

## **TOWN PLANNING BOARD**

### **Minutes of 328th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.6.2006**

#### **Present**

Director of Planning  
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Dr. James C.W. Lau

Chief Traffic Engineer (New Territories West),  
Transport Department  
Mr. Y.M. Lee

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

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

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Assistant Director (2), Home Affairs Department  
Miss Linda Law

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Miss Jessica K.T. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 327th RNTPC Meeting held on 2.6.2006

[Open Meeting]

1. The draft minutes of the 327th RNTPC meeting held on 2.6.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) Abandonment of Town Planning Appeal

Town Planning Appeal No. 7 of 2005 (7/05)  
Temporary Refreshment Kiosk, Toilet and Seating Areas  
for a period of 3 years in “Coastal Protection Area”  
and “Comprehensive Development Area” zones,  
Lots 100 and 109 in DD 218, Shap Sz Heung, New Territories  
(Application No. A/NE-SSH/38)

2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 29.3.2005 against the decision of the Town Planning Board on 4.2.2005 to reject on review an application (No. A/NE-SSH/38) for temporary refreshment kiosk, toilet and seating areas for a period of 3 years at a site zoned “Coastal Protection Area” and “Comprehensive Development Area” on the Shap Sz Heung Outline Zoning Plan. The appeal was abandoned by the appellant of his own accord and the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations on 7.6.2006.

- (ii) Town Planning Appeal Statistics

3. The Secretary reported that as at 16.6.2006, 27 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	115
Yet to be Heard	:	27
<u>Decision Outstanding</u>	:	<u>3</u>
Total	:	244

### Remarks

4. The Chairman said that the Agenda Item 3 would not be open for public viewing since it was in respect of a rezoning request submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

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

[Dr. Lily Chiang, Mr. Edmund K.H. Leung and Dr. C.N. Ng joined the meeting at this point.]

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

### **Agenda Item 4**

#### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-SKW/50 Temporary Vegetable Collection and Transfer Station  
for a Period of 3 Years  
in “Village Type Development” zone,  
Government Land in DD 375,  
So Kwun Wat,  
Tuen Mun  
(RNTPC Paper No. A/TM-SKW/50)
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### Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vegetable collection and transfer station for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation supported the application as the station was to provide vegetable marketing services for the area;
- (d) during the statutory publication period, three public comments, including one from the Aegean Coast Owners' Corporation, were received objecting the application on traffic, noise and environmental nuisances generated from the applied use; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. Regarding the local objections, concerned Government departments including the Environmental Protection Department (EPD) and the Transport Department had no adverse comments on the application. The subject vegetable collection and transfer station had been in operation for four years with no pollution complaints received by EPD in the past three years.

11. Referring to the concerns raised by the Aegean Coast Owners' Corporation, the Chairman remarked that the site was about 1 km away from the Aegean Coast residential development and on the other side of Tuen Mun Road. Given the small scale of the operation, the use would unlikely cause significant traffic and environmental impacts on the Aegean Coast residential development and the surrounding areas.

### Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 7 p.m. and 6:30 a.m. should be carried out at the application site during the planning approval period;
- (b) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (c) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.12.2006;
- (d) in relation to (c) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.3.2007;
- (e) the provision of 9-litre water type/3 kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006;
- (f) if 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



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

15. Referring to Plans A-2 and A-4 of the Paper, a Member noted that the site was located on a slope area and asked whether the nearby roads and trees would be affected if slope work would be required. Mr. Wilson Y.L. So, DPO/TMYL, replied that, as advised by the Civil Engineering and Development Department, the applicant was required to appoint an Authorised Person or an engineer to carry out an investigation to see whether the proposed development would adversely affect the sloping ground or any slope mitigation measures would be required. As there was no tree nor vegetation currently existed on the site, the proposed development would not involve any tree felling and vegetation clearance. The Chairman remarked that the proposed slope mitigation measures would be dealt with in details by the relevant Government departments during the land grant stage.

#### Deliberation Session

16. In response to a Member's enquiry on the maintenance responsibility of those slope works, Mr. Francis Ng said that if landslip preventive or remedial works to the sloping grounds were required to be undertaken by the applicant, the applicant would be responsible for the maintenance of those completed slope works.

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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.

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



- (a) to note the Head (Geotechnical Engineering Office), Civil Engineering and Development Department's comments on page 2 in Appendix IV of the Paper;
- (b) to note the comments of the Director of Fire Services on page 1 in Appendix IV of the Paper; and
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for the maintenance of any existing vehicular access adjacent to the application site.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)        A/YL-HT/452        Renewal of Planning Approval for  
Temporary Open Storage of  
Used Air Conditioners and Metal Wares  
under Application No. A/YL-HT/306 for a Period of 3 Years  
in "Comprehensive Development Area" zone,  
Lots 41(Part), 46(Part), 49(Part), 50(Part)  
and 51(Part) in DD 128 and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/452)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of used air conditioners and metal wares under application No. A/YL-HT/306 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the site should be maintained 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 Town Planning Board by 16.9.2006;

- (d) the provision of 9-litres water type/3 kg dry powder fire extinguisher(s) in the site office(s) with 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006;
- (e) 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;
- (f) if any of the above planning condition (c) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to apply to District Lands Officer/Yuen Long (DLO/YL) for Short Term Wavier for erection of structures on the site and Short Term Tenancy for occupation of Government land;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to maintain all drainage facilities properly and rectify those facilities if it was found inadequate or ineffective during operation;
- (d) to follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses

and Open Storage Sites” issued by the Environmental Protection Department;

- (e) to 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) to 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 Sessions Only)]

- (iv) A/YL-HT/453 Proposed Temporary Open Storage of Construction Materials (Steel and Scrap Metal) for a Period of 3 Years in “Agriculture” zone, Lots 130(Part), 260(Part), 261(Part) and 268 in DD 128 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/453)
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Presentation and Question Sessions

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

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

metal) for a period of 3 years;

- (c) departmental comments – adverse comments from concerned Government departments were received including the Environmental Protection Department, the Agriculture, Fisheries and Conservation Department, the Transport Department, the Hong Kong Police Force and the Drainage Services Department;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone; there was no previous planning approval and insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications.

