

TOWN PLANNING BOARD

Minutes of 325th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.4.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

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

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Prof. Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

1. The Vice-chairman said that as the Chairman was engaged in another meeting and would join the meeting later, he would chair the meeting before the Chairman returned.

Agenda Item 1

Confirmation of the Draft Minutes of the 324th RNTPC Meeting held on 7.4.2006

[Open Meeting]

2. The draft minutes of the 324th RNTPC meeting held on 7.4.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 8 of 2006 (8/06)

Temporary Open Storage of Vehicle Glass

(including Parking and Loading/Unloading)

for a Period of 3 Years

in “Village Type Development” zone

Lot 466RP (Part) in DD 109, Kam Tin Road, Kam Tin, Yuen Long

(Application No. A/YL-KTN/239)

3. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/YL-KTN/239) for temporary open storage of vehicle glass (including parking and loading/unloading) for a period of 3 years at a site zoned “Village Type Development” on the Kam Tin North Outline Zoning Plan was received by the Town Planning Appeal Board (TPAB) on 20.4.2006. The Secretariat would represent the TPB on all matters relating to the appeal in the usual manner. The hearing date was yet to be fixed.

(ii) Appeal Statistics

4. The Secretary said that as at 28.4.2006, 30 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	113
Yet to be Heard	:	30
Decision Outstanding	:	1
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Total	:	243

Tuen Mun and Yuen Long District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/TM-LTY Y/1 Application for Amendment to the
Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/5
from “Residential (Group C)” and “Government, Institution or Community”
to “Comprehensive Development Area”,
Lots 809RP, 810, 811, 1135A, 1141RP, 1142A, 1143RP, 1147RP in DD 130
and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/1)

Presentation and Question Session

5. The Committee noted that the applicant had requested on 4.4.2006 for deferment of the consideration of the application to allow time to address some issues raised by relevant Government departments.

Deliberation Session

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

[Dr. Lily Chiang arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/YL-HT/437 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 80(Part) and 81(Part) in DD 125, Lots 3240(Part), 3241, 3242, 3243, 3246, 3248, 3268, 3273–3280, 3281(Part) and 3442(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/437)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and construction materials with ancillary repair workshop for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance 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) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. On EPD's concern, the applicant could be advised to adopt relevant mitigation measures recommended in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize possible environmental impacts.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11 p.m. and 7 a.m. should be permitted at the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2006;
- (c) in relation to (b) above, the implementation of the accepted landscape and tree preservation proposals within 6 month from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2006;
- (d) the submission of drainage proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (e) in relation to (d) above, the implementation of the accepted drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services of the TPB by 28.10.2006;
- (f) the submission of run-in proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2006;
- (g) in relation to (f) above, the implementation of the accepted 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 28.10.2006;
- (h) the submission of fire service installation proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 28.7.2006;

- (i) in relation to (h) above, the implementation of the accepted fire service installation proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (j) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter compliance periods were imposed so as to monitor the fulfilment of relevant approval conditions;
- (c) apply to District Lands Officer/Yuen Long for Short Term Tenancy for occupation of Government Land and Short Term Waiver for erection of structures on the site;
- (d) follow the environmental mitigation measures as recommended in the

“Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;

- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult the District Lands Officer/Yuen Long and obtain consents from relevant land owners with regard to all proposed drainage works outside the site boundary or outside the applicant’s jurisdiction; to construct and maintain all proposed drainage facilities at the applicant’s own costs; and to properly maintain and rectify all drainage facilities if they were found inadequate or ineffective during operation and be liable for and indemnify claims and demands arising from any damage or nuisance caused by a failure of all drainage facilities;
- (f) note the comments of the Chief Town Planner/Urban Design & Landscape to replace 3 numbers of pot plants along the northern boundary with trees planted in the ground and those trees did not meet the tree height requirement when first planted; and to differentiate the proposed new planting and the existing planting by using different symbols on landscape proposals;
- (g) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department to carry out necessary modification works at the applicant’s own costs to tie in the interface with the raising road level of Ping Ha Road upon completion of the proposed improvement works and no Government land within the proposed project limit of Project Item No. 7794 TH “Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)” should be included;
- (h) 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;

- (i) note the comments of the Chief Highway Engineer/New Territories West, Highways Department to propose and construct the run-in in accordance with Highways Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 to match with the pavement type of adjacent footpath;
- (j) note the comments of the Director of Fire Services to approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the ancillary repair workshop for storage/use of Dangerous Goods and that detailed fire safety requirements should be formulated upon receipt of formal submission of general building plans;
- (k) note the comments of the Chief Engineer/Development (2), Water Supplies Department to set back the site at the entrance on the eastern side so as to exclude the existing water main; and
- (l) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/438 Renewal of Planning Approval for Temporary Open Storage of Containers, Repair Workshop and Staff Canteen for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3200RP, 3201RP and 3206RP in DD 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/438)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of containers, repair workshop and staff canteen for a period of 3 years;
- (c) departmental comments – concerned Government departments, including the Transport Department, Environmental Protection Department and Drainage Services Department, had no objection to or no adverse comments on the application;
- (d) one public comment was received but was filed out-of-time. One local view was received from the District Officer raising concerns on road safety, traffic and environmental aspects; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. On the local concerns, the applicant had proposed only one ingress/egress for the use of vehicles to/from the site. The Transport Department and the

Commissioner of Police had no adverse comments on the traffic management and road safety aspects. Also, the Environmental Protection Department had no objection to the application and the applicant could be advised to adopt relevant mitigation measures recommended in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize possible environmental impacts.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of all existing landscape planting at the site at all times during the planning approval period;
- (b) the maintenance of all existing drainage facilities at the site at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within 3 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (d) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (e) if the above planning condition (c) 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

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

14. The Committee also agreed to remind the applicant 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to rectify the existing drainage facilities if they were found inadequate or ineffective during operation;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize possible environmental impacts;
- (e) 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;
- (f) note the comments of the Chief Engineer/Development (2), Water Supplies

Department to divert the affected water mains and all costs associated with the diversion works should be borne by the applicant or to provide a waterworks reserve within 1.5m from the centre line of the affected mains in case the diversion was not practicable; to provide and maintain free access for his officers, agents and contractors at all times to the site for laying, repairing and maintenance of water mains and all other services across, through or under the site and that his Office was not liable to any damage arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (g) note the comments of the Director of Fire Services to approach the Dangerous Goods Division of his Department for advice on licensing of the repair workshop;
- (h) note the comments of the Director of Food and Environmental Hygiene to apply for a restaurant licence should the canteen business be extended to accommodate workers from workplaces other than the site; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-HT/439 Temporary Open Storage of Wastes
(including Plastic, Metal and Paper Board)
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lot 3212RP(Part) in DD 129
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/439)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of wastes (including plastic, metal and paper board) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. No objection from other concerned Government departments was received;
- (d) one public comment was received during the publication period, expressing no objection to the application; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. EPD’s concern could be addressed by imposing relevant approval conditions. In order to minimize possible environmental impacts, the applicant would be advised to adopt relevant mitigation measures recommended in the latest

“Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize possible environmental impacts.

17. In response to a Member’s enquiry on EPD’s concern, Mr. H. M. Wong said that the EPD did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected.

18. In response to the same Member’s enquiry on whether the large printers found on the application site as shown in Photo 4 on Plan A-4 of the Paper were considered as metal waste, Mr. Wilson Y.L. So, DPO/TMYL, said that they should be regarded as used electrical appliances but not metal waste. The site was currently used for open storage of used electrical appliances which was not covered by the application. If the planning permission was granted, the applicant should be reminded that the permission was only given to the use/development under application, and be requested to take immediate action to discontinue any use/development not covered by the application as suggested in paragraph 12.4 of the Paper.

Deliberation Session

19. The Vice-chairman noted that the vehicular access to the site would be via Fung Kong Tsuen Road to the north while the residential structures were found to the south of the site. EPD’s concern could be addressed by imposing relevant approval conditions including restrictions on operation hours. Members agreed.

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, 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 p.m. and 7 a.m. should be permitted at the site during the planning approval period;
- (b) no operation on Sundays and public holidays should be permitted at the site during the planning approval period;

- (c) no workshop activities including dismantling, repairing and cleansing as proposed by the applicant should be permitted at any time during the planning approval period;
- (d) the submission of landscape and tree preservation proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2006;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposal within 9 months to the satisfaction of the Director of Planning or of the TPB by 28.1.2007;
- (f) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2006;
- (g) in relation to (f) above, the implementation of the drainage proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2007;
- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning condition (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 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.

21. The Committee also agreed to remind the applicant 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land;
- (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 Town Planner/Urban Design & Landscape to preserve all existing trees planted under the previous application No. A/YL-HT/207 on the site;
- (e) 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

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-HT/440 Temporary Warehouse of Paper Rolls
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 3305RP(Part), 3306(Part), 3307RP, 3310ARP(Part),
3310B(Part), 3311RP, 3312A(Part), 3312B, 3313(Part)
and 3314(Part) in DD 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/440)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary warehouse of paper rolls 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) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the implementation of the accepted landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2006;
- (b) the submission of drainage proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (c) in relation to (b) above, the implementation of the drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2006;
- (d) the submission of fire service installations proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2006;
- (e) in relation to (d) above, the implementation of the fire service installations proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (f) the submission of run-in proposals within 3 months from the date of the

planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2006;

- (g) in relation to (f) above, the implementation of the run-in proposals to the satisfaction of the Director of Highways or of the TPB by 28.10.2006;
- (h) the provision of paving and fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2006;
- (i) if any of the above planning conditions (a), (b), (c), (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 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter compliance periods were imposed so as to monitor the fulfilment of relevant approval conditions;
- (c) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize possible environmental impacts;

- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult the District Lands Officer/Yuen Long and obtain consents from relevant land owners with regard to all proposed drainage works outside the site boundary or outside the applicant's jurisdiction; to construct and maintain all proposed drainage facilities at the applicant's own costs; and to properly maintain and rectify all drainage facilities if they were found inadequate or ineffective during operation and be liable for and indemnify claims and demands arising from any damage or nuisance caused by a failure of all drainage facilities;
- (f) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department to carry out necessary modification works at the applicant's own costs to tie in with the raised road level of Ping Ha Road upon completion of the proposed improvement works and no Government land within the proposed project limit of Project Item No. 7794 TH "Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)" should be included in the site;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department to propose and construct the run-in in accordance with Highways Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 to suit the type of pavement of adjacent footpath and that his Office was not responsible for the maintenance of the track access between Ping Ha Road and the site; and
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance

with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-HT/441 Temporary Open Storage of Containers
with Ancillary Open Storage of Goods
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 5(Part), 6(Part), 7(Part), 12(Part), 42(Part), 43(Part),
44(Part), 45(Part), 46A(Part), 46B(Part), 46RP(Part),
47(Part), 49(Part) and 50(Part) in DD 124,
Lots 1498ARP and 1498BRP(Part) in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/441)
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Presentation and Question Session

27. The Committee noted that the applicant had requested on 4.4.2006 for deferment of the consideration of the application to allow time to address the concerns of relevant Government departments.

