

TOWN PLANNING BOARD

**Minutes of 323rd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 17.3.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

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

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

Dr. K.C. Ho

Mr. Alex C.W. Lui

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

1. As this was the last RNTPC meeting of the current term, the Chairman took the opportunity to thank Members for their dedication and support to the work for the Town Planning Board during the term.

Agenda Item 1

Confirmation of the Draft Minutes of the 322nd RNTPC Meeting held on 3.3.2006

[Open Meeting]

2. The draft minutes of the 322nd RNTPC meeting held on 3.3.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

3. The Secretary reported that on 14.3.2006, the Chief Executive in Council approved five draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance. They were the Lam Tei and Yick Yuen, Yuen Long, Hebe Haven, Tseng Lan Shue and Ma Wan OZPs. The approval of these OZPs would be notified in the Gazette on 24.3.2006.

(ii) Town Planning Appeal Abandoned

Town Planning Appeal No. 15 of 2005 (15/05)

Proposed Temporary Plastic Recycling Centre

for a Period of 3 Years in "Open Storage" Zone

Lots 334B(part), 334C(part), 334D(part), 334E(part), 334F(part) and Adjoining Government Land in DD 95,

Kwu Tung North, Sheung Shui

(Application No. A/NE-KTN/113)

4. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 28.7.2005 against the decision of the Town Planning Board to reject on review an application (No. A/NE-KTN/113) for a proposed temporary plastic recycling centre for a period of 3 years. On 9.3.2006, the appellant submitted a letter to the TPAB to abandon the appeal of his own accord. On 13.3.2006, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

5. The Secretary said that as at 17.3.2006, 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	15
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	112
Yet to be Heard	:	26
Decision Outstanding	:	1
Total	:	237

General

[Mr. Augustine W.K. Ng, Assistant Director of Planning/New Territories (AD/NT), Mr. Michael C.F. Chan, District Planning Officer/Sai Kung & Islands (DPO/SK&Is), Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Charles C.F. Yum, Senior Town Planner/New Territories Headquarters (STP/NTHQ), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area”
on Statutory Plans in the New Territories for the Year 2005/06

Presentation and Question Session

6. Mr. Augustine W.K. Ng, AD/NT, said that the annual review of sites designated “Comprehensive Development Area” (“CDA”) on statutory plans in the New Territories had been completed and the purpose of the Paper was to brief Members on the results of the review.

7. Mr. Charles C.F. Yum, STP/NTHQ, then presented the review as detailed in the Paper. There were 56 “CDA” sites in the New Territories in which 4 were designated for less than 3 years. Of the 52 sites which had been designated for more than 3 years and covered by the review, 21 of them had no approved MLP. Mr. Yum then summarized the findings of the review as follows :

CDA Sites with No Approved MLP

- (a) Of the 21 “CDA” sites with no approved MLP, all were proposed for retention mainly because they were either programmed for land disposal, under planning studies/reviews, recorded with some progress in implementation, or with outstanding concerns such as traffic, environmental and visual impacts that needed to be addressed. Detailed justifications for their retention were provided in Appendix I of the Paper;

CDA Sites with Approved MLP

- (b) of the 31 sites with approved MLP, part of one “CDA” site was proposed for rezoning and one site was considered to have potential for rezoning. The remaining sites were in various stages of implementation, and retention of the “CDA” zoning was recommended. Detailed justifications for their retention were provided in Appendix II of the Paper;

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

- (c) development of the western portion of the “CDA” site to the north of Lingnan University Main Campus at Fu Tei, Tuen Mun (No. NTW32) had been completed. All approval conditions were complied with. This part of the site was considered suitable for rezoning to reflect the completed development. The “CDA” zoning of the remaining portion of the site would be retained; and
- (d) development on the site at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (No. NTW29) was nearing completion. Compliance of the approval conditions was in progress. This site was considered to have potential for rezoning.

8. The Chairman explained that the exercise of annual review of “CDA” sites arose from the development sector’s concern on the degree of control on developments under the “CDA” zoning. As any development under the “CDA” zoning would require planning permission and any amendment to the approved master layout plan would require further planning application, such control was considered inflexible, particularly for developments that had been completed. In view of the concern, the Board agreed in May 1999 to conduct an annual review of “CDA” sites designated for more than 3 years. For sites which could be rezoned, unnecessary planning applications could be avoided.

9. Members had no question on the Paper.

Deliberation Session

10. After deliberation, the Committee decided to :

- (a) agree in principle to the proposed rezoning of the “CDA” site (No. NTW32 western portion) mentioned in paragraph 4.2.3 and detailed in Appendix III of the Paper; and
- (b) support the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1, 4.2.2 and 4.2.4 and detailed at Appendices I, II and IV of the Paper.

[The Chairman thanked Mr. Augustine W.K. Ng, AD/NT, Mr. Michael C.F. Chan, DPO/SK&Is, Mr. W.K. Hui, DPO/STN, Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Charles C.F. Yum, STP/NTHQ, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Dr. Kenneth S.S. Tang and Mr. Eric K.S. Tam, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) Y/NE-KLH/1 Application for Amendment to the Draft Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/10, from "Agriculture" to "Village Type Development" zone, Lots 28 and 1725 in DD 7 and Lot 1029 in DD 9, Nam Wa Po Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. Y/NE-KLH/1)
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Presentation and Question Session

11. Dr. Kenneth S.S. Tang reported that the applicant requested on 13.3.2006 for a deferment of the consideration of the application after the issue of the Paper to allow more time to prepare further information on the proposal of drainage and sewerage treatment facilities.

Deliberation Session

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

[Open Meeting (Presentation and Question Session only)]

- (ii) Y/NE-TK/1 Application for Amendment to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/12, from “Agriculture” and “Green Belt” to “Other Specified Uses (Spa Resort Hotel)” and Addition of a new set of Notes for the Proposed “Other Specified Uses (Spa Resort Hotel)” zone, Various Lots in DD 17 and Adjoining Government Land, West of Lo Tsz Tin Village, Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/1)
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13. The Committee noted that the applicant requested on 27.2.2006 for a deferment of the consideration of the application to allow time for submitting further information to address the concerns raised by the relevant Government departments.

Deliberation Session

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

support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to the application;

- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and

[Mr. Elvis Au arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper. On EPD's concern, the applicant could be advised to adopt relevant mitigation measures to minimize possible environmental impacts.

17. A Member enquired why the EPD objected to the application despite there had been no environmental complaint. In response, Mr. Elvis Au said that the EPD provided professional comments on each application based on the environmental impacts and disturbance that might be caused by the proposed development to the sensitive uses nearby. The environmental concerns were listed out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (Code of Practice) published by the EPD. Based on past experience, there had been Ombudsman cases in which local residents complained about environmental impacts caused by the traffic of heavy vehicles. Nevertheless, the EPD would respect the decision of the Committee which would take other relevant factors into consideration.

18. The same Member enquired on measures to address EPD's concerns. Mr. W.K. Hui, DPO/STN, said that the applicant would be advised to adopt the relevant mitigation measures specified in the Code of Practice to minimize any possible environmental impacts. Mitigation measures, such as the setting up of fences and restricted operation hours, could be specified as conditions in the short term tenancy agreement (STT) to be prepared by the LandsD.

Deliberation Session

19. Members noted that the application site was near Man Kam To where there was a strong demand for the proposed use. There were not many domestic structures in the nearby area. A Member also pointed out that the design of the ingress/egress to the application site was based on the advice from the Transport and Highways Departments and should help minimize disturbances to the surrounding developments.