24. Members had no question on the application.

#### Deliberation Session

25. The Chairman remarked that that the Board/Committee had consistently rejected four previous applications in respect of the subject site and six similar applications for temporary open storage/port back-up uses within the “Agriculture” zone along Deep Bay Road. There was no strong justification provided in the submission to merit a departure from the Board/Committee's previous decisions. This view was shared by a Member who added that the subject site was one of the bad examples of open storage of recyclable materials, the operation of which should not be continued.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval, and that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in future degradation of the environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTN/250 Renewal of Planning Approval for  
Temporary Car Accessories Retail Shop  
and Ancillary Open Storage of Light Goods Vehicles for Sale  
under Application No. A/YL-KTN/175 for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lots 666B(Part) and 667(Part) in DD 110,  
Kam Tin Road,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/250)
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Presentation and Question Sessions

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) renewal of planning approval for temporary car accessories retail shop and ancillary open storage of light goods vehicles for sale under application No. A/YL-KTN/175 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

[Mr. Edmund K.H. Leung returned to join the meeting at this point.]

28. Members had no question on the application.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) 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 during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;

- (c) the drainage facilities implemented on the application site (under Application No.A/YL-KTN/175) should be maintained at all times during the planning approval period;
- (d) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 16.12.2006;
- (e) the provision of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 16.3.2007;
- (f) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006;
- (g) 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;
- (h) if any of the above planning conditions (d), (e) or (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 Town Planning Board.

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

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the irregularities and the applicant was advised to apply to his office for the cancellation and reissue of the Short Term Waiver regarding the



change of user and the regularization of the unauthorized structure on Lot 667 in D.D. 110;

- (b) to 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;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that the construction works of the "Improvement to Kam Tin Road, Stage 2" project should not be affected and the run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (d) to note the Director of Fire Services's comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans;
- (e) to 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;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" issued by the Environmental Protection Department; and
- (g) to 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 Sessions Only)]

- (vi) A/YL-KTN/252 Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts under Application No. A/YL-KTN/169 for a Period of 3 Years in “Residential (Group D)” zone, Lots 629T, 629U, 630B16 and 630B17 in DD 110, Kam Tin North, Yuen Long  
(RNTPC Paper No. A/YL-KTN/252)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction machinery, private vehicles and vehicle parts under application No. A/YL-KTN/169 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper.

32. A Member asked about the environmental complaint received by the Environmental Protection Department (EPD) in 2003. Mr. H.M. Wong replied that the information was currently not available and he believed that it might be related to the dust nuisance caused to the nearby sensitive receivers. He added that as there were sensitive uses in the vicinity of the site, i.e. residential dwellings in Shek Kong San Tsuen, environmental nuisance was anticipated.

33. Mr. Wilson So pointed out that the application was for renewal of planning approval under application No. A/YL-KTN/169 on which there was no environmental complaint received by EPD in January 2000 to May 2003. The current application was recommended for approval as there were previous planning approvals for the same use and no adverse comment from Government departments nor public comment was received.

#### Deliberation Session

34. The Chairman remarked that previous planning approvals for the same use on the application site had been given since 1998. In view of its small scale, the proposed development would unlikely cause significant environmental nuisances. In order to address the environmental concerns, appropriate approval conditions were recommended in paragraphs 12.3(a) and (b) of the Paper and the applicant would also be advised to undertake environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.

35. In response to a Member's enquiry, the Secretary clarified that the current application was for open storage use, the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) was relevant. For application No. A/YL-KTN/250 considered by the Committee at this meeting, the applied use was car accessories retail shop and the TPB PG-No. 13D was not applicable.

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no stacking of vehicle or vehicle parts above 2.5 m should be carried out on the site at any time during the planning approval period;
- (c) the existing landscape plantings and boundary fencing on the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented under Application No.A/YL-KTN/169 on the application site should be maintained at all times during the planning approval period;
- (e) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 16.12.2006;
- (f) the provision of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 16.3.2007;
- (g) the provision of a 9-litres water type/3kg dry powder fire extinguisher(s) in the site office(s) within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006;
- (h) 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;

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply to his office for regularization of the unauthorized structures on Lots 630S.Bss.16 and 630S.Bss.17 in D.D. 110 and the cancellation and reissue of the Short Term Waiver regarding the relaxation of built-over area;
- (c) to 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) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that the construction works of the "Improvement to Kam Tin Road, Stage 2" project should not be affected and the run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” issued by the Environmental Protection Department; and
- (f) to note the Director of Electrical and Mechanical Services’s 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.

[Dr. C.N. Ng left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/370 Proposed New Territories Exempted House (NTEH) (Small House) in “Village Type Development” and “Agriculture” zones, Lot 1991G in DD 106, Yuen Kong San Tsuen, Yuen Long (RNTPC Paper No. A/YL-KTS/370)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed New Territories Exempted Houses (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

39. In reply to the Chairman's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the footprint of the proposed Small House fell entirely within the "Village Type Development" ("V") zone and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the Yuen Kong San Tsuen.

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

#### Deliberation Session

40. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 16.6.2010, 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.