Deliberation Session

28. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be

granted unless under very special circumstances.

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-HT/442 Renewal of Planning Approval for
Temporary Open Storage of Construction Materials
and Warehouse with Ancillary Workshop
for a Period of 3 Years
in “Recreation” zone,
Lots 215, 374, 378, 379 and 380 in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/442)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of construction materials and warehouse with ancillary workshop 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) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 28.4.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence at any time of the planning approval period;
- (b) no night-time operation between 5 p.m. and 9 a.m. was permitted at the site during the planning approval period;
- (c) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the applicant should replace 20 numbers of dead trees and maintain at all times all existing vegetation throughout the approval period to the satisfaction of the Director of Planning or of the TPB;
- (e) the fire service installations on the site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities as implemented on the site under the previous planning application No. A/YL-HT/281 within 3 months from the date of planning approval to the satisfaction of Drainage Services Department or of the TPB by 28.7.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given

should cease to have effect and should be revoked immediately without further notice;

- (h) if the above planning condition (f) 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
- (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.

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

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

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-HT/443 Renewal of Planning Approval for Temporary Open Storage of Containers for a Period of 3 Years in “Green Belt” zone, Lots 136(Part), 155(Part), 159(Part), 160, 161(Part), 162, 163, 164, 165, 166, 172(Part), 260A(Part) and 261(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/443)
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Presentation and Question Session

33. Mr. Frederick S.T. Ng, STP/TMYL, drew Members’ attention to the replacement page 10 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 renewal of planning approval for temporary open storage of containers for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. No objection from other concerned Government departments was received;
- (d) one public comment was received during the publication period raising objection on environmental ground; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper in that

the current application was a renewal of the planning approval for the same open storage use previously granted for the site. EPD's concern could be addressed by imposing relevant approval conditions. The proposed Yuen Long and Kam Tin Sewerage and Sewage Disposal II Package 2A-IT would commence construction in June 2009, and the effluent pipeline would transverse the central part of the site and affect the vehicular access of the adjoining temporary container yard under application No. A/YL-HT/430. Hence, temporary planning permission up to 3.3.2009 to co-terminate with that of application No. A/YL-HT/430, or a maximum period of 2 years up to 28.4.2008 in line with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB Guidelines No.13D) was recommended.

34. In response to the Vice-chairman's question on whether the vehicular access to the site would pass through any residential area as the EPD had raised concern, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-3 of the Paper and said that there was no residential structures near the site and the vehicular access only passed through some container yards.

35. Noting that the site fell within the "Green Belt" zone, a Member asked about the reasons for approving the previous applications, and whether there was any intention to rezone the site or to phase out the non-conformity uses in the area.

36. In reply, Mr. Wilson Y.L. So referred Members to Plan A-1 of the Paper and said that to the east of the site was a larger container yard first approved by the TPB on 14.3.1997 under application No. A/YL-HT/24. Since then, a number of similar applications were approved in the area. The first planning approval for the application site was granted on 22.10.1999 under application No. A/YL-HT/103, mainly on consideration that the areas to the east adjoining the application site had been the subject of a number of approved planning applications which were similar in character to the site. Another previous application No. A/YL-HT/232 was approved by the TPB on 22.3.2002 upon review, mainly on the consideration that previous approval had been granted. The latest application No. A/YL-HT/389 was approved by the Committee for a period of 1 year on 13.5.2005 as all the

previous approval conditions had been complied with. The current application was a renewal of the planning approval for the same open storage use.

37. Mr. Wilson Y.L. So continued to say that the possibility to reinstate the site was not great for the time being as the temporary container yard under application No. A/YL-HT/430 to the immediate east of the site was approved for a period of 3 years up to 3.3.2009. Both sites would be affected by the Yuen Long and Kam Tin sewerage and sewage disposal project which would commence construction in June 2009. In view of this, temporary planning permission up to 3.3.2009 to co-terminate with that of application No. A/YL-HT/430, or a maximum period of 2 years up to 28.4.2008 in line with the TPB Guidelines No. 13D were recommended.

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

Deliberation Session

38. The Vice-chairman asked Members whether the application was acceptable before deciding on the approval period.

39. A Member considered the application acceptable and opined that it would be more appropriate to grant approval for a temporary period of 2 years in accordance with the TPB Guidelines No. 13D, noting that the previous approval under application No. A/YL-HT/389 was for a period of 1 year in line with the then prevailing TPB Guidelines.

40. In response to another Member's enquiry, Mr. Wilson Y.L. So said that the site under application No. A/YL-HT/430 fell within the "Green Belt" zone and "Comprehensive Development Area" zone while the current application site was entirely within the "Green Belt" zone. Granting approval to the current application for a period of 2 years in line with the TPB Guidelines might lead to earlier relocation of the open storage use and phasing out of the non-conformity uses.

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 year until 28.4.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7 p.m. and 8 a.m as proposed by the applicant was permitted at the site during the planning approval period;
- (b) the stacking height of the materials stored within 5 m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (c) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) 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
- (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.

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

- (a) resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (b) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site;
- (c) note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Sewerage Projects of Drainage Services Department to maintain the existing drainage facilities properly and rectify those facilities if they were found inadequate/ineffective during operation and that the site would encroach upon the proposed alternative alignment of sewerage system under package 2A-1T (Yuen Long Effluent Pipeline) which was still subject to further study by DSD's consultant;
- (d) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize the potential environmental impacts on the adjacent area;
- (e) note the 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
- (f) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-KTN/247 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Undetermined” zone, Lots 202RP(Part) and 203RP(Part) in DD 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/247)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and machinery for a period of 3 years;
- (c) departmental comments – highlighting that the Drainage Services Department (DSD) had no in-principle objection to the application although the drainage proposal submitted was not satisfactory. 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) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. A shorter approval period of 1 year and shorter compliance periods were recommended so as to monitor the situation and the fulfilment of the approval conditions.

44. Noting that five previous applications had been revoked due to non-compliance of approval conditions and two further applications had been rejected, a Member asked whether those applications were made by the same applicant as the current one. In reply, Mr. Wilson Y.L. So, DPO/TMYL, said that the applicant of the previous applications was the current applicant's deceased husband.

Deliberation Session

45. A Member had reservation on the application in view of the fact that the previous applications had either been revoked or rejected, and the drainage proposal submitted in the current application was not satisfactory. Another Member also had concern as the site was still being used for open storage of construction materials and machinery without valid planning permission.

46. In response, Mr. Wilson Y.L. So referred Members to paragraph 5 of the Paper and said that the Planning Authority had already issued warning letter to the occupier on 9.1.2006 and the site would be kept in view for further enforcement action. The current applicant had submitted information to demonstrate that the landscape and drainage proposals had been implemented according to the previous approval conditions and undertook to comply with all approval conditions. A shorter approval period of 1 year and shorter compliance periods were recommended so as to monitor the situation and the fulfilment of the approval conditions.

47. A Member opined that from the legal point of view, the previous applications were only related to the current applicant's deceased husband but not the applicant herself. The application should be considered as a new application. Hence, it would be appropriate to grant planning permission for the subject application for 1 year and subject to shorter compliance periods.

48. In response to the Secretary's enquiry, Mr. Wilson Y.L. So said that the applicant had submitted drainage and landscape proposals according to the previous approval conditions. Both the DSD and PlanD had no objection to the application but respectively considered that the landscape proposal was not detailed enough and the drainage proposal

was not yet satisfactory.

49. A Member asked whether cases similar to the current application had been approved before and a consistent approach should be adopted. The Secretary replied that for similar cases with technical proposals submitted but not yet acceptable to concerned Government departments, relevant approval conditions would usually be imposed to require the applicant to submit revised technical proposals.

50. A Member opined that the current applicant should be treated as a new applicant despite the fact that the previous applications were made by her deceased husband. The same Member asked what were the reasons for the dismissal of the appeal case relating to previous application No. A/YL-KTN/190. In reply, Mr. Wilson Y.L. So said that it was a technical dismissal on the ground that the application ceased to exist due to the death of the applicant. He then referred Members to Plan A-5 and said that some drainage channels had already been provided on site, and the Urban Design and Landscape Section of PlanD had advised that some newly planted trees were found within the site. This showed that the current applicant had made some efforts to implement the landscape and drainage proposals. The Secretary also drew Members' attention to Appendix Ia of the Paper which was a letter from the applicant's legal representative stating that the applicant had implemented the landscape and drainage proposals according to previous approval conditions.

51. Another Member shared the view that as the previous applicant had passed away, the current applicant and her application should be treated as a new applicant and a new application.

52. The Vice-chairman summarized that the concern on whether the applicant would fully comply with the approval conditions could be addressed by granting a shorter approval period of 1 year and imposing shorter compliance periods to monitor the situation and the fulfilment of the approval conditions. Members agreed.

