

**TOWN PLANNING BOARD**

**Minutes of 319th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 13.1.2006**

**Present**

Director of Planning  
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Elvis W.K. Au

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

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

Secretary

**Absent with Apologies**

Mr. Francis Y.T. Lui

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Alfred Donald Yap

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

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  
Mr. Tony Y.C. Wu

**Agenda Item 1**

Confirmation of the Draft Minutes of the 318th RNTPC Meeting held on 23.12.2005

[Open Meeting]

1. The draft minutes of the 318th RNTPC meeting held on 23.12.2005 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 25 of 2005

Proposed Temporary Open Storage of Vehicles for Exhibition and Sale for a Period of 3 Years in “Agriculture” and “Open Storage” Zones,

Lot 506 RP in D.D. 83 and Adjoining Government Land, Ta Kwu Ling

(Application No. A/NE-TKL/272)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 30.12.2005 received an appeal against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/NE-TKL/272) for proposed temporary open storage of vehicles for exhibition and sale for a period of 3 years in the “Agriculture” and “Open Storage” zones on the draft Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/10. The s.17 review application was rejected by the TPB on 21.10.2005 for not complying with the TPB Guidelines for Application for Open Storage and Port Back-up Uses in that the proposed use was not compatible with the rural village character of the surrounding areas; there was no previous planning approval granted to the application site; and insufficient information was submitted to demonstrate no adverse landscape impact. The hearing date of the appeal was yet to be fixed. The Secretariat would represent the TPB to deal with the appeal.

(ii) Appeal Statistics

3. The Secretary said that as at 13.1.2006, 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	14
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	26
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	235

[Mr. Elvis W.K. Au and Dr. C.N. Ng arrived to join the meeting at this point.]

[Mr. C.T. Ling, Chief Town Planner/Town Planning Board (CTP/TPB), was invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting]

Past Practices in the Consideration of Application for Redevelopment of House other than New Territories Exempted House (NTEH) in New Territories  
(RNTPC Paper No. 4/06)

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4. With the aid of a Powerpoint presentation, Mr. C.T. Ling, CTP/TPB, covered the following aspects as detailed in the Paper:

- (a) on 23.9.2005, the Committee considered a planning application for redevelopment of an existing house (other than NTEH) in the “Village Type Development” (“V”) zone. With a view to ensuring consistency in consideration of similar applications in future, Members requested the Secretariat to review the past practices of the Committee in handling such

applications;

- (b) there were two types of “V” zones, covering recognized villages and non-recognized villages. The former was intended primarily for development of Small Houses by indigenous villagers under the Small House Policy, while the latter was primarily for the provision of land for the retention and expansion of existing villages and to reflect the village built form in the areas concerned;
- (c) in the period between January 2002 and December 2005, the Town Planning Board (the Board) and the Committee had considered a total of 12 applications for development or redevelopment of house other than NTEH within the “V” zone, 11 of which were located within the “V” zone covering recognized villages. Details of the 12 applications were summarized in the Annex of the Paper;
- (d) in general, the Board and the Committee had adopted the following practices in assessing the applications:
  - (i) for “V” zone covering recognized villages, applications would normally not be allowed if the land involved had no building right under the lease or the proposed development intensity exceeded the lease entitlements. If additional land (either Government land or land without building right) was involved, no approval would be granted if the additional land was disproportionate to the land area that carried building right or would adversely affect the land supply for Small House developments by indigenous villagers. For the approved applications with proposed development intensity exceeding the lease entitlements, the intensity normally did not exceed the parameters of a NTEH. Nevertheless, each case was assessed on its individual merits and other relevant planning considerations (such as the Layout Plan, if any, covering the village, local site

context and land use compatibility) would also be taken into account; and

- (ii) for “V” zone covering non-recognized villages, each case would be assessed on its individual merits, taking into consideration the lease entitlements, area of additional land involved, proposed development intensity, Layout Plan covering the village and land use compatibility, etc.

5. A Member asked whether the review covered applications involving NTEHs (Small Houses) built by indigenous villagers but sold to other people after paying the necessary land premium to the Government. Mr. C.T. Ling replied that the review did not cover such aspect.

6. Another Member referred to cases involving redevelopment of existing houses and asked why there were houses built on land with no building right and whether those houses were illegal. Mr. C.T. Ling replied that such houses were usually built under Government land licences.

[Mr. Alex C.W. Lui arrived to join the meeting at this point.]

7. Referring to the Annex of the Paper, a Member asked why Application No. A/DPA/SK-CWBS/6 for a proposed 4-storey house was approved, noting that the building height of a NTEH was restricted to 3 storeys only. In reply, Mr. C.T. Ling said that the application involved redevelopment of an existing 4-storey house in compliance with the lease entitlement. Subsequent to the approval of the application, the applicant found it technically difficult to comply with the requirements set by relevant Government departments. To resolve the technical difficulty, the applicant later submitted another application (No. A/SK-CWBN/1) for a 3-storey house, which was approved by the Committee on 23.12.2005. The Chairman said that the situation pertaining to application No. A/DPA/SK-CWBS/6 was special as it was not common to have a site in the “V” zone with a lease allowing for a 4-storey house.

8. Members noted the past practices adopted by the Board and the Committee in

assessing applications for development/redevelopment of house other than NTEH in the “V” zone as set out in the Paper.

[The Chairman thanked Mr. C.T. Ling, CTP/TPB, for his attendance to answer Members’ enquiries. Mr. Ling left the meeting at this point.]

### **Tai Po and North District**

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

[Professor Nora F.Y. Tam arrived to join the meeting at this point.]

### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Proposed Amendments to the

Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/12

(RNTPC Paper No. 1/06)

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### **Presentation and Question Session**

9. Mr. P.K. Ip, STP/TPN, presented the proposed amendments to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/12 as detailed in the Paper. The proposed amendments included the rezoning of a site at the south of Tsung Pak Long from “Comprehensive Development Area” to “Residential (Group C)3” (“R(C)3”) to reflect the as-built conditions of a low-rise, low-density residential development (Item A); rezoning of a site to the east of Shek Wu Hui Sewage Treatment Works (STW) from “Government, Institution or Community” to an area shown as “River Channel” (Item B1), “Green Belt” (Item B2) and “Other Specified Use (Sewage Treatment Works) (“OU(STW)”) (Item B3) to reflect the completed river training works, existing vegetated slopes and integration with the STW respectively; rezoning of a site from “OU(STW)” to an area shown as “River Channel” to

reflect the completed river training works; and deletion of the annotation indicating the authorization by the then Secretary for Transport for the road works of Road D1 which had already been completed. The Notes of the OZP were also proposed to be amended to reflect the latest refinements to the Master Schedule of Notes to Statutory Plans agreed by the Board and to stipulate the development parameters for the “R(C)3” zone.

10. In response to the Chairman’s enquiry, Mr. P.K. Ip said that the proposed amendments were to reflect the existing conditions and no new land use proposal was included.

### Deliberation Session

11. After deliberation, the Committee decided to agree:

- (a) to the proposed amendments to the approved Fanling and Sheung Shui OZP No. S/FSS/12 as detailed in paragraphs 3 and 4 of the Paper;
- (b) that the Amendment Plan No. S/FSS/12A at Annex B (to be renumbered to S/FSS/13) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) that the revised Explanatory Statement (ES) at Annex D of the Paper should be adopted as an expression of the planning intention and objectives of the Board for various land-use zonings of the OZP; and
- (d) that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the Amendment Plan No. S/FSS/12A and its Notes.





mainly on traffic and environmental grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 10.1 of the Paper in that the proposed development was not in line with the planning intention of the “Village Type Development” zone; the approval of the application would jeopardise the implementation of the Fanling/Sheung Shui Areas 17 and 22 Layout Plan; and there was insufficient information to demonstrate that the proposed development would not cause adverse traffic impact on the existing footpath and cycle track.