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

- (a) to note the Assistant Commissioner for Transport/New Territories' comment that the land status of the path/track/road leading to the site from Fan Kam Road should be checked with the lands authority and the management and maintenance responsibilities of the same path/track/road should be clarified and relevant lands and maintenance authorities should be consulted accordingly; and
- (b) to note the Director of Fire Services' comment that fire services requirements in accordance with the 'Guidelines Regarding the Delineation of 'Large' Development of NTEHs for the Purpose of Implementing

Emergency Vehicular Access Requirements' would be imposed upon the receipt of referral from the District Lands Officer/Yuen Long; and

- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person had to be appointed for the above site formation and communal drainage works.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii)        A/YL-KTS/371        Temporary Open Storage of Container Trailers for Sale, Vehicles/Spare Parts and Construction Materials for a Period of 2 Years in "Undetermined" zone, Lots 401, 403-410, 411(Part), 414, 415(Part), 447(Part), 448(Part), 462(Part), 463RP(Part) in DD 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/371)
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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    temporary open storage of container trailers for sale, vehicles/spare parts and construction materials for a period of 2 years;
- (c)    departmental comments – no objection from concerned Government departments was received;



- (d) during the statutory publication period, one public comment was received objecting the application on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 12.2 and 12.3 of the Paper. Regarding the local objection, concerned Government departments including the Transport Department and the Environmental Protection Department had no adverse comment. Any possible environmental impacts could be addressed by the approval conditions as stated in paragraphs 12.4(a), (b) and (c) of the Paper.

43. A Member enquired about the warning letter sent to the applicant on 7.10.2005 for the unauthorised vehicle repair workshop found on the site. Referring to Appendix Ic of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, responded that, as confirmed by the applicant, no workshop activity was included in the application and no workshop activity would be carried out on site. Moreover, approval condition was recommended to prohibit any workshop activities carried out on site. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority.

44. Noting that a shorter approval period of 12 months was granted to the latest Application No. A/YL-KTS/333 as part of the site fell within the works limit of the drainage project for 'Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1 Phase 2B', another Member asked why the current application was recommended for temporary approval of two years. Mr. Wilson So said that an approval period of 12 months was granted to application No. A/YL-KTS/333 in order to monitor the situation as the drainage improvement project was scheduled for construction in early April 2006 at that time. Referring to paragraph 2(d) of the Paper, Mr. So continued to say that, for the current application, in order to avoid interference with the drainage project, the applicant had proposed appropriate arrangement and undertook that all the uses within the affected portion of the site would be terminated and the land would be cleared upon land resumption for the drainage work. In this regard, approval condition was also recommended to require the setting back of the development from the work limits of the drainage project.

45. Referring to Appendix V of the Paper, the same Member asked about those large estates around Kam Sheung Road as mentioned by the commenter. Mr. Wilson So replied that there were some village type developments along Kam Sheung Road but they were far away from the application site.

46. In reply to the question raised by the Chairman, Mr. Wilson So said that, according to the Drainage Services Department, the drainage project was scheduled for construction in late 2006/early 2007. Whilst the drainage project covered a large area and could not be completed in the coming two years, the applied use could be tolerated on a temporary basis of two years pending the completion of the drainage project and the finalisation of the land use proposals for the area.

#### Deliberation Session

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

47. Referring to Plan A-2 of the Paper, Mr. H.M. Wong said that as there were sensitive uses in the vicinity of the site, environmental nuisance was anticipated. The Chairman remarked that to address any possible environmental concerns, appropriate approval conditions were recommended in paragraphs 12.4 (a), (b) and (c) of the Paper and the applicant would also be advised to undertake environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 16.6.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 6:00 p.m. and 9:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, washing, paint spraying

and other workshop activities shall be carried out on the site at any time during the planning approval period;

- (d) the solid boundary wall on the site should be maintained at all times during the planning approval period;
- (e) the setting back of the development from the works limit of the “Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1, Phase 2B” project as when required by Government departments;
- (f) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.12.2006;
- (g) in relation to (f) above, the provision of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.3.2007;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.12.2006;
- (i) in relation to (h) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.3.2007;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have

effect and should on the same date be revoked without further notice; and

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

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comment that his office reserved the right to take enforcement/control actions against irregularities;
- (c) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department; and
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)           A/YL-PH/524           Proposed Temporary Lorry Park and  
Fixing of Lorry Company Name on Lorries  
for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lots 100(Part), 101 and 102(Part) in DD 108,  
Ta Shek Wu,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-PH/524)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary lorry park and fixing of lorry company name on lorries for a period of 3 years;
- (c) departmental comments – the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and along the access road (within 30m from the site and 20m from the access road) and environmental nuisance was expected.;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the

surrounding areas.

52. The Chairman enquired about the seven similar applications in the “R(D)” zone. Mr. Wilson Y.L. So, DPO/TMYL, stated that of the seven similar applications, four of them were approved for public car park whilst three of them were rejected for parking of private car/lorry/tractor. Referring to Appendix Ib of the Paper, the operation of the proposed development mainly involved paint spraying and fixing of company plates onto the lorry truck. As the operation was akin to workshop and the application site had no record of previous approval, the current application was not supported.