20. In response to another Member's enquiry, Mr. W.K. Hui said that the conditions to be included in the STT would have to be discussed at the District Lands Conference with inputs from the relevant Government departments. The LandsD, being the applicant, could incorporate the restrictions proposed by various departments including any necessary mitigation measures in the conditions of the STT. Hence, it would be sufficient to advise the applicant that the relevant mitigation measures specified in the Code of Practice published by the EPD should be adopted to minimize any possible environmental impacts as suggested in paragraph 11.5(a) of the Paper.

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.3.2010, 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 maintenance of the existing drains within the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the maintenance of the existing vegetation within the site to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of vehicular access, parking and loading/unloading spaces arrangement to the satisfaction of Commissioner for Transport or of the TPB.

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

- (a) 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; and
- (b) he should be responsible for the maintenance of part of the existing slope along Man Kam To Road inside the lot.

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

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-HLH/6 Proposed Temporary Open Storage of Construction Equipment for a Period of 3 Years in “Agriculture” zone, Lots 171(Part), 172, 173, 176 and 177(Part) in DD 87 and Adjoining Government Land, Hung Lung Hang, Ta Kwu Ling
(RNTPC Paper No. A/NE-HLH/6)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction equipment for a period of 3 years;
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) was not in favour of the application as

the application site was good quality agricultural land with high potential for agricultural rehabilitation. Also, the Transport Department (TD) did not support the application as no information was submitted to address various traffic issues. Although there was no environmental complaint received, the Environmental Protection Department (EPD) did not support the application as environmental nuisance on nearby sensitive uses was expected. No objection from other concerned Government departments was received;

- (d) two public comments were received during the publication period raising concerns on drainage and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application was not compatible with the rural character of the surrounding area and did not comply with the Town Planning Board Guidelines No. 13D on 'Application for Open Storage and Port Back-up Uses'. The application site fell within Category 3 areas under the Guidelines and there was no previous approval granted. No landscape mitigation proposal was submitted and there was strong reservation on the application from the landscape planning point of view. AFCD, TD and EPD did not support the application.

24. Members had no question on the application.

Deliberation Session

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

- (a) the application site fell within an area zoned "Agriculture" ("AGR"). The planning intention of the "AGR" zone was 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 rural character of the surrounding areas and 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 drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and sensitive receivers.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-LT/346 Proposed House (New Territories Exempted House) (NTEH) (Small House) in "Agriculture" zone, Lots 1598A2A, 1598A3 and Adjoining Government Land in DD 19, Ha Tin Liu Ha Tsuen, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/346)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as the application site fell within water gathering grounds (WGG) and was not served by existing or planned public sewer. The Water Supplies Department (WSD)

objected to the application as there was no information on how the proposed sewer would be constructed and maintained. The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the site had high potential for agricultural rehabilitation. No objection from other concerned Government Departments was received;

- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. Although there were objections/adverse comments from the said Government departments, the application was considered generally in line with the Interim Criteria for Assessing Planning Application for NTEH/Small House Development by making reference to two appeal cases (No. 2 and 3 of 2004) in Lam Tsuen which were allowed by the Town Planning Appeal Board (TPAB). The current application was considered similar to the circumstances of the two appeal cases. There was no strong justification to depart from the TPAB's decision. According to the Lands Department (the LandsD), the land available within the "Village Type Development" ("V") zone could not fully meet the future Small House demand.

27. Members had no question on the application.

Deliberation Session

28. The Chairman remarked that objections from EPD and WSD were mainly related to the adverse impacts on the water quality of the WGG. Nonetheless, the TPAB had allowed two cases with similar arrangement for execution of a Deed of Grant of Easement to demonstrate that the proposed septic tank and sewer could be connected to the planned public sewerage system through the adjoining lot.

29. A Member said that for the two appeal cases, there were already other Small

House developments in the surrounding area with not much land left for other similar developments within the village environ. However, the current application site was located in an “Agriculture” (“AGR”) zone with few developments. The situation was not exactly similar to the appeal cases and there was concern that the approval of the current application would set an undesirable precedent, triggering other similar applications and thus overloading the planned public sewerage system. The water quality of the WGG would be seriously affected.

30. The Secretary said that the TPAB had been presented with all relevant considerations and the implications of undesirable precedent during the hearing of the two appeal cases. In light of the executed Deed of Grant of Easement, the TPAB considered it both technically and legally feasible for the appellants to install sewers leading from their sites to the proposed septic tanks in the adjacent lot within the “V” zone and hence ruled that the proposed NTEHs could be connected to the planned sewerage system in the “V” zone and the Interim Criteria was met.

31. The Secretary continued to say that the NTEHs of the two appeal cases and the application site of the current application were all located in close proximity to the public sewerage system. This had made the proposed connection to the system via adjoining lots possible. For the rest of the “AGR” zone, there would be many technical problems for those areas farther from the sewerage system to be connected to it.

32. In addition, Mr. W.K. Hui, DPO/STN and Dr. Kenneth S.S. Tang made the following points :

- (a) sewer connection to the planned sewerage system was guaranteed for all developments with the “V” zone;
- (b) the application sites in the two appeal cases were located about 10m away from the planned sewerage system. It was proposed that sewers and septic tanks be constructed within the adjacent private lots to connect to the public sewerage system. Such circumstances were similar to the current application, and the distance with the application site and the boundary of the “V” zone was about the same;

- (c) the Deed of Grant of Easement and its terms would be binding on the successors-in-title to the land concerned. The TPAB also considered that the legal agreement was effective for the Government to enforce the performance of the undertaking;
- (d) the TPAB considered that each case was unique and should be considered on its own merits. In order to be connected to the public sewerage system, one had to reach an agreement with the land owners of the adjacent lots. Such agreement would not be easily achieved; and
- (e) the WSD objected to the application due to the concern that its approval would imply an unlimited extension of the “V” zone within the WGG, which would result in overloading the sewerage system being designed and pose high risk of overflow and contamination to the WGG.

33. A Member said that judging from Plan A-2, the proposed connection appeared to be technically feasible. As the applicant still had to meet the requirements of the concerned Government departments including the EPD and DSD, the Government could have control on the implementation of the development even if the application was approved by the Committee.

34. In response to the Chairman’s enquiry on the construction programme of the public sewerage system for the Lam Tsuen Valley, Mr. W.K. Hui said that the project was under Category B of the Public Works Programme and was scheduled for completion in 2010.

35. Mr. Francis Ng said that the processing of the Small House application was estimated to take one more year, with a subsequent two-year construction period. The LandsD would ensure that the timing of construction of this Small House would match with the implementation of the public sewerage system. Mr. W.K. Hui added that an advisory note had been suggested in paragraph 12.3(a) of the Paper that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network.

36. The Chairman concluded that the concerns of the EPD and WSD on the water quality impact of the proposed development and the cumulative effect were valid. However, in view of the TPAB's decisions on the two appeal cases and given the assurance from the LandsD, the current application could be considered as meeting the Interim Criteria. Members agreed.

37. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.3.2010, 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 TPB;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the design, construction and maintenance of the sewerage facilities and the future connection of the sewerage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no siltation occurs or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

38. 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) as the proposed house site involved both private land and government land, the proposed Small House application would be processed by the District Lands Officer/Tai Po, Lands Department by way of an Exchange, i.e. the lots [Lots Nos. 1598 S.A ss.2 S.A and 1598 S.A ss.3] would have to be surrendered to the Government in exchange for a new grant lot. As such, subject to the advice of Lands Department's Legal Advisory and Conveyancing Office, a new Deed of Grant of Easement annexed with a plan for the construction and future maintenance of the septic tank and connection pipes on Lot 1598 S.A RP in D.D. 19 would have to be entered into and registered in the Land Registry against the aforesaid lot and the new lot to be regranted;
- (d) the proposed house appeared very close to House No. 46A. The applicant was required to maintain at least 2 metres clearance from the boundary of House No. 46A; and
- (e) the Director of Fire Services would request a plan for fire fighting access and water supplies to the area, should the aggregate number of New Territories Exempted Houses in the vicinity escalate to 10 or more.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/ST/632 Proposed Shop and Services/Office
(District Council Member's Office)
in "Industrial" zone,
Unit A3, G/F, Koon Wah Mirror Group Building,
2 Yuen Shun Circuit, Sha Tin
(RNTPC Paper No. A/ST/632)
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39. Mr. Tony C.N. Kan, being a Sha Tin District Council Member, declared an interest in this item as the application involved an existing office of a Sha Tin District Council Member. The Committee considered that Mr. Kan's interest was indirect and he could be allowed to stay in the meeting and participate in the deliberation of the application.