[Mr. K.C. Ho arrived to join the meeting at this point.]

13. In response to the Chairman's enquiry, Mr. P.K. Ip said that the application site was an agricultural lot with no building right under the lease.

#### Deliberation Session

14. 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 to designate both existing recognized villages and areas of land considered suitable for village expansion and intended for development of Small Houses by indigenous villagers;
- (b) the approval of the application would jeopardise the implementation of the Fanling/Sheung Shui Areas 17 and 22 Layout Plan;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic impact on the existing footpath and cycle track; and

- (d) the approval of the application would set an undesirable precedent for other similar applications. The cumulative effect would result in a loss of land for Small House development in the area.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-FTA/71 Proposed Temporary Open Storage of Container Trailers with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Agriculture” zone, Lot 199RP in DD 52, Fu Tei Au, Sheung Shui (RNTPC Paper No. A/NE-FTA/71)
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#### Presentation and Question Session

15. Mr. P.K. Ip, STP/TPN, 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 container trailers with ancillary vehicle repair workshop;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on the application as the access road to the site was not desirable for use by heavy and container vehicles. The Director of Environmental Protection did not support the application as the additional traffic of heavy vehicles and activities related to vehicle repair would cause significant environmental nuisances to the surrounding areas. The Chief Engineer/Development(2), Water Supplies Department objected to the application as the proposed use would increase the pollution risk to the water quality within the flood pumping gathering grounds and the frequent manoeuvre of heavy vehicles in the area would likely affect the integrity of

the Nam Chung Aqueduct and the normal inspection and maintenance activities of Water Supplies Department. Other Government departments had no objection to the application;

- (d) two public comments were received during the publication period raising objections to the application mainly on environmental and traffic grounds; and
- (e) Planning Department (PlanD)'s views – PlanD did not support the application for reasons detailed in paragraph 12.2 of the Paper in that the proposed use did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port back-up Uses (TPB PG-No. 13D) since there was no previous planning approval granted for the site and insufficient information was submitted to demonstrate that the proposed use would not generate adverse impact on traffic, water quality and integrity of the Nam Chung Aqueduct.

16. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed open storage of container trailers 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 and there was insufficient information in the submission to demonstrate that the proposed temporary open storage use would not generate adverse impact on traffic, water quality and integrity of the Nam Chung Aqueduct. Moreover, there were local objections on environmental and traffic grounds;

- (b) the existing access leading to the application site was a substandard track which was not desirable for use by large and container vehicles. There was insufficient information in the submission to demonstrate that the proposed development would not cause cumulative adverse traffic impact on the existing village track and the nearby road networks;
- (c) the proposed development was expected to cause significant environmental nuisances to the nearby sensitive receivers and to the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas; and
- (d) the subject site was located within flood pumping gathering grounds. There was insufficient information in the submission to demonstrate that the proposed development would not cause pollution to the flood pumping gathering grounds and adversely affect the integrity of the Nam Chung Aqueduct as well as the normal inspection and maintenance activities of Water Supplies Department.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-HT/1 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in “Agriculture” and “Village Type Development” (“V”)  
zones, Lot 76B in DD 76, San Uk Tsai, Fanling  
(RNTPC Paper No. A/NE-HT/1)
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#### Presentation and Question Session

18. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed NTEH (Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site was graded as good quality agricultural land and agricultural activities in the vicinity of the site were active; and other Government departments had no objection to the application;
- (d) one public comment was received during the publication period stating no comment on the application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper in that the proposed development generally complied with the interim criteria for assessing planning application for NTEH/Small House; the proposed development was generally compatible with the surrounding rural and village environment and it would unlikely have significant adverse environmental, drainage and traffic impacts on the surrounding areas.

19. Members had no question on the application.

#### Deliberation Session

20. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the designation of a 5m non-building area from the western boundary of the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission of a drainage proposal and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

21. The Committee also agreed to advise the applicant to assess the need to extend his inside services to the nearest Government water mains for connection and to resolve any land matters (such as private lots) associated with the provision of water supply, and that he should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards.

[Mr. Elvis W.K. Au returned to the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iv) A/NE-LT/352 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in "Agriculture" and "Village Type Development" ("V")  
zones, Government Land in DD 10,  
Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/352)
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#### Presentation and Question Session

22. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed NTEH (Small House);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed development generally complied with the interim criteria for assessing planning application for NTEH/Small House.

23. Members had no question on the application.

#### Deliberation Session

24. The Chairman remarked that although the application site fell within Water Gathering Grounds, connection of the site to the planned public sewerage network in the area was possible and both the Director of Environmental Protection and Chief Engineer/Development (2), Water Supplies Department had no objection to the application.

25. Mr. Francis Ng clarified that the applicant was in fact the agent of an indigenous villager applying to build the Small House. The Chairman noted Mr. Ng's comment and said that the Lands Department could ensure that the grantee of the Small House would be an indigenous villager.

26. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the 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 an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no occurrence of siltation or pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) appropriate measures should be taken to avoid affecting the nearby Lam Tsuen River (Upper) which was listed as an Ecologically Important Stream under the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 during the construction of the house; and
- (d) there was an 11kV overhead line in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply line. They should liaise with CLP Power Ltd. to divert the existing overhead line away from the vicinity of the proposed development or have it replaced by an underground cable where necessary before commencement of construction works.



Deliberation Session

30. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the submission of a drainage proposal and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

31. The Committee also agreed to advise the applicant to assess the need to extend his inside services to the nearest Government water mains for connection and to resolve any land matters (such as private lots) associated with the provision of water supply and that he should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/NE-TK/201 Proposed Two Houses  
(New Territories Exempted Houses) (NTEHs) (Small Houses)  
in "Green Belt" ("GB" and "Government, Institution or  
Community" ("G/IC") zones,  
Lots 422B1, 422BRP and 422C in DD 26,  
Shuen Wan Lei Uk Village, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/201)
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Presentation and Question Session

32. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed NTEHs (Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period raising objection to the application on the grounds that trees on the site had been cleared before the applicant lodged the application and approval of the application would set an undesirable precedent for similar applications; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as 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. The proposed development also generally complied with the Town Planning Board Guidelines for Application for Development within “GB” zone (TPB PG-No.10) as the proposed NTEHs were considered not incompatible with the surrounding environment with cluster of village houses to its east and northeast; and it also complied with the TPB Guidelines for Application for Development/Redevelopment within “G/IC” Zone for Uses other than Government, Institution or Community (GIC) (TPB PG-No.10) as the proposed development was located at the periphery of the “G/IC” zone and would not frustrate the GIC use in future.

33. A Member asked how the commenter's concern could be addressed. The Chairman said that while Members might take into account the impact on trees in considering

planning applications, no planning permission was required for tree felling. He asked whether there was any control on tree felling under the leases. Mr. Francis Ng replied that the application site comprised private agricultural lots and there was no control under the leases on tree felling. Referring to a letter dated 14.6.2005 from the Lands Department to the commenter at Appendix VII of the Paper, Mr. W.K. Hui, DPO/TPN, said that the situation had been explained to the commenter.