#### Deliberation Session

53. Referring to Plan A-4 of the Paper, the Chairman remarked that the site was currently used for vehicle assembly workshop which was different in nature from those approved applications and did not warrant the same considerations.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” zone, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was no strong justification 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 development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/YL-PS/247            Proposed Temporary Holiday Camp Development with Ancillary Facilities for a Period of 3 Years in “Recreation”, “Village Type Development” and “Conservation Area” zones, Lots 244, 245, 247, 248, 249, 250, 251, 252, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 269, 270, 271, 274, 275, 276, 278, 279, 280, 281, 282, 284, 285, 286, 287 and 667 in DD 126 and Adjoining Government Land, Fung Ka Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/247)
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Presentation and Question Sessions

55.            On 7.6.2006, the applicant requested the Board to defer making a decision on the application in order to resolve concerns raised by the Government departments and the locals.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xi)           A/YL-SK/133           Religious Institution (Church and Ancillary Use)  
(Proposed Amendments to the Scheme Previously  
Approved under Application No. A/YL-SK/113)  
in “Village Type Development” zone,  
Lot 166A(Part) in DD 112,  
Kam Sheung Road,  
Shek Kong,  
Yuen Long  
(RNTPC Paper No. A/YL-SK/133)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) religious institution (church and ancillary use) (proposed amendments to the scheme previously approved under application No. A/YL-SK/113);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

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

58.           Members had no question on the application.



Deliberation Session

59. The Chairman remarked that the proposal involved amendments to a previously approved scheme. Given that no adverse comment from Government departments nor local objection was received, the application could be approved.

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 of drainage proposal and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the submission and implementation of landscape proposal including a tree preservation scheme to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) to apply to the District Lands Officer/Yuen Long, Lands Department for modification of the Short Term Waiver; and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site did not abut on a street of not less than 4.5m wide and the development intensity of the subject site would be subject to Building (Planning) Regulations 19(3); emergency vehicular access should be provided to the subject site under Building (Planning) Regulations 41D; and any unauthorized existing structures on site were

liable to enforcement action under section 24 of the Buildings Ordinance.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii)        A/YL-TT/199        Temporary Storage of Old Furniture  
for a Period of 3 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 734 and 735 in DD 117  
and Adjoining Government Land,  
Wong Nai Tun Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TT/199)
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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    temporary storage of old furniture for a period of 3 years;
- (c)    departmental comments – the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the area (the closest one being within 15m from the site) and environmental nuisance was expected;
- (d)    during the statutory publication period, one public comment was received objecting the application on environmental and hygiene grounds; and
- (e)    the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 12.1 and 12.2 of the Paper. The development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”), the development was not compatible with the surrounding rural land uses with residential

structures and fallow agricultural land, there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental, drainage and landscape impacts on the surrounding areas, and the approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone.

63. Members had no question on the application.

#### Deliberation Session

64. The Chairman remarked that the Board/Committee had consistently rejected the four previous applications in respect of the subject site and 16 similar applications for various temporary warehouse/ storage uses within the same “OU(RU)” zone. The approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone.

65. 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 “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding rural land uses with residential structures and fallow agricultural land;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect

of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii)      A/YL-TYST/320      Renewal of Planning Approval for  
Temporary Open Storage of Marble for a Period of 3 Years  
under Application No. A/YL-TYST/243  
in “Undetermined” zone,  
Lots 326(Part), 327A(Part), 327A1(Part),  
327B(Part), 327C(Part), 327D(Part), 328(Part),  
334(Part) and 335(Part) in DD 119,  
Shan Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/320)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of marble for a period of 3 years under application No. A/YL-TYST/243;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses along the access road leading to the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper. To address

EPD's concerns, it was recommended to advise the applicant to undertake the environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate the environmental impact. Besides, approval conditions restricting the operation hours were also recommended as stated in paragraphs 12.3 (a) and (b) of the Paper.

67. Members had no question on the application.

#### Deliberation Session

68. Whilst acknowledging that the application was generally in line with the Town Planning Board Guidelines No. 13D and approval could be given, a Member asked if there was any proposal to rezone the subject "U" zone. Mr. Wilson So said that the planning intention of the subject "U" zone was to cater for the continuing demand for open storage. The subject "U" zone had previously been considered for rezoning to general open storage use. However, both the drainage and traffic problems in the area had yet to be resolved. The same Member opined that there was growing community concern on the long-term planning intention of the area. This view was shared by the Chairman who added that, in order to address the drainage and traffic problems in the area, the land use review should be carefully undertaken based on detailed studies on the capacities of the infrastructural provision.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 7 p.m. to 7 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the provision of 3kg dry powder/9-litres water type fire extinguisher in the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to 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. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly; and
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects

of Open Storage and Temporary Uses' issued by the Environmental Protection Department.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. W.M. Lam, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Lam left the meeting at this point.]

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

[Mr. Lawrence Y.C. Chau, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and Ms. Phyllis K.Y. Lau, Town Planner/Sai Kung and Islands (TP/SKIs), were invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/28            Comprehensive Commercial and Residential Development –  
Proposed Amendments to the Approved Master Layout Plan  
from 8 Low-rise Domestic Blocks to 56 Townhouses,  
Tung Chung Town Lots 1, 2, 3, 4 and 5,  
Tung Chung Town Centre  
(RNTPC Paper No. A/I-TCTC/28)

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

71.            The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). Mr. Y.M. Lee, being an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport)<sup>1</sup> who was a member of the Board of MTRC, declared an interest in this item.

[Mr. Y.M. Lee left the meeting temporarily at this point.]