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 28.4.2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11 p.m. and 7 a.m. should be carried out at 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 at any time during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be undertaken within the site at any time during the planning approval period;
- (d) 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 28.7.2006;
- (e) in relation to (d) above, the implementation of the 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 28.10.2006;
- (f) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2006;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2006;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter approval and compliance periods were imposed so as to monitor the situation and the fulfilment of relevant approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against any irregularity and the applicant should be advised to apply to his office for a Short Term Waiver for regularization of the unauthorized structure on the lot;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that land status of the road/path/track leading to the site from Kam Tin 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;
- (e) note 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) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;

- (g) note the Commissioner of Police (District Commander, Pat Heung Division)'s comment that the security arrangements of the location were considered of paramount importance and should be given due regard by the applicant; and

- (h) note the Director of Electrical and Mechanical Services' comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-KTN/248 Proposed New Territories Exempted Houses (NTEHs) in "Agriculture" zone and Proposed Pond Filling for Development of NTEHs, Lots 754A to 754Z, 754AA to 754AN, 754RP, 800A, 800B and 800RP in DD 109 and Adjoining Government Land, Shui Mei Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/248)
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Presentation and Question Session

55. The Committee noted that the applicant had requested on 10.4.2006 for deferment of the consideration of the application to allow time to prepare supplementary information to address concerns on technical issues and public comments on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Session only)]

- (x) A/YL-KTS/369 Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” zone, Lots 702C(Part), 703, 704BRP(Part) and 705BRP(Part) in DD 106 and Adjoining Government Land, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/369)
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Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed temporary open storage of vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were residential dwellings located to the immediate north of the site and environmental nuisance 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) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper in that the proposed use was not incompatible with the surrounding land uses. Although the EPD did not support the application, there were six previous planning approval for the site since 1999, and no environmental complaint had been received by the EPD in relation to the site in the past few years. In order to minimize possible environmental impacts, the applicant would be advised to adopt relevant mitigation measures recommended in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

58. In response to a Member's question on why a shorter approval period of 18 months was granted for the last application No. A/YL-KTS/316, Mr. Wilson Y.L. So, DPO/TMYL, said that for the six previous applications, there was no workshop use in the first five applications. In the last application No. A/YL-KTS/316, the applicant originally proposed to include workshop use. The application was objected by the EPD. The applicant subsequently excluded the workshop use and submitted drainage proposals at the review stage. Hence, the application was approved by the Town Planning Board upon review on 3.9.2004 for a period of 18 months. As no workshop activity was included in the current application, a longer approval period of 3 years was recommended.

Deliberation Session

59. Noting EPD's consistent comments of not supporting applications with residential dwellings located nearby and PlanD's recommendations were different for different applications, a Member asked whether there was any guideline on the acceptable distance between open storage uses and residential dwellings. The Secretary said that the EPD would usually not support applications where residential dwellings were found within 50m from an application site or along the vehicular access to the site. However, PlanD took a more pragmatic and practical approach and assess each case on its individual merits, giving due consideration to the actual condition of the site, and whether there was any complaint received as well as previous and similar applications before making a recommendation.

60. Mr. H.M. Wong supplemented that the EPD's concern was on the environmental aspect while PlanD would assess each case from a wider perspective. For this case, the EPD had reservation from the environmental point of view given that there were residential dwellings located near the site.

61. The Vice-chairman said that if planning permission was granted, relevant approval conditions could be imposed to restrict the operation hours on the site to address EPD's concern. Members agreed that the Committee should strike a reasonable balance and considered that the application could be approved.

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 28.4.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11 p.m. and 7 a.m. should be carried out at 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 at any time during the planning approval

period;

- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be undertaken within the site at any time during the planning approval period;
- (d) the existing plantings on the application site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the application site should be maintained properly as under application No.A/YL-KTS/316 at all times during the planning approval period;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during planning approval, 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.

63. The Committee also agreed to remind the applicant 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that his office was now initiating lease enforcement and control actions against the irregularities and unauthorized occupation of the adjoining Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (d) note the Commissioner of Police (District Commander, Pat Heung Division)'s comment that the security arrangements of the location were considered of paramount importance and should be given due regard by the applicant; and
- (e) note 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.

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of industrial machinery for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the area and environmental nuisance was expected;
- (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 the reasons detailed in paragraph 11.1 of the Paper in that the proposed warehouse use was not in line with the planning intention of the “Village Type Development” (“V”) zone. No strong justification had been given in the submission to justify for a departure from the planning intention of the “V” zone, even on a temporary basis. There were residential structures to the north-east and east of the site and the interface problem caused by the proposed development would be a potential environmental problem.

68. Members had no question on the application.

Deliberation Session

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

reasons were :

- (a) the proposed warehouse use was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (xiii) A/YL-PH/519 Temporary Horse Riding School
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 64RP, 72B2 and 73BRP in DD 108,
Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/519)
-

70. Ms. Anna S.Y. Kwong declared an interest in this item as Mr. George Pang, the applicant’s consultant, and she were both Members of the Board of Management of the Chinese Permanent Cemeteries. The Committee considered that Ms. Kwong’s interest was indirect and she could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary horse riding school 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) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

72. Members had no question on the application.

Deliberation Session

73. In response to the Vice-chairman's question on the unauthorized structures found on site, Mr. Francis Ng said that the Lands Department would follow up this case and process the short term waiver application if planning approval was granted.

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the site should be maintained at all times during the planning approval period;

- (b) the provision of drainage facilities as proposed by the applicant within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (c) the provision of emergency vehicular access (EVA), water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2006;
- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that shorter compliance periods were imposed so as to monitor the fulfilment of the approval conditions;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorized structures had been erected on the site without approval of his office. He reserved his right to take lease enforcement action against the irregularities;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comment that his department did not maintain the existing

access road inside the lot;

- (d) note the Director of Environmental Protection's comment that the applicant was advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize possible environmental impacts;
- (e) note the Director of Fire Services's comments that even submission of general building plans was not required by the Buildings Department, plans should still be submitted to the Fire Services Department for the formulation of detailed fire safety requirements. The EVA provision in site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Fire fighting and Rescue under the Building (Planning) Regulation 41D;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the Temporary Building Permit and Temporary Occupation Permit for the subject horse riding school had expired since 15.10.2002 and the school was closed in 2002. In this connection, the applicant should apply for renewal of the permits. Also the school should not be re-opened/re-occupied until the renewal application for the aforesaid permits had been submitted and accepted by the Building Authority; and
- (g) note the Commissioner of Police (District Commander, Pat Heung Division)'s comment that the applicant should give due regard to the security arrangements at the site.

77. Noting that there were previous approvals for temporary PFS use and the road works would only commence in 2009, a Member asked whether temporary approval could be considered. In reply, Mr. Wilson Y.L. So, DPO/TMYL, said that since 1998, the Committee had taken account of the “Improvement to Kam Tin Road, Stage 2” project and approved five previous applications on a temporary basis. The last planning application was approved by the Committee on 23.12.2005 for a period of 3 years. Even if the current application was not approved, the PFS could still be operated until 23.12.2008.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects; and
- (b) the development fell within the works limit of the project “Improvement to Kam Tin Road, Stage 2” and would affect the future construction works of the road improvement project.

[Open Meeting (Presentation and Question Session only)]

- (xv) A/YL-PS/243 Temporary Public Vehicle Park for Private Cars,
Lorries and Coaches
for a Period of 3 Years .
in “Village Type Development” zone,
Lots 429, 431(Part), 436(Part), 437, 438,
446(Part), 447(Part) and 449RP(Part) in DD 122,
Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/243)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars, lorries and coaches for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. No objection from other concerned Government departments was received;

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

- (d) no public comment were received during the publication period and no local objection received from the District Officer. However, PlanD had received a letter from a LegCo member expressing environmental concern from local residents on dust and noise nuisances and round the clock operation on the site; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. Although EPD did not support the application, EPD had no strong views on the parking of private cars and light goods vehicles. PlanD considered that parking of private cars and light goods vehicles could be tolerated, and the local and EPD's concerns could be addressed by imposing relevant approval conditions including the restrictions of parking of lorries and coaches and on operation hours.

80. In response to a Member's question on whether the suggested restrictions had been imposed on other similar applications in the area, Mr. Wilson Y.L. So, DPO/TMYL, said that same approach had been adopted for similar applications in the Ping Shan area.

Deliberation Session

81. In response to a Member's question on why application No. A/YL-PS/238 of similar nature was rejected, Mr. Wilson Y.L. So explained that that site involved one previous application No. A/YL-PS/180 which was approved by the Committee on 28.5.2004 subject to, inter alia, a condition restricting parking of lorries, heavy goods vehicles and container vehicles. The planning permission was later revoked for non-compliance of the said approval condition. Against this background, the subsequent application No. A/YL-PS/238 which included parking of lorries was rejected by the Committee on 7.4.2006.

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, 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 at any time during the planning approval period;
- (b) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no operation between 11 p.m. and 7 a.m. should be carried out on the site during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;

- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site as previously implemented on site under planning application No. A/YL-PS/123 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if 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 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.

83. The Committee also agreed to remind the applicant 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.

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

- (a) that any land issues relating to the development with the concerned owner(s) of the application site should be resolved;

- (b) the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his office for a Short Term Waiver for the erection of structure(s). His office reserved all rights to take enforcement action against the unauthorized erection of structures on agricultural lots;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments on the need for removal of the unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;
- (d) the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (e) the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that no ground excavation work was to be involved; and
- (f) The "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed to minimize possible environmental impacts.