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

Presentation and Question Session

40. Mr. Eric Tam, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services/office (District Council Member's Office) use;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department (FSD), was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

41. In response to the Chairman's enquiry, Mr. Eric Tam clarified that the two approved previous applications (Applications No. A/ST/565 and A/ST/592) concerned retail shops and an office for a District Council Member respectively. Under the current application, the applicant sought planning permission for both uses.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including

complete separation of the proposed uses from the industrial portion of the subject building by proper fire resistance construction and design, and provision of means of escape and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and

- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

43. The Committee also agreed to advise the applicant of the Chief Building Surveyor/New Territories West, Buildings Department's comments that the applicant was advised to appoint an Authorized Person/Registered Structural Engineer to coordinate the necessary building works under the Buildings Ordinance.

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

Agenda Item 6

Section 16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/MOS/61-1 Application for Amendments to Permission –
Comprehensive Residential Development with Commercial and Government, Institution or Community Facilities in “Comprehensive Development Area (1)” zone,
Various Lots in DD 206 and Adjoining Government Land,
Area near Lok Wo Sha, Ma On Shan
(RNTPC Paper No. A/MOS/61-1)
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Presentation and Question Session

44. Mr. Eric K.S., STP/STN, reported that on 23.12.2005, the Committee agreed to the applicant's request to defer consideration of the application for two months to allow more

time to address concerns of the Transport Department (TD). Since then, the applicant had been liaising with the TD and supplementary information was submitted to the TD on 6.2.2006. On 23.2.2006, the TD provided further comments to the applicant. As the applicant required more time to address TD's concerns, the applicant submitted a request to further defer consideration of the application for one additional month. In view of the TD's late comments to the applicant and that no other concerned parties were affected by the application, the Planning Department had no objection to the applicant's request for another one-month deferment.

45. Members had no question on the application.

Deliberation Session

46. The Chairman said that the Metro Planning Committee had decided not to allow a request for a further two-month deferment for another application (No. A/H11/91) at its meeting on the same day. Unlike the current application, the applicant of that application had received comments from the relevant Government departments at an early stage and third-party interests were involved.

47. The Secretary said that according to Town Planning Board Guidelines No. 33, a first deferment of consideration of an application for two months would normally be granted if reasonable grounds were given. No further deferment would be granted unless very strong justifications were given by the applicant, the right and interest of the concerned parties were not affected and a definite time frame was proposed for deferment. In the current application, the applicant requested for one-month deferment to address the TD's comments received only on 23.2.2006. Unlike the other application (No. A/H11/91) to which a large number of nearby residents had raised strong objection, there was only a local objection from the owners' committee of a residential development to the south of the Wu Kai Sha Station raising some concerns on the development of the application site.

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

information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-LT/220-1 Application for Extension of Time for Commencement of Approved Development – Seven New Territories Exempted Houses (NTEHs) (Small Houses) under Application No. A/NE-LT/220 for a Period of 3 Years until 17.3.2009 in “Agriculture” zone, Lots 1203H(Part), 1203J, 1203K, 1203L, 1203M, 1203N, 1203P and 1205C in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/220-1)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the approved development for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) maintained its objection to the application which would cause water quality impact to the Water Gathering Grounds (WGG). The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the application site was good quality agricultural land with good potential for rehabilitation. No objection from other concerned Government departments was received;

- (d) no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 8.2 of the Paper. The delay in the Small House applications by the Lands Department (LandsD) was beyond the applicants' control. Sympathetic consideration could be given. Despite EPD's and AFCD's views, other concerned Government departments had no objection to or no comment on the application.

50. Members had no question on the application.

Deliberation Session

51. The Chairman said that the current EOT application was required mainly due to the long processing time by the LandsD. Mr. Francis Ng said that the whole development scheme involved 29 Small Houses. While applications for the other 22 houses had been approved by the LandsD, there were technical issues involving the emergency vehicular access and sewerage problems for these remaining 7 houses. According to the District Lands Officer/Tai Po, the application process was estimated to complete within about 2 years. The Secretary pointed out that according to the prevailing Town Planning Board Guidelines, any further extension for commencement of the approved development would be outside the scope of Class B amendments. A fresh application under section 16 of the Town Planning Ordinance would be required if the Small Houses could not be completed in time.

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;

- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details; and
- (b) note the comments of the Chief Engineer/Development (2), Water Supplies Department that :
 - (i) the whole sewerage system should be properly maintained and desludged at regular intervals. The sludge should be carried away and disposed of outside the gathering grounds;
 - (ii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the proposed houses to the septic tank and soakaway pit system; and
 - (iii) since the proposed houses were located within 30m from the water course, they should be located as far from the water course as possible.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-LT/226-1 Application for Extension of Time for Commencement of Approved Development – Six New Territories Exempted Houses (NTEHs) (Small Houses), Lots 567J, 567K, 570A, 570B, 570C, 570D and 570E in DD 8, Sha Pa Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/226-1)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the approved development for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support two of the NTEHs which would not be served by the planned public sewerage network. The Agriculture, Fisheries and Conservation Department (AFCD) also did not favour the application as there were active agricultural activities on and in the vicinity of the application site. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 8.2 of the Paper. The delay in processing of the Small House applications by the Lands Department (LandsD) was beyond the applicants' control. Sympathetic consideration could be given. The LandsD supported the EOT application. Building licences for four of the six Small Houses, including the two

objected by the EPD, had already been executed and the development of which was deemed to have commenced. Extension of time would only be required for the two remaining Small Houses on Lots 570S.B and 570 S.D.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis until 31.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of septic tanks and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (f) the reprovisioning of the existing track passing through Lots 570 S.D and 570 S.E in D.D. 8 to the satisfaction of the Director of Lands or of the TPB.

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

- (a) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers; and
- (b) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, Dr. Kenneth S.S. Tang, and Mr. Eric K.S. Tam, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Sai Kung and Islands District

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-HC/127 Proposed Low-density Residential Development and Minor Relaxation of Building Height Restriction in "Residential (Group E)" zone and an area shown as 'Road', Lots 1298, 1299, 1303, 1306A, 1306RP, 1307, 1310(Part), 1314(Part), 1315, 1316, 1319, 1320, 1321, 1322, 1323, 1326(Part), 1327(Part), 1962 in DD 244 and Adjoining Government Land, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/127)
-

Presentation and Question Session

58. The Committee noted that the applicant requested on 9.3.2006 for a deferment of the consideration of the application to allow time for addressing concerns raised by various Government departments on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-HH/38 Proposed House Redevelopment
in “Village Type Development” zone,
House No. 300, Nam Wai, Sai Kung
(RNTPC Paper No. A/SK-HH/38)
-

Presentation and Question Session

60. Mr. Michael C.F. Chan, DPO/SK&Is, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house redevelopment;
- (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 from 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.

61. Members had no question on the application.

Deliberation Session

62. 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 on the provision of water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 17.3.2010, 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.