72. Ms. Phyllis K.Y. Lau, TP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed amendments to the approved master layout plan (MLP) from 8 low-rise domestic blocks (of not exceeding 8 residential storeys) to 56 residential townhouses (of 4 storeys) in Planning Area 19 of Tung Chung Town Lot (TCTL) 5 and the corresponding minor revisions of neighbouring private amenity areas, emergency vehicular access, carpark layout and private landscape area;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 16 public comments were received objecting to the application on the ground that the increase in number of building blocks would create visual impact and degrade the living environment, reduce open space area and resident's amenity facilities, increase the population, create environmental problem, and lower the property value; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the local objections, it appeared that the commenters might not have a full understanding of the previously approved schemes and there was misconception that the amendment portion was dedicated wholly for landscaped area in the approved MLP. It should be noted that the minimum open space requirement of 2.52 ha in TCTL 5 as stipulated in the approved MLP and the lease would remain unchanged. Also, the resident's amenity facilities of not less than 3,800m<sup>2</sup> gross area to be provided would remain unchanged. As major development parameters would remain unchanged and the number of residential units would be reduced from 150 to 56, further adverse noise, traffic or environmental impacts were not envisaged.



73. Referring to Plan A-3 of the Paper, a Member asked whether the proposed change from 8 low-rise residential buildings to 56 townhouses would result in any visual or air flow impacts. Mr. Lawrence Y.C. Chau, STP/L&Is, said that as the proposed change from 8 low-rise residential buildings of 8 storeys to 56 townhouses of 4 storeys would result in lower building height, it would not create additional adverse visual or air flow impacts on the high-rise flats behind. Concerned Government departments had no adverse comment on these aspects.

#### Deliberation Session

74. The Chairman remarked that it appeared that the local residents had misconception on the proposed amendments and they might not have a full understanding of the approved MLP of the comprehensive development. The approved MLP would normally be deposited in the Land Registry for public inspection. In order to address the local concerns, the applicant should be advised to note the local views and to liaise and brief them on details of the proposed development.

75. 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, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised MLP, taking into account conditions (b), (d), (e), (f) and (h) below and including a development programme, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of kindergartens and associated car parking and/or setting-down/picking-up areas to the satisfaction of the Permanent Secretary for Education and Manpower or of the Town Planning Board;
- (c) the provision of noise mitigation and air quality control measures to the

satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (d) the design and provision of a day nursery to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (e) the design and provision of a primary school and associated car parking and/or setting down/picking-up areas to the satisfaction of the Permanent Secretary for Education and Manpower or of the Town Planning Board;
- (f) the building heights of the proposed development in terms of the number of storeys and metres above the principal datum to the satisfaction of the Director-General of Civil Aviation or of the Town Planning Board;
- (g) the design and implementation of the outdoor amenity and recreational facilities to minimize the adverse impacts of the “shadow effect” to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (h) the detailed design and provision of car, cycle and motorcycle parking spaces, and loading and unloading bays to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

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

- (a) 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 MLP for deposition in the Land Registry as soon as possible;
- (b) to submit the general building plans and landscape submission to Lands Department for approval under the lease;
- (c) the emergency vehicular access (EVA) proposed inside the townhouse area

should be generally designed exclusively for use by emergency vehicles, and emergency crash gates should be installed at both ends of the EVA to prevent entry of non-emergency vehicles; and

- (d) to note the local views as detailed in paragraph 10 and Appendix VI of the Paper, and to liaise and brief the local residents regarding the proposed development.

[The Chairman thanked Mr. Lawrence Y.C. Chau, STP/SKIs, and Ms. Phyllis K.Y. Lau, TP/SKIs, for their attendance to answer Members' enquiries. Mr. Chau and Ms. Lau left the meeting at this point.]

[Dr. Lily Chiang and Mr. Y.M. Lee returned to join the meeting at this point.]

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

#### **Agenda Item 6**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/1                      Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/19  
from "Green Belt" to "Village Type Development" zone,  
Lots 339A, 339B, 339C and 341RP (Part) in DD 5,  
Tai Po Tau,  
Tai Po  
(RNTPC Paper No. Y/TP/1)

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77.                      The Chairman said that reasonable notice had been given to the applicants but the applicant informed the Secretariat that they would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the applicant.

78.                      Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) was invited to the meeting at this point and brief Members on the background to the application.

### Presentation and Question Sessions

79. Mr. W.K. Hui presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed rezoning from “Green Belt” to “Village Type Development” (“V”) for Small House development;
- (c) departmental comments – the Lands Department objected to the application as the application site was located entirely outside the ‘village environs’ of Tai Po Tau Village;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 10.1 of the Paper. Although the land available within the “Village Type Development” (“V”) zone of the Tai Po Tau Village could not fully meet the total future Small House demand, about 1.77ha of land currently available within the “V” zone should be developed first before considering further expansion. There was insufficient information in the submission to demonstrate that the proposed rezoning would not have adverse geotechnical, traffic and landscape impacts on the area, and the approval of the rezoning proposal would set an undesirable precedent for other similar proposals in the area.

80. As Members had no question to raise, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

### Deliberation Session

81. After deliberation, the Committee decided not to agree to the application for

amendment to the approved Tai Po Outline Zoning Plan No. S/TP/19 and the reasons were:

- (a) the planning intention of the “Green Belt” (“GB”) zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. No strong justification had been provided in the applicants’ submission to justify a departure from the planning intention;
- (b) although the land available within the “Village Type Development” (“V”) zone of the Tai Po Tau Village could not fully meet the total future Small House demand, about 1.77ha of land (or equivalent to about 53 Small House sites) was still available within the “V” zone of the village. In order to concentrate village type development within the “V” zone, land currently available within the “V” zone should be developed first before considering further expansion;
- (c) there was insufficient information in the applicants’ submission to demonstrate that the proposed rezoning of the subject site to “V” would not have adverse geotechnical, traffic and landscape impacts on the area; and
- (d) the approval of the rezoning proposal would set an undesirable precedent for other similar proposals in the area. The cumulative effect of approving such proposals would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

82. The Committee also agreed to advise the applicants that the Small House supply and demand situation of Tai Po Tau Village would be closely monitored.