34. Referring to Plans A-2 and A-3 of the Paper, the same Member asked whether the proposed development would affect the existing staircase encroaching upon the south-eastern part of the site. Mr. W.K. Hui said that as shown on Figure 2 of the applicant's submission at Appendix Ia of the Paper, the staircase would be re-provided by the applicants of the two approved Small Houses to the immediate east of the site (Application No. A/NE-TK/195). The same Member asked whether the new staircase would affect any area covered with trees. Mr. W.K. Hui replied that the alignment of the new staircase broadly followed the alignment of the existing one.

#### Deliberation Session

35. The Chairman said that since NTEHs had been approved in the vicinity, the proposed NTEHs in the current application would be compatible with the adjoining developments. To address the concern on possible adverse landscape impact, an approval condition on submission and implementation of landscaping proposals should be imposed and the applicants should also be advised to avoid affecting the trees nearby.

36. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) they should avoid affecting the large trees near the application site;
- (b) in case non-exemption site formation works and/or communal drainage systems were involved, submission should be made to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (c) they might need to extend their inside services to the nearest government water mains for connection. They 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;
- (d) the Environmental Protection Department should be consulted regarding sewage treatment/disposal aspects of the proposed development; and
- (e) water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/NE-TKL/278 Temporary Open Storage of Containers  
for the Purposes as Office and Store-room  
for a Period of 3 Years in "Agriculture" ("AGR") zone,  
Lot 752RP(Part) in DD 77, Ping Che Road, Fanling  
(RNTPC Paper No. A/NE-TKL/278)
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[Open Meeting (Presentation and Question Session only)]

- (viii)      A/NE-TKL/279      Temporary Open Storage of Waste Paper and Metal  
for a Period of 3 Years in “AGR” zone,  
Lot 761RP(Part) in DD 77, Ping Che Road, Fanling  
(RNTPC Paper No. A/NE-TKL/279)
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Presentation and Question Session

38.            Noting that the Applications No. A/NE-TKL/278 and 279 were similar in nature and the sites were adjacent to one another within the same “AGR” zone, the Chairman suggested and Members agreed that these applications could be considered together.

39.            Mr. P.K. Ip, STP/TPN, presented the applications and covered the following aspects as detailed in the Papers:

- (a)      background to the applications;
- (b)      the proposed temporary open storage of containers for office and store-room purposes under Application No. A/YL-TKL/278 and the proposed temporary open storage of waste paper and metal under Application No. A/YL-TKL/279;
- (c)      departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on both applications due to concerns in relation to vehicular access to the sites. The Director of Environmental Protection did not support Application No. A/YL-TKL/279 as the proposed use would involve handling of waste paper and metal within the site, which was expected to cause environmental nuisances to the nearby sensitive receivers. Other Government departments had no objection to the application;
- (d)      six public comments were received during the publication period raising objections to both applications on traffic, drainage, safety and

environmental grounds. The District Officer/North had also received local objections on both applications on similar grounds; and

- (e) Planning Department (PlanD)'s view – PlanD did not support both applications for reasons detailed in paragraph 12.2 of the Papers in that the applications were not in compliance with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D). For Application No. A/NE-TKL/278, there was no previous planning approval given for similar use on the site and no information had been submitted by the applicant to demonstrate that the proposed use would not generate adverse traffic and environmental impacts on the surrounding areas. For Application No. A/NE-TKL/279, although previous planning approval had been given for similar use, the applicant had not demonstrated genuine efforts in complying with the approval conditions nor included relevant technical assessments in his submission to demonstrate that the proposed use would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

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

40. The Chairman asked whether there was any operational relationship between the uses under the two applications. Mr. W.K. Hui, DPO/TPN, replied that the applications were submitted by two different operators. Referring to Plan A-2 of the Paper, Mr. Hui explained that the office and store-room uses under Application No. A/NE-TKL/278 would be ancillary to the open storage use within the “Industrial (Group D)” zone (“I(D)”) to the immediate east of the application site.

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

#### Deliberation Session

41. The Chairman asked whether open storage use in the adjacent site within the



“I(D)” zone would still be possible if Application No. A/NE-TKL/278 was not approved. Mr. W.K. Hui considered that the applicant could still operate the open storage use by relocating the ancillary office and store-room to the site in the “I(D)” zone.

42. The Chairman said that comparing with open storage use, the office and store-room uses under Application No. A/NE-TKL/278 might cause less nuisance on the nearby sensitive receivers. Referring to Plan A-2 of the Paper, Mr. W.K. Hui explained that there were a number of domestic structures to the immediate south of the applicant’s site in the “I(D)” zone, and if the applicant was allowed to expand the open storage operation by moving the ancillary office and store-room to the application site, the nuisance to the residents would be aggravated. The Secretary added that approval of the application would set an undesirable precedent for uses not complying with the TPB PG-No.13D. A Member shared the view of the Secretary and said that both applications did not deserve sympathetic consideration.

43. After deliberation, the Committee decided to reject the applications and the reasons were :

Application No. A/NE-TKL/278

- (a) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justification had been provided for a departure from the planning intention; and
- (b) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the use was not compatible with the adjacent domestic structures, there was no previous planning approval granted to the application site and no information had been submitted to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas.



- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer;
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper in that the application was to resolve the local objections to a proposed sewage pumping station approved by the Committee in 2002 (Application No. A/NE-TKL/204); and the proposed sewage pumping station on the current site would unlikely cause any adverse environmental, traffic, drainage, landscape and visual impacts on the area.

45. A Member asked since the sewage pumping station previously approved had not been implemented, what measures had been employed in the past years for sewage handling in the area. Mr. W.K. Hui, DPO/TPN, replied that a temporary sewage pump pit had been constructed at the application site as an interim measure for conveying sewage from the public lavatory south of the site to the existing sewer along Ping Yuen Road.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition of the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

- (a) observe the requirements and mitigation measures stipulated in the 'Environmental Guidance Note for Sewage Pumping Stations, which was not a Designated Project' prepared by the Environmental Protection Department; and
- (b) apply to the District Lands Office/North, Lands Department for a permanent Government Land Allocation for the proposed development.

[Mr. Edmund K.H. Leung and Professor Peter R. Hills left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (x) A/NE-TKL/281 Temporary Open Storage of Construction Equipment for a Period of 3 Years in "Agriculture" zone, Lots 1344(Part) and 1345(Part) in DD 82, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/281)
- 

#### Presentation and Question Session

48. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction equipment;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation was not in favour of the application as the agricultural activities in the vicinity of the application site were quite active; and other Government departments had no objection to the application;

- (d) one public comment was received during the publication period indicating support to the application;
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed use was similar to the previously approved uses on the site and there was no change in planning circumstances since the previous approvals; and the application was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13D) as the applicant had complied with the previous approval conditions and the proposed use would unlikely have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding area.

[Dr. C.N. Ng and Mr. Edmund K.H. Leung returned to the meeting at this point.]

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. should be carried out at the application site during the planning approval period;
- (b) the peripheral fencing and paving of the site should be maintained at all times during the planning approval period;
- (c) the submission of landscape and tree preservation 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 13.7.2006;

- (d) in relation to (c) above, the implementation of landscape and tree preservation 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 13.10.2006;
- (e) the submission of proposals for vehicular access, 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 13.7.2006;
- (f) in relation to (e) above, the implementation of proposals for vehicular access, 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 13.10.2006;
- (g) 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 13.7.2006;
- (h) in relation to (g) above, the provision of the drainage facilities proposed 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 13.10.2006;
- (i) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

51. 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 Short Term Waiver for the regularization of structures erected on private land; and
- (b) 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.