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

- (a) consult the Director of Water Supplies regarding any necessary extension of the applicant's own services to the nearest Government water mains for the provision of water supply to the proposed development;
- (b) consult the Director of Water Supplies regarding measures taken to avoid the potential interface and impacts on the project, namely "Replacement and Rehabilitation of Water Mains Stage 2 Main-laying Works in Sai Kung Area", in the vicinity of the application site; and
- (c) liaise with the District Lands Officer/Sai Kung, Lands Department regarding the site boundary of the Government Land Licence.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

A/TKO/68-1 Application for Amendments to Permission –
Comprehensive Commercial and Residential Development
in “Comprehensive Development Area” zone,
Area 86, Tseung Kwan O
(RNTPC Paper No. A/TKO/68-1)

Presentation and Question Session

64. The application was submitted by the Mass Transit Railway Corporation Limited (MTRCL). Miss Cindy Law, being an alternate member of the Deputy Secretary for Environment, Transport and Works (Transport)¹ who was a member of the board of MTRCL, declared an interest in this item. Nevertheless, the Committee noted that the applicant had submitted on 2.3.2006 a request for deferment of consideration of the application to allow more time for addressing the concerns raised by various Government departments. As such, Miss Law was allowed to stay in the meeting.

Deliberation Session

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

[The Chairman thanked Mr. Michael C.F. Chan, DPO/SK&Is, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

[Mr. Francis Ng and Miss Cindy Law left the meeting temporarily 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. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/TM/346 Proposed Office
 in “Industrial” zone,
 3 San Hop Lane,
 Tuen Mun (CPTL 23(Part))
 (RNTPC Paper No. A/TM/346)
-

Presentation and Question Session

66. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office use;
- (c) departmental comments – highlighting that the Director-General of Trade and Industry (DG of TI) had reservation on the application as Tuen Mun Areas 9 and 12, including the application site, should be retained for industrial use. No objection from other concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The application was not in line with the planning intention of the “Industrial” (“I”) zone. The application site was within the Tuen Mun Industrial Area with no significant industrial/residential interface problems. According to the “Updated Area Assessments of Industrial Land in the Territory” (Updated Area Assessment) agreed by the Town Planning Board (the Board) on 20.1.2006, the existing land zoned “I” in the Tuen Mun area, amongst others, should be reserved for industrial purposes in view of the active and established industrial uses and the shortage of industrial land in the long run. The DG of TI had reservation on the application. There was insufficient information to demonstrate a shortfall in the provision of office floor space in the area. Approval of the application would set an undesirable precedent. There had been no change in planning circumstances to warrant a departure from the Committee's decision in rejecting a previous application for the same use at the same site.

67. In response to a Member's enquiry on the vacancy rate in the area, Mr. Wilson Y.L. So, DPO/TMYL, said that the vacancy rate of industrial buildings in Tuen Mun had been dropping from 14.5% at the end of 2004 to 7.8% by the third quarter of 2005. This was consistent with the overall downward trend of vacancy rate of industrial buildings in the Territory, dropping from 10.9% in 2001 to 6.9% in 2005. Referring Members to paragraph 12.1(c) of the Paper, Mr. So pointed out that the vacancy rate of private office in Tuen Mun (31%) was much higher than that of the Territory (12.7%). It was also much higher than that of industrial buildings. It was the applicant's commercial decision to apply for conversion of the existing industrial building into an office development.

Deliberation Session

68. Members noted DG of TI's reservation on the application and considered that the recommendations of the Updated Area Assessment recently agreed by the Board should be adhered to.

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

- (a) the proposed office development was not in line with the planning intention of the “Industrial” (“I”) zone which was intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries;
- (b) there was insufficient information to demonstrate that there was shortfall in the provision of office floor space to serve the industrial activities in the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “I” zone. The cumulative effect would result in loss of industrial floor space in the area.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/TM-LTY Y/134 Proposed Flat
in “Residential (Group E)” zone,
Lots 464A1, 464B, 465, 472ARP, 472BRP in DD 130
and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/134)
-

70. The Committee noted that the applicant on 8.3.2006 requested for a deferment of consideration on the application to allow more time to address the comments raised by various Government departments.

Deliberation Session

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

Deliberation Session

73. The Chairman said that two similar applications (No. A/TM-LTYT/124 and 128) nearby had been rejected. However, it was noted that compared with the current application, those two applications involved much larger site areas and there were objections from various Government departments. Mr. Wilson Y.L. So, DPO/TMYL, said that concerned departments had no objection to the application and the Committee had recently approved an application for the same use at the same site.

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) no workshop activities including car repairing and dismantling should be undertaken within the site;
- (c) no container vehicles, medium or heavy goods vehicles were allowed to be parked in/stored on site;
- (d) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.6.2006;
- (e) the provision of the vehicular access to the application site within 3 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 17.6.2006;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.6.2006;

- (g) in relation to (f) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2006;
- (h) 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;
- (i) if any of the above conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) shorter compliance periods were stipulated so as to monitor the situation and fulfilment of approval conditions;
- (b) the District Lands Officer/Tuen Mun, Lands Department's comments to apply for a waiver to regularise the structures on the site; and that the existing structures which had affected the adjoining lot were inconsistent with the application;
- (c) the Director of Environmental Protection's comments that the applicant should be reminded to comply with all pollution control ordinances; and
- (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized building works/structures with the site; any new building works to be erected on the site require formal submission under the Buildings Ordinance. 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.

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-HT/431 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers under Application No. A/YL-HT/291 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3164, 3165, 3166, 3167A(Part), 3168, 3177, 3178(Part), 3179, 3180, 3181A, 3181RP, 3182, 3183, 3184(Part), 3187RP, 3188RP in DD 129, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/431)
-

Presentation and Question Session

76. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles, heavy goods vehicles and container trailers for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period, objecting

to the application on the grounds that the land owners were not informed of the application and there were adverse traffic and environmental impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was not incompatible with the surrounding areas and would not result in adverse environmental impacts. There had been no change in planning circumstances since the approval of two previous applications for the same use. Concerned Government departments, including the Transport Department and Environmental Protection Department, had no objection to the application. With regard to the public comment received, the applicant had satisfied the owner's consent/notification requirements under the Town Planning Ordinance (the Ordinance). Land dispute was outside the jurisdiction of the Town Planning Board.

77. Members had no question on the application.

Deliberation Session

78. The Chairman and a Member raised concern that the land owners of the application site had submitted objection to the application. In response, the Secretary said that the applicant had satisfied the requirement to notify the land owners in accordance with the Ordinance.

79. The Chairman said that while the Committee was not to be involved in land disputes, the objection of the owners should be acknowledged and relayed to the applicant. The Secretary proposed and Members agreed that the applicant should be advised to resolve any land issues relating to the development with the concerned owners.

80. In response to the Chairman's enquiry, the Secretary said that all parties who had submitted public comments would be notified by a standard letter of the meeting date and informed that minutes of meeting could be viewed on the Town Planning Board website after confirmation, normally two weeks after the meeting.

81. After some discussion, the Committee agreed that the Secretariat should work out a standard advisory clause to remind any applicant who was not the sole owner of the application site to resolve land issues with the owner.

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site from the works limit of the Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section) during the planning approval period;
- (b) only private cars, light goods vehicles, heavy good vehicles and container trailers were allowed to be parked on the site during the planning approval period;
- (c) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site;
- (d) the provision of replacement planting for the site according to the accepted landscaping proposals under application No. A/YL-HT/291 within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.9.2006;
- (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 TPB by 17.9.2006;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2006;
- (g) the submission of run-in proposals within 6 months from the date of

planning approval to the satisfaction of the Director of Highways or of the TPB by 17.9.2006;

- (h) the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.12.2006;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Wavier for erection of structure on the site;
- (c) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;

- (d) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the site partly encroached upon the proposed works limit of “Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)” and the construction works would commence by the end of 2006; and
- (e) note the comments of the Chief Engineer/Development (2), Water Supplies Department to provide any necessary diversion works at the applicant’s own costs as existing water mains was affected by the proposed development.