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

[Open Meeting (Presentation and Question Session only)]

- (xvi) A/YL-ST/303 Temporary Retail Shop to Sell Vehicle Parts and Accessories for a Period of 3 Years in “Residential (Group D)” zone, Lots 46(Part) and 47(Part) in DD 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/303)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary retail shop to sell vehicle parts and accessories 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) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no car breaking and vehicle repairing works were allowed on the site at any time during the planning approval period;
- (b) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of standard run-in proposal for the application site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.10.2006;
- (e) in relation to (d) above, the implementation of standard run-in proposal for the application site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.1.2007;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's advice to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to his office to regularize the irregularities on site. Should no STW/STT application be received/approved, and the irregularities persisted on site, his office would consider taking appropriate enforcement/control action against the registered owner/occupier;
- (c) note 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
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Containers used as offices or storage were considered as temporary buildings subject to the control under the Building (Planning) Regulations Part VII. Attention should be drawn to the provision of emergency vehicular access to the building under Building (Planning) Regulations 41D.

[Open Meeting (Presentation and Question Session only)]

- (xvii) A/YL-ST/307 Temporary Public Vehicle Park
(excluding Container Vehicle)
for a Period of 3 Years
in “Village Type Development” zone,
Lots 3044RP, 3045RP, 3048RP, 3049RP, 3050RP,
3053RP(Part), 3054(Part) and 3056(Part) in DD 102
and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/307)
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Presentation and Question Session

89. Mr. Frederick S.T. Ng, STP/TMYL, drew Members’ attention to the letter dated 27.4.2006 from the applicant 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 (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – highlighting that the Transport Department did not support the application as the additional traffic generated from the development would further aggravate the existing traffic condition in the area;

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

- (d) one public comment was received during the publication period, raising concern that the application might affect the Commenter’s Small House application which was under active processing; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 12.1 of the Paper in that

the development was not in line with the planning intention of the “Village Type Development” zone. As there was a programme for Small House development within the site, there was insufficient justification in the submission for a departure from such planning intention. There was also insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

90. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. As there was a programme for Small House development within the site, there was insufficient justification in the submission for a departure from such planning intention; and
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

[Dr. Lily Chiang and Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (xviii) A/YL-ST/309 Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 56RP, 165RP, 166RP, 167BRP in DD 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/309)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office 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) Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper.

93. Members had no question on the application.

Deliberation Session

[Ms. Carmen K.M. Chan returned to join the meeting at this point.]

94. Given that the northern part of the application site was close to the proposed resumption limit of the project “2B-1T Ngau Tam Mei/San Tin Trunk Sewerage Phase 2”, Mr. Francis Ng asked whether it would be more appropriate to grant a shorter approval period of 2 years. In reply, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-2 of the Paper and said that although the application site was close to the proposed sewerage project, it would unlikely have any conflict with the project and there was no concern raised by the Drainage Services Department.

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, 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 p.m. and 7 a.m. as proposed by the applicant was permitted on the application site during the planning approval period;
- (b) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2006;
- (c) in relation to (b) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2007;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2006;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 28.1.2007;

- (f) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.10.2006;
- (g) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) 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
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver and Short Term Tenancy to regularize the unauthorized temporary structures and illegal occupation of Government Land;
- (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 areas;

- (d) follow the advice of the Chief Town Planner/Urban Design and Landscape, Planning Department to clearly annotate all the existing and proposed trees within the site boundary in the landscape proposal and submit for his comment before the reinstatement of the missing planted trees on site;
- (e) follow the advice of the Director of Fire Services that the building for the food premises should be proved by qualified person that it was structurally safe and not a sub-standard structure if the food premises was open to public; and to approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the premises for the activities involving storage/use of Dangerous Goods where necessary; and
- (f) follow the advice of the Director of Food and Environmental Hygiene that the canteen should be used exclusively of the persons employed in the work place (visitors or drivers were not deemed as employees); a conspicuous notice of “Only for Employees’ Use” should be displayed at the entrance of the canteen; the canteen had to be operated by the applicant or his agent; the operation of the vehicle park, tyre repair area, office and staff canteen should not cause any environmental nuisance to the surroundings; and the refuse generated by the proposed vehicle park, tyre repair area, office and staff canteen was regarded as trade refuse. The management of the site was responsible for its removal and disposal.

[Open Meeting (Presentation and Question Session only)]

- (xix) A/YL-TYST/313 Temporary Open Storage of Miscellaneous Items (including Empty Plastic Buckets and Fish Nets) and Office Use for a Period of 3 Years in “Undetermined” zone, Lots 1901RP(Part), 1902A and 1902BRP(Part) in DD 117, and Adjoining Government Land, Kung Um Road, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/313)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of miscellaneous items (including empty plastic buckets and fish nets) and office use for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were residential structures located to the immediate south of the site. No objection from other concerned Government departments was received;

[Dr. Lily Chiang returned to join the meeting at this point.]

- (d) one public comment was received during the publication period raising objection on environmental grounds; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper in that the site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB Guidelines No. 13D) and the proposed use was not incompatible with the surrounding land uses. The EPD's concern could be addressed by imposing relevant approval conditions. In order to minimize possible environmental impacts, the applicant would be advised to adopt relevant mitigation measures recommended in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites". A shorter approval period of 2 years and shorter compliance periods were recommended so as to monitor the site conditions and the fulfilment of the approval conditions.

98. Member raised the following questions :

- (a) referring to Plan A-4, whether the application had included the fish tank structure found on site; and
- (b) referring to Plans A-2 and A-4, whether the uses applied for could be regarded as open storage use given that nearly 30% of the site was covered by structures.

99. Mr. Wilson Y.L. So, DPO/TMYL, made the following points :

- (a) the application did not include the fish tank use. Should the application be approved, the applicant could be reminded that the permission was only given to the uses under application; and
- (b) According to the TPB Guidelines No. 13D, “open storage” uses related to activities carried out on a site for which more than 50% of the site was uncovered. From the information submitted by the applicant, the covered area was 125m² out of a total site area of 603m² (i.e. about 20%). As such, the application was considered to be for open storage use.

Deliberation Session

100. In response to a Member’s question, Mr. Wilson Y.L. So said that if the site was used for fish rearing purpose after planning permission was granted, appropriate enforcement action would be taken and a fresh application would be required.

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 28.4.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7 p.m. and 7 a.m. should be carried out on the site

during the planning approval period;

- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) no workshop activity should be undertaken within the site at any time during the planning approval period;
- (d) no heavy goods vehicle was allowed to be used, parked/stored on the site at any time during the planning approval period;
- (e) the implementation of the 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 28.7.2006;
- (f) the implementation of the accepted 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 28.7.2006;
- (g) the provision of a 9-litre water type/3kg 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 28.7.2006;
- (h) the submission of a run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2006;
- (i) in relation to (h) above, the provision of a run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.10.2006;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during planning approval, the approval hereby given should cease to

have effect and should be revoked immediately without further notice;

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

102. The Committee also agreed to remind the applicant 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.

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

- (a) note that a shorter approval period of 2 years was granted so as to monitor the site condition and shorter compliance periods were imposed to monitor the fulfilment of the approval conditions;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long (DLO/YL), Lands Department's comments that his office reserved the right to take enforcement action with respect to the unauthorized occupation of Government land, and against the breach of the lease conditions of the private lots. The registered owners of the lots should apply for Short Term Waivers from his office and the occupier of the Government land should apply for a Short Term Tenancy;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in at the access point should be constructed in accordance with the latest version of Highways Department Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of the adjacent footpath;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that DLO/YL should be consulted on the proposed drainage works falling outside the site boundary to ensure unobstructed discharge from the development in future;
- (g) note the Director of Environmental Protection's comments that environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be used to minimize possible environmental impacts; and
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (xx) A/YL-TYST/314 Temporary Open Storage of Construction Machinery
for a Period of 5 Years
in “Undetermined” zone,
Lots 1231A1(Part) and 1231BRP(Part) in DD 119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/314)
-

Presentation and Question Session

104. Mr. Frederick S.T. Ng, STP/TMYL, drew Members’ attention to the replacement page 9 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 open storage of construction machinery for a period of 5 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive receivers near 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 had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The Environmental Protection Department’s concern could be addressed by imposing relevant approval conditions. If planning permission was granted, a shorter approval period of 3 years instead of 5 years was recommended to allow monitoring the situation of the development and its

environmental impacts on the surrounding areas.

105. In response to a Member's question, Mr. Wilson Y.L. So, DPO/TMYL, said that the application for a period of 5 years was merely the intention of the applicant. In the "Undetermined" zone, all developments required permission from the Town Planning Board. This was different from the provisions in other land use zones.

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

Deliberation Session

106. The Secretary elaborated that in the rural areas, there was a provision in the covering Notes of the rural Outline Zoning Plans allowing applications for temporary uses which did not fall within the uses under Column 1 or Column 2 of the Notes for individual zones up to a period of 3 years. In the "Undetermined" zone, all developments, whether temporary or permanent, required permission from the Town Planning Board. The applicant could apply for permanent approval but it was his own choice to apply for a temporary period of 5 years. Taking into account the current practice on granting temporary permissions in the rural area, PlanD recommended that a shorter approval period of 3 years would be more appropriate.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, 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 p.m. and 8 a.m. should be carried out at the application site during the planning approval period;
- (b) no operation at the application site was allowed on any Sundays or public holidays during the planning approval period;
- (c) no repairing, fixing and maintenance of construction machinery and other workshop activities should be undertaken within the application site at any time during the planning approval period;

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

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

- (a) note that a shorter approval period was granted so as to monitor the condition of the development;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road 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;
- (c) note the Director of Environmental Protection's comments that the applicant should follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize possible environmental impacts; and

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

[Open Meeting (Presentation and Question Session only)]

- (xxi) A/YL-TYST/315 Temporary Open Storage of Construction Machinery and Materials, and Vehicle Repair Workshop for a Period of 3 Years in "Undetermined" zone, Lots 2366RP, 2367, 2386RP in DD 120, Lam Hau Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/315)

[Mr. H.M. Wong returned to join the meeting at this point.]

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and materials, and vehicle repair workshop for a period of 3 years;
- (c) departmental comments – highlighting that the Transport Department did not support the provision of more than one vehicular access point 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 had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The Transport Department's concern on the provision of more than one vehicular access point to the site could be addressed by imposing relevant approval conditions.