[Professor Peter R. Hills returned to the meeting while Professor K.C. Ho left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (xi) A/NE-TKL/282 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in “Agriculture” zone,  
Lot 172RP in DD 79, Ping Yeung, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/282)
- 

#### Presentation and Question Session

52. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed NTEH (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed development was generally in line with the interim criteria for assessing planning application for NTEH/Small House, the proposed development was generally compatible with the surrounding rural and village environment, and would unlikely have significant adverse environmental, drainage and traffic impacts on the surrounding areas.

53. Members had no question on the application.

#### Deliberation Session

54. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) preservation of all existing trees and planting on site to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) submission of drainage proposal and provision of drainage facilities to the





application for reasons as detailed in paragraph 12.1 of the Paper in that the application generally complied with the interim criteria for assessing planning application for NTEH/Small House development, the proposed development was generally in line with the Town Planning Board Guidelines for Application for Development within “GB” zone (TPB-PG No. 10), and would unlikely cause significant adverse traffic, environmental and infrastructural impacts on the surrounding areas.

57. Members had no question on the question.

#### Deliberation Session

58. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (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.

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

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, and to sort out the land matters related to the construction, operation and maintenance of the inside services within the private lots;
- (b) note that water mains in the vicinity of the application site could not provide

the standard fire-fighting flow;

- (c) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (d) submit site formation works to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant should liaise with CLP Power Hong Kong Ltd. to divert the existing low voltage cables away from the vicinity of the proposed development.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, and Mr. P.K. Ip, STP/TPN, for their attendance to answer Members’ enquiries. Messrs. Hui and Ip 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. Frederick S.T. Ng, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

[Mr. Michael K.C. Lai left the meeting temporarily at this point.]

## **Agenda Item 6**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Session only)]

- (i)           A/TM/343                   Temporary Shop and Services for a Period of 5 Years  
  in “Industrial” zone,  
  Workshop I, G/F, Delya Industrial Centre,  
  7 Shek Pai Tau Road, Tuen Mun  
  (RNTPC Paper No. A/TM/343)
- 

### **Presentation and Question Session**

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

- (a)   background to the application;
- (b)   the proposed temporary shop and services;
- (c)   departmental comments – no objection from concerned Government departments was received;
- (d)   no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e)   Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the application was in line with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No.25B), and the Director of Fire Services (D of FS) had no objection to the application.

[Mr. Michael K.C. Lai and Professor K.C. Ho returned to the meeting at this point.]

61. The Chairman noted that many similar applications had been approved at the subject industrial building and asked whether the maximum floor area of commercial use permitted by the D of FS at an industrial building had been exceeded. Referring to the table in paragraph 6.2 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, replied that the aggregate floor area of shop and services use approved at the building was about 285.7m<sup>2</sup>. The permissible limit of 460m<sup>2</sup> set by the Director of Fire Services for sprinkled industrial building would still not be exceeded, should the application be approved.

### Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 13.1.2011, on the terms of the application as submitted to the Town Planning Board and subject to the condition of submission and provision of fire service installations for the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board.

63. The Committee also agreed to advise the applicant of :

- (a) the District Lands Officer/Tuen Mun, Lands Department's comment that the applicant should apply for a waiver which, if approved, would be subject to such terms and conditions to be imposed; and
- (b) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the premises should be separated from the adjoining unit/corridor with walls of fire resisting period not less than 2 hours.



was currently under construction which was only about 5m to the south of the application site.

65. Members had no question on the application.

#### Deliberation Session

66. 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 which was to designate both existing recognised villages and land for village expansion. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-HT/421 Temporary Fee-paying Public Car Park  
(excluding Medium Goods Vehicles, Heavy Goods Vehicles,  
Container Vehicles, Container Tractors and Trailers)  
for a Period of 3 Years in “Undetermined” zone,  
Government Land in the East of Ping Ha Road  
near Its Junction with Tin Ha Road, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/421)
- 

67. As the application was submitted by the District Lands Officer/Yuen Long, Lands Department, Mr. Francis Ng, Assistant Director/New Territories, Lands Department declared an interest in this item.

[Mr. Francis Ng left the meeting temporarily at this point.]

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary fee-paying public car park;
- (c) departmental comments – the Director of Environmental Protection (DEP) had concern on the current traffic noise nuisance on the sensitive receivers along Ping Ha Road and Tin Ha Road and advised that the application could be tolerated if parking of container vehicles, container tractors and trailers and medium and heavy goods vehicles was excluded from the proposed car park. The Project Manager (New Territories North and West), Civil Engineering and Development Department (PM(NTN&W), CEDD) advised that the application site was located within the project area for “Ping Ha Road Improvement – Remaining Works (Southern Part of Ha Tsuen Section)” which was scheduled to commence by March 2007, and had no objection to the application if it was approved for a shorter period so that implementation of the project would not be affected. Other Government departments had no objection to the application;
- (d) 20 public comments were received against the application mainly for the reasons that the proposed use would aggravate the noise and air pollution of the area, increase the traffic flow and possibility of traffic accidents, and adversely affect the implementation of the improvement project for Ping Ha Road. The District Officer/Yuen Long also relayed the concern from some local residents that approval of the application might affect the implementation of the improvement works for Ping Ha Road; and



[Mr. C.K. Wong left the meeting temporarily at this point.]

- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed use was not incompatible with the surrounding uses in the area; and the applicant had addressed the concern of DEP by excluding the parking of container vehicles, container tractors and trailers and medium and heavy goods vehicles on the site. In order not to affect the implementation of the improvement project for Ping Ha Road, PlanD recommended that the application could be approved on a temporary basis for a period of 12 months instead of 3 years as proposed by the applicant.

69. Members had the following questions on the application:

- (a) whether the landscaping conditions as recommended under paragraphs 11.3(b) and (c) of the Paper would help relieve possible environmental nuisances, such as noise, to the nearby residents;

[Mr. C.K. Wong returned to the meeting at this point.]

- (b) whether the commenters were aware that the applicant had excluded the parking of container vehicles from the proposed car park, and had further revised the proposal by excluding the parking of heavy and medium goods, noting that the comments received near the end of the public inspection period were still of the view that the proposed use would result in environmental nuisances created by container vehicles; and
- (c) whether there was any imminent demand for a public car park in the area.

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

- (a) under the recommended landscaping conditions, the applicant would be

expected to provide peripheral planting at the site for beautification of the area. Effort to minimize possible environmental nuisances had been made by the applicant by excluding the parking of heavy and medium goods vehicles from the proposal, in response to DEP's concern on the original proposal;

- (b) both the original and revised proposals had been published for public comments, and the commenters should be aware that parking of container vehicles and heavy and medium goods vehicles would be excluded. The commenters maintained their objections to the application mainly because of concerns on the delay of the improvement project for Ping Ha Road and the nuisances caused by the traffic of heavy vehicles currently using Ping Ha Road. For improvement to Ping Ha Road, the PM(NTN&W), CEDD had indicated that the project was scheduled to commence in early 2007. Approval of the application for a period of 12 months would not affect the implementation of the project. As regards the traffic of heavy vehicles, it was mainly related to other vehicle parks in the area which were used by heavy vehicles. The proposed car park under application, which was for parking of private cars and vans only, would unlikely aggravate the situation; and
- (c) according to the applicant, the proposed car park could cater for the parking demand arising from the existing residential developments along Ping Ha Road and Tin Ha Road.