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

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-HT/432 Renewal of Planning Approval for Temporary Container Trailer Park with Ancillary Trailer Inspection Services for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 60(Part), 63(Part), 65(Part), 66, 67(Part), 68, 69(Part), 70, 71, 72RP(Part) and Adjoining Government Land in DD 128 and Lots 3019(Part), 3021(Part), 3022, 3024RP(Part) and 3025RP(Part) in DD 129, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/432)
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Presentation and Question Session

84. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary container trailer

park with ancillary trailer inspection services for a period of 3 years;

- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as environmental nuisance on the nearby sensitive uses was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The concerns of the EPD could be addressed by imposing appropriate approval conditions.

Deliberation Session

85. The Chairman said that the application site fell within Category 1 areas under the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses and there had been 6 previous applications approved by the Committee or the Town Planning Board. There was also no public comment or local objection received.

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) only container trailers were allowed to be parked on the site during the planning approval period;
- (b) no vehicle repairing activities should be permitted on the site during the planning approval period;
- (c) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, should be permitted on the site during the planning approval

period;

- (d) the maintenance of all existing landscape planting on the site during the planning approval period;
- (e) the maintenance of all existing drainage facilities on the site during the planning approval period;
- (f) the submission of run-in proposals within 6 months from the date of the planning approval to the satisfaction of Director of Highways or of the TPB by 17.9.2006;
- (g) the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 17.12.2006 ;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Wavier for erection of structures on the site and Short Term Tenancy for occupation of Government land;

- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to rectify all drainage facilities if they were found inadequate or ineffective during operation;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities; and
- (e) note the comments of the Chief Highway Engineer/New Territories West; Highways Department to design and construct all internal roads within the site in accordance with Transport Planning Design Manual and Highways Department’s standards.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-HT/433 Proposed Temporary Open Storage of Brand New Vehicles (including Container Tractor and Coach) for a Period of 3 Years in “Residential (Group D) and “Recreation” zones, Lots 4(Part), 5(Part), 6(Part), 7(Part) in DD 124, Lot 1498BRP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/433)
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Presentation and Question Session

- 88. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of brand new vehicles (including container tractor and coach) for a period of 3 years;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as environmental nuisance to sensitive uses in the vicinity was expected. The Commissioner of Police (C of Police) objected to the application based on adverse traffic impact on the Ha Tsuen area. The Transport Department (TD) also raised concerns on whether the approval of the application would set an undesirable precedent. The Drainage Services Department also considered the drainage proposal submitted inadequate. Other concerned Government departments had no objection to the application;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and there was no justification for a departure from such planning intention, even on a temporary basis. There was insufficient information to demonstrate that there would not be adverse environmental, traffic and drainage impacts. The approval of the application would set an undesirable precedent.

89. In response to a Member's enquiry on a similar application No. A/YL-HT/371, Mr. Wilson Y.L. So, DPO/TMYL, said that this similar application fell within an area to the north of the current application site, which was zoned “Recreation” on the draft Ha Tsuen Outline Zoning Plan. It was approved by the Committee on 18.2.2005. Compared with that application, the current application was of a much larger scale, located further away from

San Wai Road and mainly within the “R(D)” zone with residential uses nearby.

Deliberation Session

90. The Chairman said that the Committee would in general give sympathetic consideration to applications for temporary open storage uses located adjacent to San Wai Road. However, the current application site was located further away from the road. Also, no previous approvals for such uses had been granted within the “R(D)” zoning.

91. 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 “Residential (Group D)” (“R(D)”) zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines for Application for Open Storages and Port Back-up Uses in that there were adverse departmental comments 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 area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-KTS/363 Temporary Warehouse for Storage of Recycled Timber Products for a Period of 3 Years in “Residential (Group D)” zone, Lot 1336A(Part) in DD 106, Kong Ha Wai, Yuen Long (RNTPC Paper No. A/YL-KTS/363)
-

Presentation and Question Session

92. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of recycled timber products for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period objecting to the application based on traffic ground; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. Regarding the local objection, the Transport Department had no objection to the application.

93. Members had no question on the application.

Deliberation Session

94. The Chairman said that the application site was the subject of 3 previous

applications approved by the Committee and there was no objection from concerned Government departments.

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. should be carried out on the site during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be undertaken within the site;
- (d) the implementation of accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.6.2006;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.6.2006;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2006;
- (g) the provision of a 9-litres 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 TPB by 17.9.2006;

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

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comment that his office reserved the right to take appropriate enforcement action under lease conditions against the subject lot owner(s) for the unauthorized structures and the applicant was advised to submit application for Short Term Waiver to his office for consideration once the subject planning permission was granted. Otherwise, appropriate lease enforcement action would be taken by his office;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the strip of road/path/track leading to the site from Kam Sheung Road should be checked, and the management and maintenance responsibilities of the same strip of road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted;
- (c) the Chief Highway Engineer/New Territories West, Highways Department's comment that the existing vehicular access connecting Kam Sheung Road to the application site was not maintained by his department. The maintenance party of the access should be identified and be consulted;

- (d) the Chief Engineer/Mainland North, Drainage Services Department's comment that the size of the proposed U-channel should be specified on the drainage plan and the size and nature of the existing channel outside the site should be specified. The applicant should provide some photos showing the current conditions of the existing channel and relevant private landowner should be consulted regarding the proposed drainage works falling outside the boundary of the application site or outside the jurisdiction of the applicant;
- (e) the Director of Fire Services' comment that the applicant/operator of the site should be advised to approach the Dangerous Goods Division for advice on licensing of the premises for the purposes where necessary;
- (f) the Chief Engineer/Development(2), Water Supplies Department's comment that for provision of water supply to the development, 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 Water Supplies Department's standards;
- (g) the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (h) the District Commander, Pat Heung Division, Hong Kong Police Force's comment that the security and fire safety arrangements of the location were

considered of paramount importance and should be given due regard by the applicant; and

- (i) that the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” should be used to minimize any possible environmental nuisances.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-KTS/364 Temporary Open Storage of Construction Materials, Vehicles and Vehicle Parts and Parking of Concrete Delivery Vehicles for a Period of 18 Months in “Undetermined” zone, Lots 395(Part), 398RP, 399 and 400 in DD 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/364)
-

Presentation and Question Session

97. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials, vehicles and vehicle parts and parking of concrete delivery vehicles for a period of 18 months;
- (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 from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

98. Members had no question on the application.

Deliberation Session

99. The Chairman said that the Committee had approved 5 previous applications for similar uses at the application site.

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months up to 17.9.2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. should be carried out on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, washing, paint spraying and other workshop activities should be carried out on the site;
- (c) the drainage facilities on the site should be maintained at all times during the approval period;
- (d) the landscape plantings on the site should be maintained at all times during the approval period;
- (e) the setting back of the development from the works limit of the “Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1, Phase 2B” project at all times during the planning approval period;
- (f) the provision of a 9-litres 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 TPB by 17.9.2006;

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

101. The Committee agreed that the applicant should be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comment that his office was considering to take lease enforcement action against the unauthorized structures on the lot;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the road/path/track leading to the site from Kam Sheung Road should be checked, and the management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted;

- (c) the Chief Highway Engineer/New Territories West, Highways Department's comment that the existing vehicular access connecting Kam Sheung Road and the application site was not/should not be maintained by his department;
- (d) the Director of Fire Services' comment that the applicant/operator of the site should be advised to approach the Dangerous Goods Division for advice on licensing of the premises for the purposes where necessary;
- (e) that 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;
- (f) the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (g) the District Commander, Pat Heung Division, Hong Kong Police Force's comment that the security arrangements of the location were considered of paramount importance and should be given due regard by the applicant.

