institution”, “Place of Entertainment”, “Religious Institution” and “Shop and Services” uses under Column 2 of the Notes for the “Industrial” zone, and to the planning intention in the Notes for the “Open Space” zone;
- (c) the proposed definition of the RPP for incorporation into the Definitions of Terms/Broad Use Terms Used in Statutory Plans; and
- (d) departmental comments – no adverse comments from the concerned Government departments were received.

Deliberation Session

81. In reply to a Member’s comment that the definition of the RRP was imprecise in some respects, Mr. Wilson Y.L. So, DPO/TMYL, said that the RRP would include the handling of 12 material types and their associated resource recovery processes, which were covered by an environmental permit issued under the Environmental Impact Assessment

Ordinance. The Secretary said that in order to address this Member's concern, more details on the activities covered by the RRP could be included in the Remarks of the definition of the term. The amendment would be circulated to Members together with the draft minutes. The Chairman said that the definition could be further refined in future if necessary.

82. After deliberation, the Committee decided to :

- (a) agree that the amendment plan No. S/TM/20A at Annex II (to be renumbered to S/TM/21) and its Notes at Annex III of the Paper were suitable for public inspection under section 5 of the Ordinance;
- (b) agree to adopt the revised Explanatory Statement at Annex IV of the Paper as an expression of the Town Planning Board's planning intentions and objectives for various land use zonings of the plan and to be issued under the name of the Town Planning Board, and that the revised Explanatory Statement was suitable for public inspection together with the amendment plan No. S/TM/20A (to be renumbered to S/TM/21); and
- (c) subject to incorporation of remarks to the definition of Resource Recovery Park, agree to incorporate the definition into the Definitions of Terms/Broad Use Terms Used in Statutory Plans.