### Deliberation Session

71. The Chairman noted that most public comments on the application were submitted by the residents of Yan Wu Garden which was located to the immediate west of the application site. Mr. Wilson Y.L. So said that other than the residents of Yan Wu Garden, three members of Yuen Long District Council had also submitted objections to the application.

72. A Member considered that the strong objections from the local residents were

mainly due to their grievances on the long delay in the implementation of the improvement project for Ping Ha Road, and they were concerned that the proposed car park would lead to further delay of the project. As such, the objections would not be resolved even though the applicant would confine to allow parking of private cars and vans only.

73. The same Member considered that there was not sufficient information in the applicant's submission to demonstrate that there was really demand for a public car park at the site. Referring to paragraphs 9.1.3 to 9.1.6 of the Paper, this Member said that the comments given by the relevant Government departments on the traffic aspect were related to the improvement project for Ping Ha Road and some technical points of the proposed car park, such as the provision of access and internal roads. There was no positive support for the provision of a car park at the site. Another Member shared this view and considered that there was no obvious gain to approve the application.

74. A Member said that favourable consideration might be given to the application if the long-term use designated for the site was more undesirable than the proposed public car park. In response, the Chairman said that the site was located within the "Undetermined" zone and the future use was yet to be decided. Notwithstanding, the proposed car park use was temporary in nature which should not affect the long-term use of the site. Referring to Plan A-2 of the Paper, another Member pointed out that the site was located within the project area for the improvement of Ping Ha Road and would unlikely be used for open storage or other undesirable uses in the long term. This Member considered that there was no merit in approving the application.

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

- (a) the proposed development was not compatible with the residential development in the surrounding areas;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas; and

- (c) there was insufficient information in the submission to demonstrate there was demand for a public car park at the site.

[Mr. Francis Ng returned to the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-HT/428 Temporary Open Storage of Recyclable Card Boards, Compressed Plastic Bottles, Steel Wires and Wooden Panels for a Period of 3 Years in “Recreation” (“REC”) zone, Lots 495 and 496(Part) and Adjoining Government Land in DD 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/428)
- 

#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of recyclable card boards, compressed plastic bottles, steel wires and wooden panels;
- (c) departmental comments – the Director of Environmental Protection did not support the application as the proposed use would generate additional heavy vehicle traffic to the area and cause environmental nuisances to the sensitive receivers along San Wai Road and Tin Ha Road. The Assistant Commissioner for Transport/New Territories was concerned that approval of the application would set an undesirable precedent for similar applications in the surrounding areas. The Commissioner of Police

considered that the traffic pressure in the Ha Tsuen area was already very heavy and there was insufficient infrastructure to support extra heavy vehicles in the area. The Chief Engineer/Mainland North, Drainage Services Department advised that a drainage proposal should be submitted to demonstrate that the proposed use would not have adverse drainage impact on the area. Other Government departments had no objection to the application;

- (d) no public comment was received during the publication period and no local objection was received by the District Officer;
- (e) Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed use was not in line with the planning intention of the “REC” zone and did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up uses (TPB PG-No.13D) as there was insufficient information in the submission to demonstrate that the use would not have adverse environmental, traffic and drainage impacts on the surrounding areas. The application site was the subject of five previous applications for similar uses with the last two applications rejected by the Board on review and by the Committee on 12.10.2001 and 29.7.2005 respectively. There was no change in the planning circumstances since rejection of these previous applications nor any strong justification provided in the submission to merit a departure from the previous decisions.

77. Members had no question on the application.

#### Deliberation Session

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

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

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-HT/429 Temporary Open Storage of Used Electrical Appliance and Metal Ware for a Period of 3 Years in “Recreation” (“REC”) zone, Lots 1168(Part), 1177, 1179, 1180, 1181(Part), 1190(Part) and Adjoining Government Land in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/429)
- 

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of used electrical appliance and metal ware;

- (c) departmental comments – the Director of Environmental Protection had concern on the potential soil and water pollution. The Commissioner of Police considered that the traffic pressure in the Ha Tsuen area was already very heavy and there was insufficient infrastructure to support extra heavy vehicles in the area. The Chief Engineer/Mainland North, Drainage Services Department advised that the drainage assessment submitted by the applicant’s proposal had not provided sufficient information to demonstrate that the proposed use would not have adverse drainage impact on the surrounding area. Other Government departments had no objection to the application;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed use was not in line with the planning intention of the “REC” zone and did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up uses (TPB PG-No.13D) as there was insufficient information in the submission to demonstrate that the use would not have adverse environmental and traffic impacts on the surrounding areas. Although there were two recently approved applications for open storage of recyclable metal and plastic (Application No. A/YL-HT/397) and open storage of used plastic ware (Application No. A/YL-HT/417) in the vicinity of the application site, the current application did not warrant the same consideration as it involved open storage of used electrical appliances which had the potential to cause soil and water pollution and covered a larger site.

80. Members had no question on the application.

### Deliberation Session

81. The Chairman said that although sympathetic consideration had previously been given to some applications for open storage uses along San Wai Road, the current application was different from those approved cases because of the larger area involved and the type of materials to be stored which had the potential of causing soil and water pollution.

82. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were major adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas.

[Mr. Alex C.W. Lui left the meeting and Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-KTN/241 Renewal of Planning Approval for  
Temporary Open Storage of Private Cars  
for a Period of 3 Years  
in “Open Space” and “Residential (Group D)” zones,  
Lot 529B(Part) in DD 109  
and Lot 644ARP(Part) in DD 110  
and Adjoining Government Land, Kam Tin Road, Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/241)
- 

### Presentation and Question Session

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



- (a) background to the application;
- (b) the proposed temporary open storage of private cars;
- (c) departmental comments – the Director of Environmental Protection (DEP) was concerned that workshop activities on the site would cause environmental nuisances to the surrounding areas; and other Government departments had no objection to the application;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the same use on the application site (Application No. A/YL-KTN/160) had previously been approved, and landscaping and drainage works had been implemented to minimize the adverse impacts on the surrounding areas. The proposed use was not incompatible with the surrounding areas which were mixed with open storage yards, workshops and petrol filling stations. No complaint had been received during the last approval period, and the DEP's concern on workshop activities on the site could be addressed by imposing a relevant approval condition.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicle repairing and workshop activities should be undertaken on site;

- (b) the drainage facilities on the application site should be maintained as under Application No. A/YL-KTN/160 at all times during the planning approval period;
- (c) 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 13.7.2006;
- (d) in relation to (c) above, the implementation of a 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 13.10.2006;
- (e) 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;
- (f) if any of the above planning conditions (c) or (d) 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
- (g) 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.

86. The Committee agreed to remind the applicant 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. The applicant should take immediate action to discontinue such use/development not covered by the permission.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comment that should no Short Term Waiver/Short Term Tenancy be granted and the unauthorized structures remained on site and Government land be encroached, his office would consider appropriate enforcement action against the registered owner(s)/occupier;
- (b) the Assistant Commissioner for Transport/New Territories's comment that the land status of the access road leading to the site from Kam Tin Road should be checked with the lands authority. The management and maintenance responsibility of the same access road should be clarified and relevant lands and maintenance authority should be consulted;
- (c) the Chief Highway Engineer/New Territories West, Highways Department's comment that the proposed use should not affect the road improvement project of "Kam Tin Road Improvement Stage 2";
- (d) 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;
- (e) the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. An Authorized Person must 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 Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (f) the Commissioner of Police's comment that the security arrangements of the location were considered of paramount importance and should be given due regard.



Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicular access and parking spaces should be provided to the site;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services of the Town Planning Board by 13.7.2006;
- (c) in relation to (b) above, the implementation of the drainage proposals 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 13.10.2006;
- (d) 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 Town Planning Board by 13.7.2006;
- (e) in relation to (d) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.10.2006;
- (f) if the above planning condition (a) was not complied with at any time during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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

- (h) 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.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comment that an unauthorized structure was found to be used as office on Lot No. 273 and Government land outside the boundary of the application site. His office would regularize the unauthorized structure on site on the basis of the approved application. For other part of the unauthorized structure, appropriate enforcement action against the occupier/owner would be considered;
- (b) the Director of Fire Services' comment that the detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comment that the site should be accessible from a street of not less than 4.5m wide. Otherwise, the development intensity would be subject to the application of Building (Planning) Regulation 19(2) (or Building (Planning) Regulation 19(3) upon the implementation of Building (Planning) (Amendment) Regulation 2005 on 31 December 2005). Building (Planning) Regulation 41D regarding the provision of emergency vehicular access (EVA) should be complied with. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures, if any, on site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of the unauthorized works, if any, in the future. Should there be any non-exempted building works to be carried out, the applicant was required to submit, through an Authorized Person, building plans to the Building

Authority for approval under the BO; and

- (d) the Commissioner of Police's comment that the security arrangements of the location were considered of paramount importance and should be given due regard.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-MP/151 Proposed Temporary Container Tractor and Trailer Park for a Period of 3 Years in "Village Type Development" ("V") zone, Lot 3250A2RP(Part) in DD 104, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/151)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary container tractor and trailer park;
- (c) departmental comments – the Director of Environmental Protection did not support the application as the proposed use would create noise nuisance to the sensitive receivers in the vicinity. The Chief Engineer/Mainland North, Drainage Services Department considered that submission and provision of drainage facilities was required to substantiate the application. The Assistant Commissioner for Transport/New Territories advised that the existing container vehicular traffic in the area had drawn strong objections from local residents and the site should not be granted for purposes entailing the use of container vehicles. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from

landscape planning and visual points of view. Other Government departments had no objection to the application;

- (d) eight public comments were received during the publication period raising objections to the application mainly on the grounds that the proposed use was not in line with the planning intention of the “V” zone and would generate adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (e) Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed use was not in line with the planning intention of the “V” zone and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13D); there were adverse departmental comments and local objections to the application; and there was insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental, drainage, landscape and traffic impacts on the surrounding areas.

93. Members had no question on the application.

#### Deliberation Session

94. 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 were 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, landscape 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.

[Ms. Carmen K.M. Chan left the meeting while Mr. Elvis W.K. Au returned to the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ix)           A/YL-PN/14           Temporary Open Storage of Recycled Materials  
(Timber and Scrap Steel) for a Period of 3 Years  
in “Agriculture” (“AGR”) zone,  
Lots 31(Part), 32, 34(Part), 35(Part) in DD 135  
and Adjoining Government Land, Sheung Pak Nai,  
Yuen Long  

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(RNTPC Paper No. A/YL-PN/14)

#### Presentation and Question Session

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

- (a)   background to the application;
- (b)   the proposed temporary open storage of recycled materials (timber and scrap steel);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application as the application site was classified as good quality agricultural land and there were agricultural activities in vicinity. The Assistant Commissioner for Transport/New Territories considered that approval of the application would set an undesirable precedent for similar applications in the surroundings area and would induce cumulative adverse traffic impact. The Chief Engineer/Mainland North, Drainage Services Department considered that there was insufficient information in the submission to demonstrate that there would be no adverse drainage impact. The Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application from landscape planning point of view. Other Government departments had no objection to the application;
  
- (d) six public comments were received during the publication period raising objections to the application mainly on the grounds of blockage to access, adverse impacts on traffic, environmental and natural ecology of the surrounding areas and setting of an undesirable precedent for similar application; and
  
- (e) Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed use was not in line with the planning intention of the “AGR” zone and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13D) as there was no previous planning approval for open storage use at the site and there was insufficient information in the submission to demonstrate that the proposed use would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

96. Members had no question on the application.

Deliberation Session

97. 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 “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and there was no strong planning ground to justify a departure of the planning intention, even on a temporary basis;
- (b) the proposed development was incompatible with the rural character of the surrounding area including fish ponds, agricultural land and village settlement as well as “Coastal Protection Area” zone to the north-west;
- (c) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous planning approval for open storage use at the site and there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone and the cumulative effect of approving such applications would result in a general degradation of the rural area.

[Open Meeting (Presentation and Question Session only)]

- (x)           A/YL-PS/235           Proposed Religious Institution with a  
Minor Relaxation of the Building Height Restriction  
in “Residential (Group B)2” (“R(B)2”) and “Road” zones,  
Lots 2241RP(Part), 2242RP(Part), 2261, 2262RP,  
2263RP, 2264RP, 2265 and 2266 in DD 124  
and Adjoining Government Land,  
Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/YL-PS/235)
- 

Presentation and Question Session

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

- (a)   background to the application;
- (b)   the proposed religious institution with minor relaxation of building height restriction sought;
- (c)   departmental comments – no objection from concerned Government departments was received;
- (d)   one public comment was received during the publication period indicating support to the application; and
- (e)   Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed development was not in conflict with the planning intention of “R(B)2” zone and would not result in significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas; the relaxation in building height was to accommodate a basement carpark as there was not sufficient space to place all parking spaces on the ground floor;

and the application was to amend a previously approved scheme (Application No. A/YL-PS/83) to facilitate future widening of Tin Ha Road and there had been no change in planning circumstances since the previous approval.

99. Referring to the comment of the Project Manager (New Territories North and West), Civil Engineering and Development Department (PM(NTN&W), CEDD) in paragraph 8.1.8 of the Paper, a Member asked whether the applicant was aware of the requirement to set back the site boundary to facilitate the re-alignment of Tin Ha Road. Mr. Wilson Y.L. So, DPO/TMYL, replied that the applicant was aware of the requirement. Referring to Plan A-2a of the Paper, Mr. So said that the western fringe of the previously approved scheme under Application No. A/YL-PS/83 encroached upon the future alignment of Tin Ha Road and therefore, the applicant's application for land exchange was not accepted by the Lands Department. The current application was to exclude the western fringe of the site from development to tally with the future road alignment. However, the PM(NTN&W), CEDD was still concerned that insufficient flexibility was allowed for design of the future road and requested that the western boundary of the site should be set back for at least 15m to 20m from the planned road edge. Due to the site constraint, it might not be possible for the applicant to satisfy the extent of set back as requested by the PM(NTN&W), CEDD. To address the issue, PlanD had recommended in paragraph 10.4(f) of the paper to impose an approval condition requiring the applicant to work out an acceptable extent of set back with CEDD. If the set back led to any major change to the layout of the proposed development under the current scheme, the applicant had to submit a fresh application to the Board for approval. The applicant could be advised of this requirement under an advisory clause as recommended in paragraph 10.5(a) of the Paper.