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

[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-NTM/193 Temporary Public Vehicle Park
(Including Private Cars and Container Vehicles)
for a Period of 5 Years
in "Open Storage" zone,

Lots 111RP(Part), 112RP(Part), 113
and 116(Part) in DD 105 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/193)

Presentation and Question Session

103. Mr. W.M. Lam, STP/TMYL, drew Members' attention to the replacement page tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (including private cars and container vehicles) for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period stating the concern that the land owners' consent should be obtained for the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. Regarding the public comment, the applicant had complied with the requirements on satisfying the owner's consent/notification requirements in accordance with the Town Planning Ordinance.

104. Members had no question on the application.

Deliberation Session

105. The Chairman said that the application site fell within Category 1 areas and was

in line with the planning intention of the “Open Storage” zone. There was no objection from Government departments. Similar to application No. A/YL-HT/431 approved earlier in the meeting, the applicant should be advised to resolve the land issues with the owners of the application site. Members agreed.

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 17.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle repairing, fueling or dismantling should be carried out on the site;
- (b) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (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 TPB by 17.9.2006;
- (d) in relation to (c) above, the implementation of the landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2006;
- (e) the provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2006;
- (f) 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;
- (g) if any of the above planning conditions (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 TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) apply to District Lands Office/Yuen Long, Lands Department (DLO/YL) for Short Term Waiver for erection of structure on the site and Short Term Tenancy for occupation of Government Land, and consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site from Mai Po Lung Road and to consult the relevant lands/maintenance authorities;
- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department to be responsible for the design, construction and maintenance of the proposed vehicular access leading to the site;
- (e) provide a copy of the as-built drainage plan to the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) for reference and record a set of photographs showing the as-constructed works with corresponding photograph locations marked clearly on the as-built drainage plan. CE/MN, DSD would inspect the as-built drainage works jointly with the applicant with reference to the set of photographs;

- (f) note the comments of the CE/MN, DSD that no public stormwater drainage maintained by his Office available for connection and to approach DLO/YL if the proposed discharge point was to the existing local village drains; and
- (g) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental nuisance.

[Open Meeting (Presentation and Question Session only)]

- (x) A/YL-PS/237 Temporary Open-air Barbecue Area
for a Period of 3 Years
in “Undetermined” zone,
Lots 384(Part), 387BRP, 387B1RP, 387B4, 387C1RP(Part),
387C2RP(Part), 388(Part), 390(Part) in DD 122
and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/237)
-

Presentation and Question Session

108. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open-air barbecue area for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed use, operating from 5:00 p.m. to 11:00 p.m., was not compatible with the residential developments in the surrounding area and would likely attract complaints on operational nuisances. There had been no change in planning circumstances since the rejection of similar and previous applications (No. A/YL-PS/178, 215 and 225) within the same “Undetermined” zone. The current application with a larger site area than the previous application represented an intensification of use. Approval of this application would set an undesirable precedent.

109. Members had no question on the application.

Deliberation Session

110. The Chairman remarked that other applications for the same use of smaller scale had been rejected before. The current application site was also very close to the Declared Monument of Tsui Sing Lau Pagoda.

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

- (a) the development was not compatible with the residential dwellings in the vicinity; and
- (b) no similar application had been approved in this “Undetermined” (“U”) zone before. The approval of the application would set an undesirable precedent for other similar applications in the “U” zone. The cumulative effects of approving such applications would result in a degradation of the environment of the area.

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

[Open Meeting (Presentation and Question Session only)]

- (xi) A/YL-ST/295 Temporary Container Vehicle Park,
Container Storage Area, Vehicle Repair and Canteen
for a Period of 3 Years
in “Other Specified Uses” annotated “Service Stations” zone,
Lots 372DRP(Part), 743RP(Part) and 744RP(Part) in DD 99
and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/295)
-

Presentation and Question Session

112. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary container vehicle park, container storage area, vehicle repair and canteen for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there was no assessment on the potential environmental impacts and mitigation measures. The Commissioner of Police (C of P) had reservation on the application due to possible adverse traffic impact. The Transport Department and Drainage Services Department raised concerns on traffic and drainage issues respectively. Also, the Agriculture, Fisheries and Conservation Department (AFCD) pointed out that the ecological assessment report submitted was not conducted for the application site. No objection from other concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 12.2 of the Paper. The application site fell within Category 2 areas under the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The application was considered not in line with the guidelines due to adverse comments from Government departments. There was no information to demonstrate that the application would not cause negative impact affecting the ecological integrity and ecological value of fish ponds within the Wetland Buffer Area. It did not comply with the Town Planning Board Guidelines No. 12B for 'Application for Development within Deep Bay Area'. There was also insufficient information to demonstrate that there would not be adverse traffic impacts.

113. The Chairman enquired about a similar application (No. A/YL-ST/275) adjacent to the current application which was approved by the Committee on 15.4.2005. In response, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to paragraph 9 in the Paper which stated that applicants of proposed uses within the subject area zoned "Other Specified Uses" annotated "Service Stations" ("OU(SS)") should demonstrate that due regard had been given to minimize adverse impacts on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas. For that approved application, relevant technical assessments on ecological, drainage and environmental impacts were submitted and accepted by relevant Government departments. The current application however, did not include such technical submissions. The AFCD pointed out that the Ecological Assessment Report submitted in the current application was prepared in January 2005 relating to the site of Application No. A/YL-ST/275 rather than the current application site.

Deliberation Session

114. The Chairman said that although the proposed use was in line with the planning intention of the "OU(SS)" zone, it was not supported with sufficient technical assessments to demonstrate no adverse impacts on the surrounding area, in particular the adjacent wetland area.

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

- (a) the development did not comply with the revised TPB Guidelines No. 12B for “Application for Developments within Deep Bay Area” in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and
- (b) the development did not comply with the revised TPB Guidelines No. 13D for Application for Temporary Open Storage and Port Back-up Uses in that there was insufficient information in the submission to demonstrate that due regard had been given to minimizing the adverse impacts of the development, including traffic, drainage and environmental, on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/YL-ST/300 Temporary Public Vehicle Park
(excluding Container Vehicle)
for a Period of 3 Years
in “Village Type Development” zone,
Lot 145(Part) in DD 102, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/300)
-

Presentation and Question Session

116. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the publication period expressing no objection and support to the application respectively; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

117. In response to the Chairman' enquiry, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-1 of the Paper and said that the previous application (No. A/YL-ST/284) was rejected as the application site, which was much larger, included an area with active Small House applications. Under the current application, that area had been excluded and the remaining part of the original application site was split into two under the current application and Application No. A/YL-ST/304 to be considered in this same meeting.

Deliberation Session

118. The Chairman said that by excluding the area with active Small House applications from the application site, the applicant had addressed the concern of the Committee.

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site;
- (c) no car washing and vehicle repair workshop were allowed on the site;

- (d) 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 TPB by 17.9.2006;
- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2006;
- (f) the submission of Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2006;
- (g) in relation to (f) above, the provision of drainage facilities as proposed in the DIA within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2006;
- (h) the submission of vehicular access arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.9.2006;
- (i) in relation to (h) above, the implementation of vehicular access arrangement proposed within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.12.2006;
- (j) the provision of a 9-litre water type/3 kg 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 TPB by 17.9.2006;
- (k) 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;

- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) 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
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comments that an unauthorized structure converted from container was erected within the subject lot without prior consent from his office. His office reserved the right to take enforcement actions against this irregularity;
- (b) the Director of Environmental Protection's advice to follow the latest "Code of Practice on Handling 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 advice that the applicant should be responsible for the design, construction and maintenance of the proposed vehicular access. The applicant should construct a standard run-in in accordance with Highway Standard Drawing Nos. H1113B and H1114A at Castle Peak Road (San Tin); and
- (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 site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and use of container as offices was considered as temporary buildings and was subject

to control under the Building (Planning) Regulations Part VII.