[Mr. W.K. Hui, DPO/STN, returned to join the meeting at this point.]

**Agenda Item 7**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-FTA/74           Temporary Vehicle Repair Workshop (for Private Use)  
for a Period of 3 Years  
in “Green Belt” and “Agriculture” zones,  
Government Land in DD 51,  
Shek Wu San Tsuen,  
Sheung Shui  
  
(RNTPC Paper No. A/NE-FTA/74)
- 

**Presentation and Question Sessions**

83.           Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary vehicle repair workshop (for private use) for a period of 3 years;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the site and the access road, and environmental nuisance was expected;
- (d) local objections were received by the District Officer/North against the application on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. The site was the subject of a previous approved application for the same use and the approval conditions had been complied with. As regards the local concerns, the Transport Department had no adverse comment on the application and there was no environmental complaint received by EPD in

the past few years. In order to address the environmental concerns, it was recommended to advise the applicant to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact.

84. Members had no question on the application.

#### Deliberation Session

85. Noting that the surrounding area was predominantly used for metal melting factory, metal and cloth workshops and open storage yards of wrecked cars and construction materials, a Member opined that sympathetic consideration could be given to approving the application. Regarding the local objections on traffic and environmental concerns, the Chairman noted that the Transport Department had no objection to the application and the applicant would be advised to undertake appropriate environmental mitigation measures.

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no repairing work for and parking of medium/heavy goods vehicles were allowed;
- (b) the drainage facilities on the application site (under Application No. A/NE-FTA/54) should be maintained properly at all times during the planning approval period; and
- (c) if any of the above 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.

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

- (a) apply to District Lands Officer/North for a fresh Short Term Tenancy for

occupation of Government Land;

- (b) follow the environmental mitigation measures as recommended in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department;
- (c) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as condoning to any structures erected 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; and
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department in paragraph 9.1.6(b) of the Paper.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-HLH/8 Proposed Public Utility Installation  
(Electricity Package Transformer)  
in “Agriculture” zone,  
Government Land in DD 87,  
Hung Lung Hang  
(RNTPC Paper No. A/NE-HLH/8)
- 

Presentation and Question Sessions

88. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed public utility installation (electricity package transformer);



- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting the application on the possible impacts on the objector's farmland and fruit trees; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 9.1 and 9.2 of the Paper. Given its scale and nature, the proposed development would unlikely cause adverse impacts on the surrounding areas. It was recommended to advise the applicant to ensure that the proposed development and its construction works should not encroach or affect the existing fruit trees in the vicinity.

89. Members had no question on the application.

#### Deliberation Session

90. In response to a Member's enquiry, the Secretary said that, according to the Practice Note for Professional Persons No. 3/2006, in order to address possible visual and landscape impacts of a proposed utility installation, the applicant was encouraged to submit the appropriate landscape proposal together with the planning application for consideration of the Town Planning Board (TPB). In the current application, although the applicant had not submitted any landscape proposal, an approval condition was imposed requiring the submission and implementation of landscape proposal to the satisfaction of the TPB.

91. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 of drainage proposal and provision of drainage facilities to the satisfaction of Director of Drainage Services or of the Town Planning Board; and

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to apply to the District Lands Officer/North (DLO/N) for an Excavation Permit as the application site was under the management of DLO/N;
- (b) to keep the proposed development clear away from the adjacent road by at least 1m;
- (c) to note the water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (d) to ensure that the proposed development and its construction works should not encroach or affect the existing fruit trees in the vicinity.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KTN/118 Temporary Open Storage of Container Trailers for Sale and Container Trailer/Tractor Park for a Period of 3 Years in “Open Storage” and “Road” zones, Lots 106, 108-110, 112-120, 122, 165A in DD 95 and Adjoining Government Land, Ho Sheung Heung, Kwu Tung  
(RNTPC Paper No. A/NE-KTN/118)
- 

#### Presentation and Question Sessions

93. On 8.6.2006, the applicant requested the Board to defer making a decision to the application in order to resolve comments from the concerned Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(iv) A/NE-LYT/330 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lots 1564A7A, 1564A8A and 1564A10C in DD 76,  
Kan Tau Tsuen,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/330)

(v) A/NE-LYT/331 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lots 1564A8RP and 1564A10RP in DD 76,  
Kan Tau Tsuen,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/331)

95. Noting that the two applications were similar in nature and the sites were adjacent to one another within the same “Agriculture” (“AGR”) zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

96. Mr. W.K. Hui, DPO/STN, presented the two applications and covered the

following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the two applications for reasons given in paragraph 11.1 of the Papers.

97. Members had no question on the applications.

#### Deliberation Session

#### Application No. A/NE-LYT/330

98. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to assess the need to extend his inside services to the nearest Government water mains for connection, and to 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 private lots to Water Supplies Department's standards; and
- (b) to note that the application site was located within flood pumping catchment area associated with River Indus and River Ganges pumping stations.