110. Members had no question on the application.

Deliberation Session

111. In response to a Member's question on why similar applications No. A/YL-TYST/269 to 273 were rejected, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-2 of the Paper and said that those applications and their vehicular access points were closer to Tin Lung Tsuen. For the current application, the access point was located at the western side of the application site and the vehicular access was to the north, which were further away from Tin Lung Tsuen.

112. In response to the Vice-chairman's concern on some residential structures located to the southeast of the application site, Mr. H.M. Wong said that as the vehicular access to the application site was away from the residential structures, the development would unlikely generate significant environmental impact on the residential structures. Environmental mitigation measures set out in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" could be used to minimize possible environmental impacts.

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (b) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the submission of vehicular access proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.10.2006;
- (d) in relation to (c) above, the provision of vehicular access as proposed within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.1.2007;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (f) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. 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;
- (c) note the Director of Environmental Protection's comments that environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department should be used to minimize possible environmental impacts;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (e) note the Director of Fire Services's comments that the site was proposed to be used as workshop in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the site should approach his Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary.

Agenda Item 5

Section 16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/YL/70-1 Application for Extension of Time for Commencement of Approved Development - Comprehensive Commercial/ Residential Development, Government Land Covering the Public Transport Interchange Associated with the West Rail Long Ping Station to the South of Yuen Long On Lok Road, Area 2, Yuen Long New Town (RNTPC Paper No. A/YL/70-1)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the approved development for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) one local objection was received from the District Officer mainly on the ground of drainage, traffic and environmental impacts; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 6.1 of the Paper. Although there was a local objection raising concern on the drainage, traffic and environmental impacts of the proposed development, the

Transport Department, Environmental Protection Department and Drainage Services Department, had no adverse comments on the application.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid for 3 years up to 25.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan taking into account conditions (b), (d), (f), (g), (h) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including tree planting proposals, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the adjustment of the maximum height of the proposed residential towers, taking into account local development context and building height constraint in the area, to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and implementation of the junction improvements, as proposed in the Traffic Impact Assessment by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (f) the provision of openings with supports for the proposed footbridge connecting West Rail Long Ping Station via the proposed development under the Highways Department's project 'Flyover and adjoining Footbridge between Yuen Long On Ning Road and Kau Yuk Road' to the satisfaction of the Director of Highways or of the TPB;
- (g) the design and provision of walkway, including staircases and ramp connecting to the pavement of On Ning Road, leading from Yuen Long On Ning Road to Long Ping Station to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (i) the design and provision of noise mitigation measures, as proposed in the Environmental Impact Assessment by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the diversion of existing water mains affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (k) the design and reprovision of a refuse collection point within the application site to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB; and
- (l) the submission of a drainage impact assessment and a hydraulic impact assessment to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note that a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. Should the applicant wish to seek any further extension of time for commencement of the development, he might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred to for details;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the traffic impact assessment should be updated by the applicant to effect the design and implementation of additional junction improvement proposals etc. with regard to planning approval condition (e);
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's and the Chief Highway Engineer/Works, Highways Department's comments that the application area might have interface issue with the project of Works Division "Flyover and Adjoining Footbridge between Yuen Long On Ning Road and Kau Yuk Road" which was scheduled to commence in early 2009 for completion in 2012;
- (d) note 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 proposed development; and
- (e) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant should be reminded that the site falls within Scheduled Area No. 2, beneath which marble with cavities might be present and foundation plan should be submitted to the Buildings Department for approval as required by the provision of the Buildings Ordinance.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL/74-1 Application for Extension of Time for Commencement of Approved Development - Comprehensive Residential Development, Government Land Covering the Public Transport Interchange Associated with the West Rail Long Ping Station to the North of Yuen Long On Lok Road, Area 7, Yuen Long New Town
(RNTPC Paper No. A/YL/74-1)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of approved development for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) one local objection was received from the District Officer raising concern on the environmental, visual and fung shui impacts of the proposed development; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 6.1 of the Paper. As regards the local objection, it should be noted that the Environmental Protection Department had no adverse comments on environmental aspect. Regarding the visual and fung shui impacts, PlanD considered that there were existing high-rise residential developments in the area. The proposed

development was not out of keeping with the surrounding developments and the fung shui issue was not a material planning consideration.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid for 3 years up to 22.9.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b), (d), (f), (g) and (h) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including tree planting proposals, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the adjustment of the maximum height of the proposed residential towers, taking into account local development context and building height constraint in the area, to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and implementation of the junction improvements, as proposed in the Traffic Impact Assessment by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (f) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the design and provision of noise mitigation measures, as proposed in the Environmental Impact Assessment by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the design and provision of a Residential Care Home for the Elderly, with Net Operational Floor Area of not less than 1,376m² in the proposed development, to the satisfaction of the Director of Social Welfare or of the TPB;
- (i) the diversion of existing drains and sewers affected by the proposed development to the satisfaction of the Director of Drainage Services or of the TPB; and
- (j) the submission of detailed drainage proposals, including connections to public drains and sewers, to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note that a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. Should the applicant wish to seek any further extension of time for commencement of the development, he might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred to for details;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the traffic impact assessment should be updated by the applicant to effect the design and implementation of

additional junction improvement proposals etc. with regard to planning approval condition (e);

- (c) note the Chief Engineer/Development (2), Water Supplies Department, WSD's comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development;
- (d) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant should be reminded that the site falls within Scheduled Area No. 2, beneath which marble with cavities might be present and foundation plan should be submitted to the Buildings Department for approval as required by the provision of the Buildings Ordinance; and
- (e) note the District Officer/Yuen Long, Lands Department's comment regarding the local concerns including whether the proposed development would have potential adverse impact on the TV receptions of the villages in the area.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL/134-1 Application for Class B Amendments –
Comprehensive Commercial/Residential Development
in “Comprehensive Development Area” 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)
-

123. The application was submitted by a subsidiary of Sun Hung Kai Properties Limited. The Committee noted that Mr. Alfred Donald Yap, having past business dealings with Sun Hung Kai Properties Limited, had declared an interest in this item. Mr. Alfred

Donald Yap had tendered his apologies for being unable to attend the meeting.

124. Mr. Y.K. Cheng declared an interest in this item for having current business dealings with Sun Hung Kai Properties Limited.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed amendments to approved development;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) eight local views were received from the District Officer, of which one supported the application and seven objected to the application on environmental, traffic, visual and drainage grounds. Three verbal local objections were also received from the District Officer mainly on environmental and visual grounds;

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

- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed amendments mainly involved the deletion of Lot 419 in D.D. 116 and consequential adjustment of the Master Layout Plan, site area, commercial gross floor area of the non-domestic podium and provision of car parking and loading/unloading facilities. The development parameters of the residential portion remained unchanged and the proposed

development was still in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. The local objections had previously been raised on applications No. A/YL/132 and A/YL/134 and had been fully considered by the Committee. Other concerned Government departments including the Transport Department, Environmental Protection Department, and Drainage Services Department had no objection to or no adverse comments on the application.

126. In response to the Vice-chairman’s question on whether the plot ratio would be affected by the deletion of Lot 419, Mr. Wilson Y.L. So, DPO/TMYL, said that with the deletion of Lot 419, the plot ratio for the site was still within the composite plot ratio calculated based on 5 for domestic and 9.5 for non-domestic. Hence, the total gross floor area would be reduced.

Deliberation Session

127. Mr. Francis Ng raised the following questions and concerns :

- (a) noting that Lot 419 had been excluded from the proposed development, an access to this lot would be reserved;
- (b) the management and maintenance responsibilities of the public facilities shown in Drawing M-1A in Appendix Id of the Paper, such as public footpath and cycle track, noting that responsibilities should not be transferred to the future flat owners;
- (c) there was a footbridge connection problem as no agreement had been sought from the adjoining Kowloon-Canton Railway Corporation (KCRC) and Government sites; and
- (d) if the public passageway on the first floor was excluded from gross floor area (GFA) calculation, whether there would be any restriction on the width of the passageway.

128. In reply, Mr. Wilson Y.L. So made the following points :

- (a) although the applicant had not yet acquired Lot 419 in whole at this stage, the applicant was the major shareholder (11/15 shares) of the lot and had submitted an undertaking to the Lands Department confirming the intention to provide a pedestrian access to the lot and to pursue the acquisition of the remaining shares of the lot. The pedestrian access to the lot was included in the current scheme and in the land grant document of YLTL 504. When the Lot 419 was acquired in whole, it was expected that the applicant would submit a revised Master Layout Plan to the Town Planning Board for consideration;
- (b) for the future management and maintenance of the public facilities (i.e. the proposed public footpath, cycle track, and landscape and bicycle parking areas), the applicant agreed to take up the management and maintenance responsibilities of these public facilities until such time as the concerned Government departments would take over. For the landscaped area on the nullah deck, the responsibilities would be associated with the shopping centre but not the future flat owners. The applicant could be advised to further liaise with the Lands Department with a view to resolving the relevant issues at the land grant stage;
- (c) for the footbridge connection problem, the applicant should be advised to further discuss with relevant departments including the Lands Department, Highways Department, Transport Department and the KCRC at the land grant and implementation stages; and
- (d) The area of the public passageway was not included in GFA calculation in the previously approved scheme (application No. A/YL/134), which remained unchanged in this application. Whether the GFA was to be exempted or bonus plot ratio be granted should be determined by the Building Authority (BA) in consultation with relevant Government

departments at the building plan submission stage. The applicant stated that he did not intend to claim bonus plot ratio for the public passageway. Subject to the BA's decision, if such passageway had to be included in GFA calculation, the applicant had to submit a revised scheme for the Town Planning Board for consideration. Relevant advisory clause had been suggested in paragraph 10.5 (j) of the Paper if the current scheme was approved.

129. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance respectively, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.9.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account conditions (d), (g) to (j) and (m) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of the Landscape Master Plan, including the landscaping for the nullah deck along the south-western boundary of the application site which was open for public use as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of structural openings and supports for footbridges connecting to adjacent developments in the north, east, west and south of the site, and those for vehicular bridge connecting to the "Comprehensive Development Area" development to the north, as proposed by the applicant, to the satisfaction of the Director of Highways

or of the TPB;

- (e) the design and implementation of the improvement works for Pok Oi Interchange of Yuen Long Highway and Castle Peak Road-Yuen Long , as proposed by the applicant, to the satisfaction of the Commissioner of Transport or of the TPB;
- (f) the design and implementation of the junction improvement works for Fung Kam Street/Fung Yau Street South and Fung Cheung Road/Fung Kam Street, as proposed by the applicant, to the satisfaction of the Commissioner of Transport or of the TPB;
- (g) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to all residential blocks to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the provision of vehicular access arrangement, including internal vehicular access and ingress/egress points to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of a nursery/kindergarten, as proposed by the applicant, to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (j) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the provision of sewerage works and the arrangement of their operation and maintenance, as recommended in the approved sewerage impact assessment and necessitated by the development, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of a revised drainage impact assessment to ascertain the

effects of the proposed development and the provision of flood mitigation measures and drainage facilities, as necessitated by the proposed development, to the satisfaction of the Director of Drainage Services or of the TPB;

- (m) the provision of a Drainage Reserve for the operation and maintenance of the nullah along the south-western boundary of the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and
- (o) the design and implementation of the cycle parking provision on the nullah deck, the upgraded layout of Yau Tin East Road and the cycle track/footpath system of the development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) revise the MLP to take into account the conditions of approval imposed by the Board. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Board and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) note the Chief Estate Surveyor/Headquarters, Lands Department's comments in paragraph 9.1.1 of the Paper, in particular to liaise with the KCRC on the proposed footbridge linking to the proposed property development associated with the West Rail Yuen Long Station;

- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 9.1.3 of the Paper;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments in paragraph 9.1.4 of the Paper;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments in paragraph 9.1.6 of the Paper;
- (f) note the Chief Engineer/Sewerage Projects, Drainage Services Department's comments paragraph 9.1.7 of the Paper;
- (g) note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 9.1.8 of the Paper;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments in paragraph 9.1.9 of the Paper;
- (i) continue to liaise with relevant Government departments and KCRC on the implementation of the proposed public facilities and footbridges as stated in paragraph 10.1(b) and (c) of the Paper;
- (j) submit a revised scheme for the Board's consideration if the area of the 24-hour public passageway was to be included into the Gross Floor Area and plot ratio calculation as stated in paragraph 10.2 of the Paper; and
- (k) approach the Village Representatives of Ha Yau Tin Tsuen, Sheung Yau Tin Tsuen, Tai Wai Tsuen, Tung Tau Tsuen, Ying Lung Wai and Tung Sun Wong Uk Tsuen explaining the development proposal and implementation progress as stated in paragraph 10.3 of the Paper.

General Comment

131. A Member suggested that in order to facilitate Members' understanding of the proposed amendments to the previously approved development, the actual changes should be highlighted in the drawings showing the comparison between the current scheme and the previously approved scheme. The Secretary agreed that this could be done.

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

132. The Vice-chairman said that as the Chairman had arrived to join the meeting, he passed back the chairmanship to the Chairman.

[Mr. Y.K. Cheng returned to join the meeting while Mr. Francis Ng left the meeting temporarily at this point.]

[A short break of 5 minutes was taken.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 12A Application

Y/NE-LYT/1 Application for Amendment to the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/11 from “Agriculture” and “Village Type Development” to “Residential (Group C)”, Lots 897 and 916B(Part) in DD 83 and Adjoining Government Land, Kwan Tei South, Fanling (RNTPC Paper No. Y/NE-LYT/1)

Presentation and Question Session

133. The Committee noted that the applicant had requested on 7.4.2006 for deferment of the consideration of the application to allow time for the applicant to clarify the resumption limit of the project ‘Improvement Works at Lung Ma Road and Its Junction with Sha Tau Kok Road’ which would be gazetted by the Highways Department within 1 month.

Deliberation Session

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-LT/356 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 243A in DD 8, Tai Mong Che Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/356)
-
- (ii) A/NE-LT/357 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 243B in DD 8, Tai Mong Che Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/357)
-
- (iii) A/NE-LT/358 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 243RP in DD 8, Tai Mong Che, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/358)
-

Presentation and Question Session

135. Noting that the Applications No. A/NE-LT/356 to 358 were similar in nature and application sites were located in close proximity to each other, the Committee agreed to consider the three applications together.

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

- (a) background to the applications;
- (b) the proposed house (NTEH) (Small House) at each of the application sites;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received against the three applications during the publication period raising objections on visual and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons detailed in paragraph 11.1 of the Papers in that the proposed developments complied with the interim criteria for assessing planning applications for NTEH/Small House development. It would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding areas.

137. In response to the Chairman's enquiry on the three public comments received, Mr. W.K. Hui, DPO/STN, said that the three public comments were made by the same investment company, raising objections on visual and environmental grounds. He remarked that concerned Government departments had been consulted on these public comments and had no comment on the public comments and no objection to the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the Applications No. A/NE-LT/356 to 358, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 28.4.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each 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 implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of an emergency vehicular access or the incorporation of residential sprinkler system to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) 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; and
- (f) the submission of a slope assessment and the implementation of stabilization works identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

139. The Committee also agreed to advise each of the applicants to note 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) there were low voltage underground cables in the vicinity of the application site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when

carrying out works in the vicinity of the underground electricity cables;
and

- (d) if the slope assessment investigation mentioned in condition (f) above indicates that the proposed development would adversely affect or be affected by the adjacent slopes, and landslip preventive or remedial works were required, then the works proposed together with the prescribed plans for site formation works should be submitted to the Building Authority for approval under the provisions of the Buildings Ordinance.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/TP/360 Proposed Four Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Village Type Development”, “Government, Institution or Community” and “Green Belt” zones, Lots 244, 245, 246A, 256A and 256G in DD 32 and Adjoining Government Land, Ha Wong Yi Au Village, Tai Po
(RNTPC Paper No. A/TP/360)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed four houses (NTEHs) (Small Houses) ;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) one public comment was received during the publication period raising concern on adverse traffic impact; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons detailed in paragraph 13.1 of the Paper in that the proposed development complied with the interim criteria for assessing planning applications for NTEH/Small House development. It would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding area. Although there was local concern on possible adverse traffic impact of the development, the Transport Department had no objection to the application.

141. Members had no question on the application.

Deliberation Session

142. In response to the Chairman's enquiry on the public comment received, Mr. W.K. Hui, DPO/STN, said that the public comment was made by one local villager raising concern on adverse traffic impact of the proposed development. He remarked that the Transport Department had no objection to the application and the Tai Po District Office had already planned to build a van track to serve the area as shown on Plan A-2 of the Paper.

143. 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 28.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of an emergency vehicular access with street fire hydrant to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the submission of a Geotechnical Planning Review Report and implementation of mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department 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.

144. The Committee also agreed to advise the applicant to note that :

- (a) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, and to sort out the land matters related to the construction, operation and maintenance of the inside services within the private lots;
- (b) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (c) the applicant was required to submit site formation works to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (d) the applicant should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant should liaise with CLP Power Hong Kong Ltd. to divert the existing overhead lines or have them replaced by underground cables; and
- (e) the applicant should preserve as many trees as possible within the application sites.

Deliberation Session

147. The Chairman said that the site fell within the “Green Belt” zone. Nevertheless, there were two previous planning permissions granted and the application site was a town lot granted in 2004. He added that the proposed amendments were considered minor in nature and there was no change in the development intensity.

148. 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 28.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services Department or of the TPB;
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of vehicular access arrangements leading from Tai Po Road to the application site to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of fire service installations and firefighting water supplies to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission of a slope assessment and the implementation of stabilization works identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

149. The Committee also agreed to advise the applicant to note that :

- (a) there were low voltage overhead lines within and in the vicinity of the application site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines;
- (b) the applicant might need to extend his inside services to the nearest government water mains for water 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 the Water Supplies Department’s standards;
- (c) the applicant should observe Building (Planning) Regulation 41D regarding provision of emergency vehicular access to the application site; and
- (d) prior approval from relevant departments should be obtained for any tree felling works.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/NE-LYT/327 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1776 in DD 76, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/327)
-

Presentation and Question Session

150. Miss Alice Y.C. Liu, 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 – no objection from concerned Government departments was received;
- (d) two public comments were received during the publication period raising concerns on possible flooding impact on the existing footpath and carpark as well as public hygiene; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons detailed in paragraph 11.1 of the Paper. On the local concerns, the Lands Department advised that the development was entirely within the boundary of Lot 1776 and would not affect the existing footpath and carpark adjacent to the site. Other Government departments consulted had no objection to the application.

151. Members had no question on the application.

Deliberation Session

152. 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 28.4.2010, 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 provision of street fire hydrant within 100m from the site to the satisfaction of the Director of Fire Services or of the TPB;

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

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

[Dr. Lily Chiang left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (vii) A/NE-TKL/284 Temporary Open Storage, Warehouse and Cargo Handling for Loading and Unloading of Cargo for a Period of 3 Years in "Open Storage", "Agriculture", "Green Belt" and 'Road' zones, Lots 165RP and 167 in DD 83 and Adjoining Government Land, Kwan Tei North, Fanling
(RNTPC Paper No. A/NE-TKL/284)
-

Presentation and Question Session

154. Miss Alice Y.C. Liu, STP/STN, drew Members' attention to the two replacement pages 10 and 11 tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - highlighting that the application site was divided into two portions. The western large portion fell mainly within the

“Open Storage” (“OS”) zone with a minor portion falling within an area designated as ‘Road’. The eastern small portion fell mainly within the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones;

- (b) the proposed temporary open storage, warehouse and cargo handling for loading and unloading of cargo for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected. No objection from other concerned Government departments was received;
- (d) One public comment was received during the publication period raising objection on the grounds of adverse environmental and traffic impacts and security problem. Three local views were received from the District Officer. One had no comment on the application and two objected to the application on traffic, drainage, safety, environmental and health grounds. One of the local objections had attached seven pages of the locals’ signatures as set out in Appendix Va of the Paper; and
- (e) Planning Department (PlanD)’s views – PlanD considered that the application use could be tolerated for a period of 3 years for the reasons detailed in paragraph 12.1 of the Paper in that about 96% of the site fell within the “OS” zone and the development was not incompatible with the surrounding uses which were mainly open storage yards, warehouses and workshops. Although the last approval (application No. A/NE-TKL/275) granted on 9.9.2005 was revoked on 9.12.2005 due to non-compliance of approval conditions, the applicant had submitted proposals for drainage, landscaping works, fire service installations and details of emergency vehicular access. Concerned Government departments had no adverse comments on the application. The EPD’s concern could be addressed by imposing relevant approval conditions.