#### Deliberation Session

100. 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 13.1.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the provision of parking and loading/unloading facilities, and internal road/traffic access to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (f) the setting back of the site to avoid encroachment on the proposed realignment of Tin Ha Road to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

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

- (a) the applicant should submit a fresh application to the Board for approval should there be a major change in the current layout of the proposed development resulting from the fulfilment of approval condition (f) above regarding the setting back of the site boundary to avoid encroachment on the realigned road in future;
- (b) the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should submit a land exchange proposal to his office to realize

the proposed development should the application be approved. The grant of extra Government land had to be justified during the land exchange application as detailed in paragraph 8.1.1 of the Paper;

- (c) the Assistant Commissioner for Transport/New Territories' comments to check and clarify the boundary and land status of the site; and to assess and advise if the existing road facilities including footways, pedestrian crossings, etc. in the vicinity of the proposed development were adequate for the commuting of future occupants and members as detailed in paragraph 8.1.2 of the Paper;
- (d) the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that Building (Planning) Regulation (B(P)R) 41D regarding the provision of emergency vehicular access was applicable to the proposed development and detailed comments on the building layout would be given at the building plan submission stage; and
- (e) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site was near to Scheduled Area No. 2, beneath which marble with cavities might be present. If marble was encountered during ground investigation, details should be submitted to BD for comment and reference should be made to Practice Notes for Authorized Persons No. 161.

[Professor Peter R. Hills left the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (xi) A/YL-PS/236 Renewal of Planning Approval for Temporary Container Tractor and Trailer Park for a Period of 3 Years in “Open Storage” (“OS”) zone, Lots 1094(Part), 1095(Part), 1102(Part), 1104B(Part), 1105(Part) in DD 123 and Adjoining Government Land, Fuk Hi Street, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/236)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary container tractor and trailer park;
- (c) departmental comments – no objections from concerned Government departments were received;
- (d) one public comment was received during the publication period raising objection to the application on the ground that the container tractors and trailers passing through Long Ping Road and Fuk Hi Street would cause noise and dust nuisances to the nearby residents of Long Ping Estate; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.3 of the Paper in that the proposed use was broadly in line with the planning intention of the “OS” zone and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13D); previous approval for the same use at the application site had been given (Application No. A/YL-PS/134) and the current application complied with the Town



Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34); and all similar applications within the same “OS” zone were approved and there had been no change in planning circumstances since approval of these similar applications.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 7:00 p.m and 7:00 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) the landscape planting, drainage facilities and fire services installations on the application site should be maintained at all times during the planning approval period; and
- (d) 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.

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

- (a) the District Lands Officer/Yuen Long, Lands Department’s comments to apply for Short Term Tenancy (STT) to regularise the unauthorized

structures remain on Government land within the site and his office would consider appropriate enforcement action against the occupier should no STT be granted;

- (b) the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should submit records of the existing drainage facilities on site within 3 months to the satisfaction of his department;
- (c) the Assistant Commissioner for Transport/New Territories' comments to check and clarify the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (e) the Chief Engineer/Development (2), Water Supplies Department's comments that the applicant might need to extend his/her 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 his department's standards; and
- (f) the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by the Environmental Protection Department should be observed.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/YL-ST/296 Temporary Sales Office for Container Tractors and Medium Goods Vehicles with Ancillary Maintenance Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 204RP(Part), 331BRP, 332BRP, 333BRP(Part), 356(Part), 357(Part), 358(Part), 359(Part) and 361B in DD 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/296)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary sales office for container tractors and medium vehicles with ancillary maintenance workshop;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that the proposed vehicular access to the site was not satisfactory. The Director of Environmental Protection (DEP) had no strong view if no car washing/dismantling/repairing works involving metal cutting/drilling, hammering, paint spraying and oil/lubricant changing would be undertaken on the site. Other concerned Government departments had no adverse comments on the application;
- (d) one public comment was received during the publication period expressing that consent should be obtained from the lot owner of Lot 204RP in DD 105; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the

proposed use was not incompatible with the surrounding uses; the concern of AC for T/NT could be addressed by imposing relevant approval condition; regarding DEP's concern, it should be noted that previous approval for temporary vehicle workshop had been given for the site (Application No. A/YL-ST/184) and all relevant approval conditions had been complied with.

### Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11:00 p.m. to 7:00 a.m. should be carried out on the application site at any time during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of landscape and tree preservation 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 13.7.2006;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation 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 13.10.2006;
- (f) the submission of site access arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for

Transport or of the Town Planning Board by 13.7.2006;

- (g) in relation to (f) above, the implementation of the site access arrangement proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 13.10.2006;
- (h) the provision of 9-litre water type/3kg dry powder fire extinguisher in 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 13.7.2006;
- (i) 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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

108. The Committee agreed to remind the applicant 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. The applicant should take immediate action to discontinue such use/development not covered by the permission.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The unauthorized structure on Government land should be regularized through application to his office;
- (b) the Director of Environmental Protection's advice to follow the "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" in operating the business on site;
- (c) the Chief Highway Engineer/New Territories West, Highways Department's comments that there was no proper run-in leading to the site. The applicant should be responsible for the construction of a run-in complying with Highway Standard Drawings No. H1113B and H1114A;
- (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure for approval under the said Ordinance was required;
- (e) the Director of Fire Services's advice to approach his Dangerous Goods Division for advice on licensing of the premises for the subject purposes where necessary;
- (f) the Chief Engineer/Development (2), Water Supplies Department's advice that an existing fire hydrant would be affected. The applicant should bear the cost for any necessary diversion works affected by the development; and
- (g) the Commissioner for Labour's advice that the process undertaken on site should not give rise to undue fire risks to the neighbouring occupants; and

adequate safety precautions should be taken to prevent any electrical/fire hazard arising from working underneath/near the overhead electric power line.

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

[Open Meeting (Presentation and Question Session only)]

- (xiii)      A/YL-TT/190      Proposed Temporary Vegetable Collection  
and Transfer Station  
for a Period of 3 Years  
in “Village Type Development” zone,  
Government Land in DD 117, Shui Tsiu San Tsuen,  
Shap Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-TT/190)
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#### Presentation and Question Session

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

- (a)      background to the application;
- (b)      the proposed temporary vegetable collection and transfer station;
- (c)      departmental comments – no objection from concerned Government departments was received;
- (d)      two public comments were received during the publication period raising objections to the application on the grounds that the proposed use would increase traffic flow and activities of car parking and delivery of goods which would generate environmental nuisances to the nearby residents;

and

- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed use was to replace an existing facility which had to be relocated for implementation of a road improvement project; in view of its nature and scale of operation, the proposed use was not incompatible with the rural village character and would not cause significant adverse environmental impact on the surrounding areas; and the local objections could be addressed by imposing relevant approval conditions.

111. Referring to Plan A-2 of the Paper, the Chairman said that comparing with the previous approval for the same use (Application No. A/YL-TT/166), the application site had been shifted to the north and was closer to the existing residential settlements. As the proposed use would normally operate at early morning, there appeared to be a genuine concern on the currently proposed location which might result in greater nuisances to the residents. He asked why the location was shifted and whether it was possible to relocate the proposed use to an alternative site, such as the vacant land to the west of the site. In response, Mr. Wilson Y.L. So, DPO/TMYL, explained that the shift of the location of the proposed use was to avoid tree felling. As regards the availability of alternative sites, Mr. So said that the applicant intended to operate on Government land. He had no information at hand on whether the vacant land to the west of the site was Government land.