Application No. A/NE-LYT/331

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to avoid disturbance to the trees in the vicinity of the site as far as practicable;
- (b) to assess the need to extend his inside services to the nearest Government water mains for connection, and to 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 private lots to Water Supplies Department's standards; and

- (c) to note that the application site was located within flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-LYT/332 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lot 982A3 in DD 83,  
Tung Kok Wai,  
Lung Yeuk Tau,  
Fanling  
(RNTPC Paper No. A/NE-LYT/332)
- 

Presentation and Question Sessions

102. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH) (Small House);
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department (AFCD) was not in favour of the application from agricultural development point of view;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding

the AFCD's concerns, it should be noted that the site was currently an abandoned field and all other Government departments had no adverse comments on the application.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to assess the need to extend his inside services to the nearest Government water mains for connection, and to 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 private lots to Water Supplies Department's standards; and
- (b) to note that the application site was located within flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/NE-TKL/285 Proposed Two Houses  
(New Territories Exempted Houses) (NTEHs)  
in “Green Belt” and  
“Government, Institution or Community” zones,  
Lot 1380 in DD 82,  
Ping Che Road,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/285)
- 

Presentation and Question Sessions

106. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed two houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – the Lands Department did not support the application as the scale of the development exceeded that permitted in the Building Licence granted for the application site;
- (d) during the statutory publication period, one public comment was received objecting the application mainly on the grounds that the proposed development was incompatible with the surrounding land uses and not in line with the planning intentions of “Green Belt” (“GB”) and “Government, Institution or Community” zones; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of the “GB” zoning and the approval of the proposed development would set an undesirable precedent for similar developments within “GB” zone.



107. Members had no question on the application.

#### Deliberation Session

108. A Member enquired about the three building structures on site. Referring to Plan A-2 of the Paper, Mr. W.K. Hui said that Structure No.1 was covered by a Building Licence whilst Structures No. 2 and 3 were erected without permission. It should be noted that the rejection of the application would not affect the rebuilding of the house. The rebuilding of the house covered by the Building Licence was always permitted under the provisions of the Outline Zoning Plan.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. In addition, there was a general presumption against development within this zone. No strong justification had been provided in the submission for a departure from the planning intention; and
- (b) the approval of the proposed development would set an undesirable precedent for similar developments within “GB” zone. The cumulative effect of approving such application would result in a general degradation of the natural environment.

[The Chairman and Mr. B.W. Chan left the meeting while the Vice-chairman took over the chairmanship at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (viii)        A/NE-TKL/286        Proposed Temporary Concrete Batching Plant  
for a Period of 5 Years  
in “Open Storage” zone,  
Lot 167(Part) in DD 83 and Adjoining Government Land,  
Kwan Tei North,  
Fanling  

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(RNTPC Paper No. A/NE-TKL/286)

Presentation and Question Sessions

110.        Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a)    background to the application;
- (b)    proposed temporary concrete batching plant for a period of 5 years;
- (c)    departmental comments – the Environmental Protection Department did not support the application as the noise assessment carried out by the applicant had grossly underestimated the noise impact and the operation of the proposed temporary concrete batching plant would impose adverse noise impact on the nearby dwellings;
- (d)    during the statutory publication period, 12 public comments were received objecting the application mainly due to the possible environmental nuisances, adverse traffic impacts, security problem on the nearby residents, and setting undesirable precedent for similar developments. Local objections were received by the District Officer/North against the application mainly on traffic, environmental, drainage, health and safety grounds; and
- (e)    the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper. There was insufficient information in the submission to demonstrate that the uses

under application would not have adverse environmental impacts on the surrounding sensitive receivers.

111. Members had no question on the application.

#### Deliberation Session

112. The Vice-chairman remarked that the application should not be approved as adverse comments from concerned Government departments and local objections were received.

113. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the use under application would not have adverse environmental impacts on the surrounding sensitive receivers.

#### [Open Meeting (Presentation and Question Sessions Only)]

(ix)            A/NE-TK/207            Proposed Temporary Barbecue Site  
for a Period of 3 Years  
in “Agriculture” zone,  
Various Lots in DD 17,  
Ting Kok Village,  
Ting Kok,  
Tai Po  

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(RNTPC Paper No. A/NE-TK/207)

#### Presentation and Question Sessions

114. On 7.6.2006, the applicant requested the Board to defer making a decision on the application in order to prepare supplementary information.

#### Deliberation Session

115. After deliberation, the Committee decided to defer a decision on the application

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/NE-TK/208            Proposed Temporary Barbecue Site and Ancillary Car Park  
for a Period of 3 Years  
in “Agriculture” and “Road” zones,  
Lots 1015RP, 1016RP and 1030 (Part) in DD 29,  
Ting Kok Village,  
Ting Kok,  
Tai Po  
(RNTPC Paper No. A/NE-TK/208)
- 

#### Presentation and Question Sessions

116.            Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary barbecue site and ancillary car park for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received objecting the application as the operation of the barbecue site had imposed adverse environmental impacts on the area and caused significant nuisance to the nearby residents. Local objections were also received by the

District Officer/Tai Po against the application on environmental ground;  
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. The proposed barbecue site was small in scale and would unlikely cause adverse environmental, drainage and sewage impacts on the area. Relevant Government departments, including the Environmental Protection Department and the Hong Kong Police Force, had no adverse comment on the application.

117. Members had no question on the application.

#### Deliberation Session

118. The Secretary suggested that, as regards the local concerns on air and noise nuisances caused by the barbecue site, an approval condition restricting the operating hours up to 11 p.m. could be imposed to minimise any potential impacts. Members agreed.