[Dr. Lily Chiang returned to join the meeting at this point.]

155. Referring to Plan A-4 of the Paper, a Member raised the following concerns and questions :

- (a) noting that some residential structures were located adjacent to the application site, whether there was an interface problem between the development and the residential structures ;
- (b) the open storage use and parking of vehicles found in the eastern portion of the site would cause nuisance to the adjoining residential structure (i.e. Champagne House); and
- (c) given that the nearby bridge was the only vehicular access to the site which was not maintained by the Highways Department as stated in paragraph 10.1.4 of the Paper, whether the bridge was suitable for heavy and container vehicles which would likely cause noise nuisance to the surrounding residents.

156. In reply, Mr. W.K. Hui, DPO/STN, and Miss Alice Y.C. Liu made the following points :

- (a) although the site was located near the residential structures, about 96% of the site fell within the “OS” zone and open storage use was permitted as of right under such zoning. The application was required only because part of the application site also fell within the “AGR” and “GB” zones and areas shown as ‘Road’;
- (b) an approval condition had been imposed on the last approval to prohibit open storage or cargo handling uses in the eastern portion of the site; and
- (c) there were only four to five vehicular trips generated daily and the Transport Department had no objection to the application.

157. In response to the Chairman's question on the local objection letter with seven pages of the locals' signatures received by the District Officer/North, Mr. W.K. Hui said that similar local objections had been received and considered in the last application. Moreover, concerned Government departments had no objection to the current application.

[Dr. James C. W. Lau left the meeting at this point.]

Deliberation Session

158. Noting that there were local objections to the application, the Chairman said that the crux of the matter was whether the application site was suitable for open storage use. While majority part of the site fell within the "OS" zone and open storage use was always permitted, consideration should still be given to the actual conditions of the site and its surrounding environment, and whether the environmental concerns raised could be addressed. In response, Mr. W.K. Hui said that if planning permission was granted, relevant approval conditions could be imposed including the restriction of operation hours, the requirements to submit and implement the drainage proposals and loading and unloading arrangements for consideration.

159. In response to a Member's enquiry concerning the local objections, Mr. W.K. Hui said that he had no information on where the objectors came from.

160. Noting that there was local concern on the industrial operation and burning of plastic waste on the application site as mentioned in the local objection letter, a Member asked how the concern would be addressed. Mr. W.K. Hui referred Members to the site photos at Plans A-4 and A-5 of the Paper and said that according to the site inspection record, the site was partly vacant and partly used for warehouse, and no industrial operation was detected on site. The Chairman added that should the application be approved, a condition prohibiting industrial operation on the site could be imposed and the permission could be revoked if such condition was not complied with.

161. In response to a Member's concern on the use of the adjoining bridge by heavy or container vehicles, the Chairman pointed out that the Transport Department would have

imposed a restriction to prohibit such vehicles to use the bridge should there be any loading capacity problem. Another Member said that there would possibly be noise nuisance generated from heavy or container vehicles using the bridge. The Chairman said that according to the applicant, there were only a few vehicular trips generated daily from the site, and the noise impact could be addressed by restricting the operation hours of the site.

162. In summary, the Chairman said that in order to minimize the environmental impact on the residential use in the area, the eastern portion of the site should not be used for open storage or cargo handling purposes. The local concerns could be addressed by the imposition of approval conditions to restrict operation hours and to prohibit industrial operation. Members agreed.

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2009, 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 6:30 p.m. to 8:00 a.m. as proposed by the applicant, was permitted within the application site during the planning approval period;
- (b) no dangerous goods or electronic parts wastes would be stored or handled within the site as proposed by the applicant at any time during the planning approval period;
- (c) no open storage or cargo handling uses were allowed within the eastern part of the application site which was zoned “Green Belt” and “Agriculture” on the Outline Zoning Plan at any time during the planning approval period;
- (d) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2006;

- (e) in relation to (d) above, the implementation of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2006;
- (f) 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 28.7.2006;
- (g) in relation to (f) above, the provision 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 28.10.2006;
- (h) the implementation of vehicular, parking, loading/unloading arrangements within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.10.2006;
- (i) the submission of proposals on fire service installations and fire fighting water supplies within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2006;
- (j) in relation to (i) above, the provision of fire service installations and fire fighting water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2006;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

164. The Committee also agreed to advise the applicant to note that :

- (a) shorter compliance periods were granted in order to monitor the compliance of approval conditions on the site;
- (b) relevant environmental measures should be implemented as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
- (c) the applicant should ensure that the operation of the proposed development would not cause disturbance to the bat and its roosting site established in the Champagne House in the vicinity of the application site;
- (d) the applicant should apply to the District Lands Office/North, Lands Department for a Short Term Waiver and a Short Term Tenancy for the regularization of the structures erected on site and the occupation of Government land respectively;
- (e) the cost of necessary diversion of the existing water mains affected by the development was to be borne by the development project and water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) Authorized Person had to be appointed to coordinate all building works and the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in future;
- (g) the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by Buildings Department; and

- (h) detailed comment on provision of fire service installations would be offered by Director of Fire Services upon receipt of building plans. In case of general building plan submission was not required under the Buildings Ordinance, the applicant was advised to submit relevant building plans incorporated with proposed fire service installations to Director of Fire Services for further consideration.

[Dr. C.N. Ng left the meeting while Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

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)

Presentation and Question Session

165. Miss Alice Y.C. Liu, STP/STN, drew Members’ attention to the replacement page 14 tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the previously approved scheme;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) one local objection was received from the District Officer mainly on the grounds of tall building blocks and high plot ratio and safety of pedestrians and cyclists; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons detailed in paragraph 8.1 of the Paper in that the proposed amendments to the previously approved scheme (application No. A/MOS/61) was in response to market demand and the current scheme was in line with the planning intention of the “Comprehensive Development Area (1)” zone. The local objection was basically the same as that lodged in respect of the previously approved scheme, and concerned Government departments had no objection to the current scheme.

166. Members had no question on the application.

Deliberation Session

167. The Chairman said that an application for Class B amendments could be considered by the Director of Planning under the delegated authority of the Town Planning Board. However, for the subject case, the application was submitted to the Committee for consideration as there was local objection. Noting that the local objection was mainly concerned about the tall building blocks and high plot ratio, and safety of pedestrians and cyclists, he said that the concerns on building height and development intensity had already been discussed by the Committee in the context of the previously approved scheme. He then asked whether the concern on safety of pedestrians and cyclists could be addressed.

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

168. In reply, Mr. W.K. Hui, DPO/STN, referred Members to Drawing AA-1 of the Paper and said that the concern on safety of pedestrians and cyclists could be addressed as an additional subway and footbridge for pedestrians and cyclists across Roads A and B had

already been planned.

169. In response to Mr. Francis Ng's concern that no agreement had been reached on the separate alienation of the Government land within the site, the Chairman said that the land exchange issue had been discussed previously, and the applicant should continue to liaise with the Lands Department with a view to resolving the matter. Mr. W.K. Hui added that a condition requiring the applicant to revise the Master Layout Plan (MLP) to show the separate alienation of the Government land in the north-eastern part of the site had been suggested in paragraph 8.3 (b) of the Paper.

[Dr. Lily Chiang left the meeting temporarily at this point.]

170. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance respectively, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.5.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to the satisfaction of the

Director of Environmental Protection or of the TPB;

- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission of a revised traffic impact assessment and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of emergency vehicular access and fire safety measures to the satisfaction of Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten and sites for a primary school and a secondary school to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (k) the submission of a revised cultural heritage impact assessment, including an archaeological survey and a historical survey, and the implementation of recommendations identified therein to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) the submission of a revised drainage impact assessment and the

implementation of the drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;

- (m) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (n) the implementation of the sewerage facilities identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (o) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and
- (p) the submission of an implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) note the proposed new roads leading to the proposed development required under the Buildings Ordinance should be completed prior to application for occupation permit;
- (c) liaise with CLP Power to ensure the additional electricity demand for the proposed development could be supplied from the existing electricity

network;

- (d) liaise with the Assistant Commissioner for Transport/New Territories, Transport Department regarding the revision of the Traffic Noise Impact Assessment; and
- (e) provide the Director of Environmental Protection with the traffic noise model.

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

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

Sai Kung & Islands District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung & Islands (DPO/SK&Is), and Mr. Stephen M.Y. Wong, Town Planner/Sai Kung & Islands (TP/SK&Is), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-HC/129 Proposed Two New Territories Exempted Houses (NTEHs) in "Green Belt" zone, Lots 818 and 823 in DD 247, Kau Tsin Uk, Sai Kung (RNTPC Paper No. A/SK-HC/129)
-

Presentation and Question Session

172. 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 two NTEHs ;
- (c) departmental comments – highlighting that the Head of Geotechnical Engineering Office (H(GEO), CEDD) of Civil Engineering and Development Department objected to the application as the site was close to steep natural terrain and might be affected by potential landslide hazards. Natural Terrain Hazard Study (NTHS) and provision of necessary mitigation measures were required. The Urban Design and Landscape Section of PlanD and the Transport Department also raised concerns on tree felling and cumulative traffic impact respectively. 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 the reasons detailed in paragraph 11.1 of the Paper in that there was a previous planning permission granted. The application site was a house lot and the approval of the application would respect the land entitlement. The proposed development was located near the “Village Type Development” zone. In view of the small scale of the development, it would unlikely cause significant impact on the surrounding area. As only common fruit trees would be removed, the concern on tree felling could be addressed by imposing an approval condition requiring submission and implementation of landscape and tree preservation proposals. Regarding the H(GEO), CEDD’s concern on the requirement for NTHS and provision of necessary mitigation measures which might render the proposed development economically not viable, it would be up to the applicant to

decide whether he would like to proceed with the development or not.