[Open Meeting (Presentation and Question Session only)]

- (xiii) A/YL-ST/301 Proposed Temporary Public Vehicle Park
(Private Cars and Lorries)
for a Period of 3 Years
in “Green Belt” and “Village Type Development” zones,
Lots 246RP, 247, 248, 249, 250BRP(Part), 276BRP,
277BRP(Part), 279BRP(Part), 286, 287(Part), 288,
289, 290, 291, 292, 293 and 294(Part) in DD 99,
Lok Ma Chau Road, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/301)
-

Presentation and Question Session

121. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and lorries) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as environmental nuisance on the nearby sensitive uses was expected. Also, the Agriculture, Fisheries and Conservation Department did not support the application as there were active agricultural activities in the vicinity of the application site and the potential for agricultural rehabilitation was considered high. The Transport Department raised objection to the application as the adjoining roads and junctions was operating near capacity. The Commissioner of Police expressed concern on the impact of the proposed use on Lok Ma Chau Road. No objection from other concerned Government departments

was received;

- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The application was not in line with the planning intention of the “Green Belt” zone and there was no strong justifications for a departure from the intention. The application was considered incompatible with the rural character of the surrounding areas. There was insufficient information to demonstrate that the application would not have adverse environmental, drainage and landscape impacts. Concerned Government departments did not support or had concerns on the application. Approval of the application would set an undesirable precedent.

122. Members had no question on the application.

Deliberation Session

123. The Chairman remarked that there was a great demand for parking spaces in the Lok Ma Chau area but the Committee had not granted approvals to applications to the north of Chau Tau West Road. Mr. Wilson Y.L. So, DPO/TMYL, added that the application was not compatible with the rural character of the area north of the road.

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

- (a) the development of a vehicle park for private cars and lorries was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone to the north of Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session only)]

- (xiv) A/YL-ST/302 Temporary Public Vehicle Park
(excluding Container Vehicle) with Ancillary Site Office
for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive
Development and Wetland Enhancement Area” zones,
Lot 748RP(Part) in DD 9, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/302)
-

Presentation and Question Session

125. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) with ancillary site office for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as it would cause ecological disturbance to the habitat in San Tin. Also, the Agriculture, Fisheries and Conservation Department did not support application as the application site

was in close proximity to fishponds in the Wetland Conservation Area intended for conservation and enhancement of the ecological value of the fishponds. The application was not in line with the intention. The Transport Department and Drainage Services Department raised concerns on traffic generation and lack of information on drainage impacts respectively. No objection from other concerned Government departments was received.

- (d) one public comment was received during the publication period, supporting the application in providing parking facilities in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The application was not in line with the Town Planning Board Guidelines No. 12B for 'Application for Development within Deep Bay Area'. There was insufficient information to demonstrate that the application would have no adverse ecological, drainage and traffic impacts on the surrounding area, and no negative off-site disturbance impacts on the ecological value of the fishponds within the Wetland Conservation Area. The application would further degrade the existing landscape character and there was no information on mitigation of the potential negative impacts. Approval of the application would set an undesirable precedent.

126. Members had no question on the application.

Deliberation Session

127. The Chairman remarked that the application site was in close proximity to the fishponds within the Wetland Conservation Area. The application had not submitted relevant technical assessments and there had been no previous approval granted.

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

- (a) the development did not comply with the Town Planning Board's Guidelines No. 12B for "Application for Developments within Deep Bay Area" in that it was contrary to the intention of Wetland Conservation Area (WCA) to conserve the ecological value of the fish ponds which formed an integral part of the wetland ecosystem in the Deep Bay Area, and there was no Ecological Impact Assessment or wetland compensation proposals in the submissions to demonstrate that the development would not result in, or be able to fully compensate for, the loss in wetland function;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage, environmental, ecological and landscape impacts on the surrounding areas; and
- (c) there was no similar application approved within the same "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area" zone. Approval of the application would set an undesirable precedent which would cause negative disturbance impacts on the ecological value of the fishponds in the WCA.

[Open Meeting (Presentation and Question Session only)]

- (xv) A/YL-ST/304 Proposed Temporary Public Vehicle Park
(excluding Container Vehicle)
for a Period of 3 Years
in "Village Type Development" zone,
Lot 3405 in DD 102 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/304)
-

Presentation and Question Session

129. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) the current application was very similar to another application (No. A/YL-ST/300) just approved by the Committee in the same meeting;
- (d) departmental comments – no objection from concerned Government departments was received;
- (e) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site;
- (c) no car washing and vehicle repair workshop were allowed on the site;
- (d) 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 TPB by 17.9.2006;

- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2006;
- (f) the submission of Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2006;
- (g) in relation to (f) above, the provision of drainage facilities as proposed in the DIA within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2006;
- (h) the provision of a 9-litre water type/3 kg 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 TPB by 17.9.2006;
- (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 TPB.

132. The Committee also agreed to advise the applicant to note :
- (a) the District Lands Officer/Yuen Long, Lands Department's comments that an unauthorized structure converted from container was erected within the subject lot without prior consent from his office. His office reserved the right to take enforcement actions against this irregularity;
 - (b) the Director of Environmental Protection's advice to follow the latest "Code of Practice on Handling 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 advice that the applicant should be responsible for the design, construction and maintenance of the proposed vehicular access. The applicant should construct a standard run-in in accordance with Highway Standard Drawing Nos. H1113B and H1114A at Castle Peak Road (San Tin);
 - (d) the Assistant Commissioner for Transport/New Territories, Transport Department's advice that the management, maintenance and land status of the track road leading from Castle Peak Road to the site should be clarified; and
 - (e) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any unauthorized building works carried out on site. They were subject to enforcement action under Section 24 of the BO. Use of container as office was considered as temporary building and was subject to control under the Building (Planning) Regulation Part VII.

[Open Meeting (Presentation and Question Session only)]

(xvi) A/YL-TT/193 Proposed New Territories Exempted House
(NTEH)(Small House)

in “Village Type Development” and “Other Specified Uses”
annotated “Rural Use” zones,
Lot 699A in DD 117, Wong Nai Tun Tsuen,
Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/193)

Presentation and Question Session

133. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed New Territories Exempted House (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 from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 13.1 in the Paper.

134. Members had no question on the application.

Deliberation Session

135. 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 on the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 17.3.2010, 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.

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

- (a) the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, 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 WSD's standards;
- (b) the Director of Fire Services' comments that the fire services requirements in accordance with the 'Guidelines Regarding the Delineation of Large Development of New Territories Exempted Houses for the Purpose of Implementing EVA Requirements' would be imposed upon the receipt of referral from the District Lands Officer/Yuen Long, Lands Department;
- (c) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works above; and
- (e) the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should neither obstruct overland flow nor

adversely affect existing watercourse, village drain or ditch.

[Open Meeting (Presentation and Question Session only)]

- (xvii) A/YL-TYST/307 Temporary Open Storage of Construction Machinery
for a Period of 3 Years
in “Residential (Group B)1”, “Residential (Group C)”
and “Residential (Group D)” zones,
Lots 591(Part), 592(Part), 593(Part)
and 1829ARP(Part) in DD 121,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/307)
-

Presentation and Question Session

137. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as environmental nuisance on the nearby sensitive uses was expected. No objection from other concerned Government departments was received;
- (d) two public comments were received during the publication period, objecting to the application on land ownership issues. No local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.4 in the Paper. The

application was not in line with the planning intentions of the “Residential (Group B)1”, “Residential (Group C)” and “Residential (Group D)” zones. It did not comply with the Town Planning Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous approval for the proposed use and there were adverse comments from the EPD. There was insufficient information to demonstrate that no adverse environmental and drainage impacts would be generated and why suitable sites within the “Open Storage” zone were not available for the proposed development. There was no change in planning circumstances to justify a departure from the decisions to reject the previous applications (No. A/YL-TYST/193, 215 and 303).