112. A Member said that for the proposed use, noise would mainly be generated by the outdoor activities. To facilitate assessment of the possible noise nuisance to the residents, the applicant should submit a plan showing the utilization of the open area of the site, rather than only the location of the proposed structure as shown on Drawing A-1 of the Paper. Another Member said that only minimal facilities would normally be provided in a vegetable collection and transfer station but agreed that the proposed use might cause noise nuisance to the residents.

113. A Member asked whether there was any information about the estimated number of vehicles using the proposed facility every morning. Mr. Wilson Y.L. So replied that the



applicant had advised that a 5.5 tons truck would come to the site every morning at about 8 a.m. to pick up empty baskets and then depart to collect vegetables from the farms along Tai Tong Road. The loading/unloading activities would be undertaken at the roadside along Tai Tong Road rather than at the site.

#### Deliberation Session

114. A Member said that according to the mode of operation as claimed by the applicant, the proposed use would unlikely attract a big crowd of people and the nuisances that might be caused should not be too great. The Chairman said that it was important to verify whether the applicant's claim was correct, noting that many similar uses in the New Territories operated in a different way by allowing trading activities on site. Before making a decision on the application, it would be prudent for the Committee to ask for more information from the applicant on the exact mode of operation and to confirm if any alternative sites could be used.

115. After deliberation, the Committee decided to defer a decision on the application and agreed to request the applicant to submit further information on the exact mode of operation and availability of any alternative sites for the proposed use.

[Open Meeting (Presentation and Question Session only)]

(xiv) A/YL-TYST/301 Temporary Private Garden and Private Car Park  
for a Period of 3 Years in "Industrial" ("I") zone,  
Government Land Adjacent to Lot 1807RP in DD 121,  
Fui Sha Wai, Yuen Long  
(RNTPC Paper No. A/YL-TYST/301)

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#### Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed temporary private garden and private car park;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed use was not incompatible with the surrounding land uses; the application site had been used for private garden and car park since the completion of the adjacent residential development; and the proposed use was temporary in nature and would unlikely cause any significant adverse traffic, environmental and drainage impacts on the surrounding areas.

117. The Chairman noted that the existing residential development adjacent to the application site, Ki Tat Garden, was under an "I" zoning which did not reflect the actual use of the site. In response, Mr. Wilson Y.L. So said that Ki Tat Garden was completed in 1992 before the gazetting of the Tong Yan San Tsuen Development Permission Area Plan and was an 'existing use' tolerated under the Outline Zoning Plan.

#### Deliberation Session

118. The Chairman said that the proposed use would improve the environment in the area which comprised a mix of open storage and industrial uses. He also said that the zoning of Ki Tat Garden should be reviewed to reflect the actual use when opportunity arose.

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site;
- (b) the application site should only be used as private car park for the residents of Ki Tat Garden and no lorries and container vehicles were allowed to be parked/stored on the site;
- (c) 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 13.7.2006;
- (d) in relation to (c) 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 Town Planning Board by 13.10.2006;
- (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 13.7.2006;
- (f) in relation to (e) above, the provision of drainage facilities proposed 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 13.10.2006;
- (g) the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 13.10.2006;
- (h) 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;

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

120. 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 apply to his office for permission to use the land by way of Short Term Tenancy;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the arrangement of vehicular access to the application site, parking spaces and internal traffic access/vehicle manoeuvring spaces should be shown to scale with sufficient details of dimensions;
- (c) the Director of Environmental Protection's comment that the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by Environmental Protection Department should be observed; and
- (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Appropriate action under the said Ordinance or other enactment might be taken if contravention was found.

[Open Meeting (Presentation and Question Session only)]

- (xv)           A/YL-TYST/302       Proposed School (Kindergarten and Tutorial School),  
Religious Institution (Church),  
Institution (Community Hall) and  
Flat (Always Permitted Use) and  
Minor Relaxation of Plot Ratio Restriction  
in “Residential (Group B)3” (“R(B)3”) zone,  
Lots 2565, 2566, 2567, 2568, 2569, 2570  
and 2572 in DD 124, Tan Kwai Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/302)
- 

121.           Professor Nora F.Y. Tam declared an interest in this item as she owned a flat in the Meadowlands to the south of the site. She said that the application site was not viewable from her flat and the Owners’ Corporation of Meadowlands had not made any comments on the application. The Committee considered that the interest of Professor Tam was remote and she could stay during discussion and determination of the item.

#### Presentation and Question Session

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

- (a)       background to the application;
- (b)       the proposed kindergarten, tutorial school, church, community hall and flat development with minor relaxation of plot ratio restriction sought;
- (c)       departmental comments – the Assistant Commissioner for Transport/New Territories did not support the application and considered that vehicle parking and loading/unloading facilities should be provided in the proposed development and the existing road facilities in vicinity of the application site should be assessed to confirm whether they were adequate for commuting of future occupants. The Chief Engineer/Land Works,

Civil Engineering and Development Department advised that the proposed development would affect the possible project area for widening of Tin Ha Road and Tan Kwai Tsuen Road. The Chief Engineer/Mainland North, Drainage Services Department advised that public sewer connection was not available in the vicinity of the site. Other Government departments had no objection to the application;

- (d) two public comments were received during the publication period raising objections to the application on the grounds that the proposed development would encroach upon the objector's living area and a drainage channel and would cause traffic and visual impacts in the area;
- (e) Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed relaxation of plot ratio restriction was not minor and there was insufficient information in the submission to demonstrate why the proposed institution and community uses could not be accommodated within the stipulated development restrictions; there were no planning or design merits to support an increase of development intensity exceeding the restrictions for “R(B)3” zone; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts; and approving the application would set an undesirable precedent for similar applications.

### Deliberation Session

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

- (a) the proposed relaxation of plot ratio from 1 to 1.1914, representing a 19.14% increase, was not considered minor. There was insufficient information in the submission to demonstrate why the proposed development could not be accommodated within the stipulated

development restrictions nor were there any planning or design merits to justify the relaxation of plot ratio;

- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse urban design, traffic or drainage impacts on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications in the residential zones in the area. The cumulative impacts of approving these similar applications would have adverse traffic and urban design ramifications to the Hung Shui Kiu area.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Frederick S.T. Ng, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Ng left the meeting at this point.]

### **Sai Kung and Sha Tin District**

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Sha Tin (DPO/SK&ST), was invited to the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-CWBN/4 House  
(other than New Territories Exempted House (NTEH))  
in "Village Type Development" zone,  
25 Tai Po Tsai Village, Sai Kung  
(STT SX309 in DD 227)  
(RNTPC Paper No. A/SK-CWBN/4)
-

### Presentation and Question Session

124. With the aid of a Powerpoint presentation, Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed house use;
- (c) departmental comments – the Director of Social Welfare (DSW) supported giving sympathetic consideration to the application; and no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received by the District Officer; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the subject building was in existence before the exhibition of the draft Clear Water Bay Peninsula North Development Permission Area Plan No. DPA/SK-CWBN/1 and the proposal would not affect the overall land supply for Small House development in the area nor result in any adverse impacts. Since the application was to cater for the special requirement of the applicant's handicapped daughter before infirmity placement service could be offered, PlanD recommended to approve the application on a temporary basis for 3 years.

125. Members had no question on the application.

### Deliberation Session

126. The Chairman said that the application was a very special case and supported by the DSW on sympathetic ground. The proposal did not involve re-construction of the existing





granted unless under very special circumstances.