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation after 11 p.m. was allowed on the site during the planning approval period;
- (b) if the above planning conditions (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;
- (c) the submission of vehicular access and parking proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.12.2006;
- (d) in relation to (c) above, the implementation of vehicular access and parking

proposals within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.3.2007;

- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.12.2006;
- (f) in relation to (e) above, the implementation of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.3.2007;
- (g) the submission of landscape proposals including tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.12.2006;
- (h) in relation to (g) above, the implementation of landscape proposals including tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.3.2007;
- (i) if any of the above planning conditions (c), (d), (e), (f), (g) and (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked on the same date without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to apply to Tai Po District Lands Office for a Short Term Wavier for the proposed temporary structure on the site;

- (b) to observe and comply with the requirements of the Food and Environmental Hygiene Department for the operation of the temporary barbecue site as stated in Appendix III of the Paper;
- (c) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards; and
- (e) to consult Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/TP/374 Proposed House (New Territories Exempted House)  
(NTEH) (Small House)  
in "Green Belt" zone,  
Lot 201A1D in DD 21,  
San Uk Ka Village,  
Tai Po  
(RNTPC Paper No. A/TP/374)
- 

Presentation and Question Sessions

121. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) proposed house (New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – the Lands Department objected to the application as the proposed Small House fell entirely outside the village ‘environs’ (‘VE’) of San Uk Ka Village;
- (d) no public comment was received during the statutory publication period. The District Officer/Tai Po received a letter supporting the application for the reason that the proposed development would replace the existing unsightly open storage on site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, the proposed NTEH/Small House was located entirely outside both the ‘VE’ and the “Village Type Development” zone of San Uk Ka Village, and the approval of the application would set an undesirable precedent for similar developments within the “GB” zone.

122. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong justification had been provided in the submission for a departure from the planning intention;
- (b) the proposed development was not in line with the assessment criteria for



NTEH/Small House development as the proposed NTEH/Small House was located totally outside both the village ‘environs’ and the “Village Type Development” zone. NTEHs should be confined to or close to the village proper in order to ensure orderly development and provision of facilities; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/ST/635 Proposed Public Utility Installation  
(Salt Water Pumping Station)  
in “Other Specified Uses” annotated  
“Sewage Treatment Works” zone,  
Kiu Ha Road,  
Ma Liu Shui,  
Sha Tin  
(RNTPC Paper No. A/ST/635)
- 

Presentation and Question Sessions

124. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed public utility installation (salt water pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

125. In response to a Member's enquiry on the need for planning permission for the proposed pumping station, Mr. W.K. Hui, DPO/STN, explained that the proposed pumping station fell within an area zoned "Other Specified Uses" annotated "Sewage Treatment Works" on the Outline Zoning Plan (OZP). According to the Notes of OZP, 'Public Utility Installation' was a Column 2 use and required planning permission from the Town Planning Board. Rezoning of the site to reflect the planning intention would be considered when opportunities arose.

#### Deliberation Session

126. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, 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 fire services installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

127. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Sha Tin, Lands Department for modification of the Engineering Conditions for the subject site.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/ST/636 Shop and Services (Property Agency)  
in “Industrial” zone,  
Unit H1, G/F, Century Industrial Centre,  
33-35 Au Pui Wan Street,  
Sha Tin  
(RNTPC Paper No. A/ST/636)
- 

#### Presentation and Question Sessions

128. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) shop and services (property agency);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.2 and 11.3 of the Paper. A temporary approval of three years, which was consistent with other approved similar applications for property agency in the area, was recommended in order to monitor the demand and supply of industrial floor space in the area.

129. Members had no question on the application.

#### Deliberation Session

130. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 16.6.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006; and
- (b) if the above planning condition 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.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use; and
- (b) to liaise with the Chief Building Surveyor/New Territories East, Buildings Department regarding the alteration and addition works for the application premises, and that some unauthorized building works had been carried out at the application premises which might be subject to enforcement actions under the Buildings Ordinance.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv)      A/ST/637              Shop and Services (Retail Shop)  
   in “Industrial” zone,  
   Unit C2, G/F, Block 1, Kin Ho Industrial Building,  
   14-24 Au Pui Wan Street,  
   Sha Tin  
   (RNTPC Paper No. A/ST/637)
- 

Presentation and Question Sessions

132.      Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) shop and services (retail shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

133. A Member enquired why the current application for retail shop was recommended for permanent approval whilst an application No. A/ST/636 for property agency, considered by the Committee at this meeting, was recommended for temporary approval. Mr. W.K. Hui explained that application No. A/ST/636 was recommended for approval on a temporary basis taken into consideration the Committee's previous decisions on similar applications within the Fo Tan Industrial Area (applications No. A/ST/609 and 621).

134. In response to another Member's question, Mr. Francis Ng said that the applicant would be required to apply for a short term waiver in the case of a temporary approval whilst lease modification might be considered for a permanent approval.

135. The Secretary remarked that before 2002, applications for estate agency in "Industrial" zone were all rejected mainly on the grounds that estate agency was not ancillary to any industrial operations nor related to any industrial activities. Upon introduction of the new 'Business' zone in the Sha Tin Outline Zoning Plan in 2002, two applications (No. A/ST/609 and 621) for estate agency were approved by the Committee on a temporary basis with a view to monitoring the demand and supply of industrial floor space in the area. Besides, from premium point of view, estate agency would normally request a temporary planning approval so as to allow it to be operated under temporary waiver. As distinct from estate agency, the Board would normally grant permanent approval to shop and services

which were in support of the industries or to provide convenience to workers in the industrial area.

136. In response to a Member's enquiry, Mr. W.K. Hui stated that the subject site was previously approved for a stationary and packaging materials shop in 2000 on a permanent basis.

#### Deliberation Session

137. The Secretary said that the Committee should consider whether the use under application could provide support to the industrial operations or to those industrial workers in the area. Sympathetic consideration could be given to granting permanent approval for the current application for retail shop selling snacks and refreshments which could provide convenience to the industrial workers in the area. Members agreed.

138. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the following conditions:

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2006; and
- (b) if the above planning condition 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.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use; and
- (b) to liaise with the Chief Building Surveyor/New Territories East, Buildings Department regarding the alteration and addition works for the application premises, and that some unauthorized building works had been carried out

at the application premises which might be subject to enforcement actions under the Buildings Ordinance.

Remarks

140. The Vice-chairman said that the remaining item in the Agenda would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.