138. Members had no question on the application.

Deliberation Session

139. The Chairman remarked that previous applications had been rejected and there were no new circumstances to warrant a departure from previous decisions.

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

- (a) the development was not in line with the planning intentions of the “Residential (Group B) 1”, “Residential (Group C)”, “Residential (Group D)” zones stated in the Notes for the respective land use zones on the Tong Yan San Tsuen Outline Zoning Plan. The site was intended primarily for residential development. No strong justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis;
- (b) the application did not comply with the TPB PG-No. 13D in that the development was not the subject of any previous planning approval for open storage use, the Director of Environmental Protection did not support the application, and that the application was not compatible with the

surrounding land uses with residential developments and active/fallow agricultural land; and

- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (xviii) A/YL-TYST/308 Interim Housing
for a Period of 3 Years
in “Open Space” zone and an area shown as ‘Road’,
Long Bin Interim Housing Area,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/308)

141. The application was submitted by the Hong Kong Housing Authority (HKHA).
The following Members had declared interests in this item :

- | | |
|---|---|
| Mr. Bosco C.K. Fung
as the Director of Planning | - being a member of the Strategic Planning
Committee of HKHA; |
| Miss Margaret Hsia
as the Assistant Director (2) of the
Home Affairs Department | - being an alternate member for the
Director of Home Affairs who was a
member of the Strategic Planning
Committee of HKHA; and |
| Mr. Francis Ng
as the Assistant Director (New
Territories) of Lands Department | - being an alternate member for the
Director of Lands who was a member of
HKHA. |

The Committee noted that Ms. Margaret Hsia had tendered her apologies for being unable to attend the meeting.

[The Chairman and Mr. Francis Ng left the meeting temporarily, while the Vice-chairman took over the chairmanship at this point.]

Presentation and Question Session

142. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the interim housing for 3 years under application;
- (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 from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

143. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-4 of the Paper and clarified that the application site was currently used for interim housing and a plant nursery. The application was essentially for renewal of a temporary planning permission for interim housing, with a larger site area to include the area currently being used as a plant nursery.

Deliberation Session

144. A Member opined that there was a need to keep the interim housing operational to provide temporary accommodation for the needed.

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.3.2009, on the terms of the application as

submitted to the Town Planning Board and subject to the following conditions :

- (a) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (b) the existing drainage and sewerage facilities on the application site should be maintained at all times during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply to his office for an extension of time to a Vesting Order which was due to expire by 18.4.2006;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the existing public roads and footways should not be affected by the development;
- (c) the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should properly maintain the existing drainage and sewerage facilities and rectify those facilities if it was found inadequate/ineffective during operation;
- (d) the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the development; and
- (e) the Chief Town Planner/Urban Design and Landscape, Planning

Department's comments that the applicant should submit a tree survey plan documenting the current status of the trees on site for record.

[The Chairman and Mr. Francis Ng returned to join the meeting at this point.]

Agenda Item 10

Section 16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/YL/134-1 Application for Amendments to Permission –
Comprehensive Commercial/Residential Development
with GIC Facilities in “Comprehensive Development Area”
zone and “Road” zones, Yuen Long Town Lot 504 and
Various Lots
and Adjoining Government in DD 115 and DD 116,
Area 12, Yuen Long New Town
(RNTPC Paper No. A/YL/134-1)
-

147. The application was submitted by the City Success Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Mr. Alfred Donald Yap, having current business dealings with SHKP, declared an interest in this item. Nevertheless, the Committee noted that the applicant submitted a request on 8.3.2006 for a deferment of consideration of the application to allow more time to address the issues raised by Government departments. Mr. Yap was allowed to stay in the meeting.

Deliberation Session

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

further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-NTM/171-3 Application for Extension of Time
for Compliance with Planning Conditions
under section 16A of the Town Planning Ordinance -
Temporary Container Vehicle Park and Container Storage
Area with Ancillary Repairing Area for a Period of 2 Years
In “Open Storage” zone,
Various Lots in DD 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/171-3)
-

149. The application was submitted with Team 73 (HK) Ltd. as consultant. Mr. C.K. Wong, having current business dealings with Team 73 (HK) Ltd., declared an interest in this item.

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

Presentation and Question Session

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

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions applied for;
- (c) departmental comments – no objection from concerned Government departments was received; and
- (d) the Planning Department (PlanD)’s views – the EOT application was submitted on 9.3.2006. Although the applicant had made effort to

implement the accepted landscape proposal, the applicant failed to comply with approval conditions (d) and (i) by the expiry date on 10.3.2006 and the planning permission was revoked on the same day. According to the legal advice obtained, the application could not be considered as the planning permission no longer existed at the time of consideration.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval conditions (d) and (i) by 10.3.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

[Open Meeting (Presentation and Question Session only)]

(iii) A/YL-ST/239-3 Application for Extension of Time
for Compliance with Planning Conditions
under section 16A of the Town Planning Ordinance -
Temporary Public Vehicle Park
(including Private Cars and Container Trailers/Tractors)
and Container Storage with Ancillary Facilities
(including Vehicle Repair Workshop and Site Offices)
in "Undetermined" zone, Lots 253, 254, 255, 256, 257,
258, 259, 260, 261(Part), 262(Part), 264(Part), 265, 266,
267, 268, 270, 279BRP, 280 and 372DRP(Part) in DD 99
and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/239-3)

Presentation and Question Session

153. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions applied for;
- (c) departmental comments – no objection from concerned Government departments was received; and

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

- (d) the Planning Department (PlanD)'s views – that the EOT application was only submitted on 11.2.2006. While the condition (f) on submission of the Drainage Impact Assessment was complied with on 6.2.2006, the applicant failed to comply with approval conditions (g) and (j) by the expiry date on 13.2.2006 and the planning permission was revoked on the same day. The application could not be considered as the planning permission no longer existed at the time of consideration.

154. Members had no question on the application.

Deliberation Session

155. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval conditions (g) and (j) by 13.2.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-ST/288-1 Application for Extension of Time
for Compliance with Planning Conditions

under section 16A of the Town Planning Ordinance -
Temporary Public Vehicle Park
(Excluding Container Vehicles)
in “Village Type Development” zone,
Lots 3044RP(Part), 3045RP, 3048RP, 3049RP,
3050RP, 3053RP(Part), 3054(Part), 3055A-C,
3055D(Part), 3055E(Part), 3055F, 3055RP, 3056(Part),
3057RP(Part), 3060(Part), 3061(Part) in DD 102
and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/288-1)

Presentation and Question Session

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

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions applied for;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the Planning Department (PlanD)’s views – that the EOT application was only submitted on 18.2.2006. The applicant failed to comply with approval conditions (d), (f) and (h) by the expiry date on 18.2.2006 and the planning permission was revoked on the same day. The application could not be considered as the planning permission no longer existed at the time of consideration.

157. Members had no question on the application.

Deliberation Session

158. The Chairman said that once the planning permission was revoked, the applicant could submit a fresh application.

159. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval conditions (d), (f) and (h) by 18.2.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

General

160. The Chairman said that there was no delegation of authority to consider such applications under the Town Planning Ordinance. However, the processing of such applications could be streamlined. The Secretary added that such applications could be submitted to the Committee for consideration in a simplified format in the future. The Secretariat was working on the simplified format.

[Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

Remarks

161. The Chairman said that the remaining items in the Agenda would not be open for public viewing since they were in respect of applications submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 or proposed amendments to a draft Outline Zoning Plan which had been exhibited under s.5 of the pre-amended Town Planning Ordinance.