173. Members had no question on the application.

Deliberation Session

174. The Chairman said that as the application site was a house lot with previous planning permission and the proposed development was not incompatible with the surrounding area, favourable consideration could be given to the application. Members agreed.

175. 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 28.4.2010, 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 design and provision of drainage facilities to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the provision of septic tank and a soakaway pit for foul effluent disposal at a distance of not less than 30m from any watercourse to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission of natural terrain hazard study and implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

176. The Committee also agreed to advise the applicant to liaise with the District Lands Officer/Sai Kung, Lands Department regarding the land exchange of the subject

development.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/TKO/77 Proposed Religious Institution
in “Residential (Group A)” zone,
Shop 17, G/F, Commercial Centre,
Fu Ning Garden, 25 Po Ning Road,
Tseung Kwan O
(RNTPC Paper No. A/TKO/77)
-

Presentation and Question Session

177. 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 religious institution use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) six public comments were received during the publication period. Two comments supported, and four objected to the application on the grounds of causing nuisance to the residents and breach of the Deed of Mutual Covenant (DMC); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed religious institution was located within a free-standing commercial complex and was not incompatible with the adjoining uses within the complex. Although there were local concerns on possible

nuisance to the residents, the Environmental Protection Department had no objection to the application.

178. Members had no question on the application.

Deliberation Session

179. The Chairman said that similar applications for religious institution use and the DMC issue had been thoroughly discussed at the Metro Planning Committee's (MPC) Meeting held in the morning session. The MPC concluded that favourable consideration could be given where there were separate accesses provided for the residents and religious institution. Regarding the DMC issue, the view taken was that the applicant should liaise with the Owners Corporation with a view to resolving the matter, and the Committee should focus on the land use and planning considerations.

180. 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 28.4.2010, 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 provision of car parking spaces and loading/unloading for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) liaise with the Director of Lands regarding the need for a lease modification application; and

- (b) note the advice of Legal Advisory and Conveyancing Office of District Lands Officer/Sai Kung that the proposed use of the application premises as a religious institution would be in breach of Deed of Mutual Covenant.

[Dr. Lily Chiang returned to join the meeting at this point.]

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

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

182. The application was submitted by Mass Transit Railway Corporation Limited (MTRC). The Committee noted that Miss Cindy Law, being the Assistant Commissioner for Transport/New Territories of the Transport Department, was an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport) 1 who was a member of the Board of MTRC. Miss Cindy Law had declared an interest in this item and had tendered her apologies for being unable to attend the meeting.

Presentation and Question Session

183. With the aid of a Powerpoint presentation, Mr. Stephen M.Y. Wong, TP/SK&Is, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the previously approved scheme;
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) 28 local views were received from the District Officer. Six comments supported, 20 had no comment and two objected to the application mainly on grounds of inadequate provision of bicycle parking spaces and the adverse traffic impact; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed amendments to the previously approved scheme were generally technical and minor in nature and were considered acceptable. The major development parameters remained unchanged as compared with the previously approved scheme. Concerned Government departments generally considered the proposed amendments and the technical assessments on traffic, environmental, infrastructural and visual impacts for the proposed development acceptable. Regarding the local concerns on the inadequate provision of bicycle parking spaces and the traffic impact, there was an increase by 50% in the provision of bicycle parking spaces under the current scheme, and the Transport Department had no comment on the current scheme.

184. A Member raised the following questions :

- (a) what were the reasons for and implication of deleting the previously proposed integrated family services centre;
- (b) noting that an icon building had been incorporated into the Central Park, whether there was a decrease in the provision of open space in the Central Park; and
- (c) what was the implication of the revision to the location of school sites.

185. In reply, Mr. Michael C.F. Chan, DPO/SK&Is, made the following points :

- (a) the integrated family services centre was deleted as the Social Welfare Department recently advised that there was no requirement for such provision in the area;
- (b) there was a redesign of the Central Park without any change in the amount of open space provision; and
- (c) according to the Education and Manpower Bureau (EMB), there was no implementation programme for the proposed schools. The locations of school sites were revised and included in the later phases of the development. The currently proposed school sites complied with the requirements of the Hong Kong Planning Standards and Guidelines, and were acceptable to the EMB and other concerned Government departments like the Architectural Services Department.

Deliberation Session

186. In response to a Member's question on whether there was any new ground raised in the local objections, Mr. Michael C.F. Chan said that the local concerns were mainly related to the inadequate provision of bicycle parking spaces and the traffic impact on the surrounding area. He then said that under the current scheme, there was an increase by 50% in the provision of bicycle parking spaces to 2,005 spaces, and the Transport Department had no comment on the application.

187. In response to Mr. Francis Ng's question on whether the station facilities and covered pedestrian walkway were included in gross floor area calculations, the Chairman said that such issues should be sorted out by the applicant in the land grant and building plan submission stages. The Secretary supplemented that there was no revision to the public transport facilities in the current scheme and there was provision in the Notes for the "Comprehensive Development Area" zone to disregard those facilities in gross floor area calculations.

188. 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 13.8.2008, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) and development schedule to take into account the approval conditions (b), (c) and (e) to (ae) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of environmental mitigation measures within the application site, including but not limited to noise, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a report on the feasibility of applying low noise road surfacing at Wan Po Road, as proposed by the applicant, to the satisfaction of Director of Highways or of the TPB;
- (e) the provision and maintenance of the noise mitigation measures identified in the report mentioned in (d) above or any other alternative measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission and implementation of an environmental monitoring and audit programme to ensure protection of the future residents in Area 86 from the potential industrial noise impact from the Tseung Kwan O Industrial Estate, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;

- (g) the submission and implementation of a monitoring programme and contingency plan for dealing with potential landfill gas and leachate migration to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the design and provision of emergency vehicular access, fire service installations and fire fighting water supplies to the satisfaction of the Director of Fire Services or of the TPB;
- (i) the submission of a further traffic impact assessment with proposed mitigation measures prior to the implementation of Stage 2 and Stage 3 of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the detailed design and provision of vehicular accesses arrangement to the application site and internal roads and roadside loading/unloading facilities within the application site to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of decking of internal roads within the application site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the design, construction and timing on the operationalization of the temporary and permanent combined public transport interchanges to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the design and provision of a cycle track and cycle parking system serving the development to the satisfaction of the Commissioner for Transport or

of the TPB;

- (o) the submission of a detailed assessment on the adequacy of pedestrian circulation facilities at the junction of Wan Po Road and Shek Kok Road and provisions of improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (p) the design and provision of a covered pedestrian walkway system within the application site and a footbridge across Road D10 (to be known as Road L861), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (q) the design and provision of structural support and connections for one footbridge across Road D9 and for two possible footbridges across Wan Po Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (r) the submission of a revised visual impact assessment study for the Master Layout Plan and implementation of the mitigation measures identified therein to the satisfaction of Director of Planning or of the TPB;
- (s) the design and provision of terraced podia for Package 1 and Package 2 within Stage 1 of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (t) the design and provision of drainage and sewage disposal facilities including drainage and sewerage reserves to the satisfaction of the Director of Drainage Services or of the TPB;
- (u) the designation of water main reserves within the application site to the satisfaction of the Director of Water Supplies or of the TPB;
- (v) the design and provision of a minimum of 2.3 hectares of district open space and 5.76 hectares of local open space to the satisfaction of the

Director of Leisure and Cultural Services or of the TPB;

- (w) the design, provision, maintenance and management of a 3m green strip between the southern boundary of the application site and Road D9 as proposed by the applicant to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (x) the design and provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (y) the provision of a site for an indoor recreation centre to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (z) the design and provision of kindergartens to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (aa) the design and provision of four primary schools and three secondary schools to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (ab) the design and provision of an integrated team of children and youth services centre, neighbourhood elderly centre, nursery, social centres for the elderly and residential care home for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (ac) the design and provision of a community hall to the satisfaction of the Director of Home Affairs or of the TPB;
- (ad) the design and provision of a police facility room to the satisfaction of the Commissioner of Police or of the TPB; and
- (ae) the submission and implementation of a staged development programme of the proposed development based on a comprehensive traffic impact

assessment to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as practicable;
- (b) liaise with the Project Manager/New Territories East, Civil Engineering and Development Department and Chief Estate Surveyor/Railway Development, Lands Department to incorporate a clause in the land grant conditions on the provision of noise mitigation measures at the southern boundary of the application site, as proposed by the applicant, to tie in with the construction of Road D9;
- (c) note and consider the comments from the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department in paragraph 9.1.13 of the Paper revising the visual impact assessment study;
- (d) liaise with the Director of Leisure and Cultural Services, Project Management/New Territories East, Civil Engineering and Development Department and Chief Estate Surveyor/Railway Development, Lands Department to work out the details related to the implementation, maintenance and management of the 10m green strip between the southern boundary of the application site and Road D9, as proposed by the applicant; and
- (e) follow the requirements as stipulated in Practice Notes for Authorized Person No. 165 and Environment, Transport and Works Bureau Technical Circular for submission of engineering works as part of the site falls within

the Strategic Sewerage Disposal Scheme Tunnel Protection Area.

Remarks

190. The Chairman said that the remaining item in the Agenda would not be open for public viewing as the subject application was submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 12

Any Other Business

191. There being no other business, the meeting was closed at 6:40 p.m..