

**TOWN PLANNING BOARD**

**Minutes of 337th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 3.11.2006**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Ms. Anna S.Y. Kwong

Chief Engineer/Traffic Engineering (New Territories East),  
Transport Department  
Mr. H.L. Cheng

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**

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Ms. Karina W.M. Mok

**Agenda Item 1**

Confirmation of the Draft Minutes of the 336th RNTPC Meeting held on 20.10.2006

[Open Meeting]

1. The draft minutes of the 336th RNTPC meeting held on 20.10.2006 were confirmed without amendments.

[Mr. Edmund K.H. Leung and Professor Nora F.Y. Tam arrived to join the meeting at this point.]

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary informed Members that, on 31.10.2006, the Chief Executive in Council (CE in C) approved the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP), the draft Ho Chung OZP, the draft Kwu Tung North OZP, the draft Lam Tsuen OZP, the draft Kam Tin North OZP and the draft Ha Tsuen OZP under section 9(1)(a) of the Town Planning Ordinance. The approval of these OZPs would be notified in the Gazette on 10.11.2006.

(b) Abandonment of Town Planning Appeals

- (i) Town Planning Appeal No. 14 of 2005 (14/05)  
Proposed House (New Territories Exempted House - Small House)  
in “Comprehensive Development Area (1)”, “Green Belt” and  
“Village Type Development” zones,  
Lot 208B3 in DD 11, Lau Hang, Fung Yuen, Tai Po  
(Application No. A/TP/341)
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- (ii) Town Planning Appeal No. 15 of 2006 (15/06)  
Temporary Storage of Durable and Consumer Goods  
for a Period of 3 Years in “Comprehensive Development Area” zone,  
Various Lots in DD 104 and Adjoining Government Land,  
Chuk Yau Road, Ngau Tam Mei, Yuen Long  
(Application No. A/YL-NTM/187)
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3. The Secretary reported that two appeals were abandoned by the appellants on their own accord. Appeal No. 14/05 was received by the Town Planning Appeal Board (TPAB) on 4.7.2005 against the decision of the Town Planning Board (TPB) on 22.4.2005 to reject on review an application (No. A/TP/341) for a New Territories Exempted House (Small House) at a site at Fung Yuen zoned “Comprehensive Development Area (1)”, “Green Belt” and “Village Type Development” on the Tai Po OZP. It was abandoned by the appellant of his own accord on 10.10.2006. Appeal No. 15/06 was received by the TPAB on 4.8.2006 against the decision of the TPB on 26.5.2006 to reject on review an application (No. A/YL-NTM/187) for temporary storage of durable and consumer goods for a period of 3 years at a site zoned “Comprehensive Development Area” on the Ngau Tam Mei OZP. It was abandoned by the appellant of his own accord on 16.10.2006. On 23.10.2006, the TPAB formally confirmed that the two appeals were abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

4. The Secretary said that as at 3.11.2006, a total of 29 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	119
Yet to be Heard	:	29
Decision Outstanding	:	2
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Total	:	254

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/I-MWI/40

Proposed Hotel

in “Comprehensive Development Area” and “Other Specified Uses”

annotated “Recreation and Tourism Related Uses” zones,

Part of Ma Wan Lots 151, 214, 215 and 218, Ma Wan

(RNTPC Paper No. A/I-MWI/40)

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Presentation and Question Sessions

5. The Secretary said that the Planning Department (PlanD) had requested the Committee to defer consideration of the application in order to allow time to clarify with the applicant and the Department of Justice on the calculation of plot ratio of the proposed development. According to the Town Planning Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’, both the applicant and PlanD could request the Board to defer making a decision on, inter alia, a planning application made under section 16 of the Town Planning Ordinance and reschedule the meeting to another date.

Deliberation Session

6. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD pending clarification on the plot ratio of the proposed development with the applicant and the Department of Justice. The Committee also agreed that the application should be submitted to the Committee for consideration upon receipt of clarification on the development intensity.

**Sai Kung and Islands District**

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/I-LI/7                      Proposed Eating Place and Shop and Services with Minor Relaxation  
of Building Height Restriction  
in “Residential (Group C)” zone,  
Lot 528 in DD 10, Sok Kwu Wan, Lamma Island  
(RNTPC Paper No. A/I-LI/7)

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**Presentation and Question Sessions**

7.            Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place and shop and services with minor relaxation of building height restriction;
- (c) departmental comments – no major adverse comment from concerned Government departments was received;
- (d) one public comment was received from a District Council Member during the statutory publication period stating that the time available for consultation was limited and requesting the Government to consider all relevant factors and balance the interests of all parties concerned before making a decision on the application. No public comment was received during the statutory publication period on the further information submitted by the applicant. The District Officer advised that three District Council

Members and the Village Representative was consulted, three of them had no comment and one supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. In particular, the proposed development was compatible with the general dining nature at the adjacent Sok Kwu Wan Village. The proposed minor relaxation of building height from 9m to 9.45m at part of the application site could allow variations in building height, thus a more interesting built form. As for the public comments, relevant Government departments had been consulted and had no major adverse comments on the application.

8. Members had no question on the application.

#### Deliberation Session

9. 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 3.11.2008, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) apply to the District Lands Officer/Islands, Lands Department for modification of the lease or land exchange of the lot whichever was appropriate to facilitate the development;

- (b) note the Chief Building Surveyor/New Territories East, Buildings Department's comments that the development intensity of the proposed development should be determined by the Building Authority upon building plan submission if the subject site abutted a specified street of width less than 4.5m;
- (c) adopt the "Guidelines for the Design of Small Sewage Treatment Plants" published by the Environmental Protection Department for general design consideration for small Sewage Treatment Plants (STP);
- (d) provide properly designed grease trap(s) where restaurants were to be served by the on-site STP for removal of excessive quantities of grease and oil which might cause malfunction of the STP; and
- (e) make provisions in the sewerage arrangement of the proposed development for future connection to the public foul sewers when such was available in the vicinity.

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

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

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





12. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, advised that the size of the proposed electricity package transformer was about 4.8m x 2.4m according to the applicant's submission in Appendix 1 of the Paper. With a site area of about 11.76 m<sup>2</sup>, there could still be room for landscape planting within the application site. The Secretary added that, even if the application site had no space for landscape planting, the Lands Department had agreed to make available adjacent Government land, if available, for landscaping purpose through short term tenancy.

### Deliberation Session

13. 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 3.11.2010, 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 condition of the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) apply to the District Lands Officer/North, Lands Department for an excavation permit;
- (b) note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations, and water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) maintain free water flow condition and prevent damage to the adjacent area at all times during and after construction ; and
- (d) note that the applicant and his contractors should observe the 'Code of

Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions only)]

(ii) A/NE-LYT/342 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Agriculture” zone,  
Lot 1781A in DD 76, Ma Mei Ha Leng Tsui Village,  
Fanling  
(RNTPC Paper No. A/NE-LYT/342)

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(iii) A/NE-LYT/343 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Agriculture” zone,  
Lot 1781RP in DD 76, Ma Mei Ha Leng Tsui Village,  
Fanling  
(RNTPC Paper No. A/NE-LYT/343)

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Presentation and Question Sessions

15. Noting that both Applications No. A/NE-LYT/342 and A/NE-LYT/343 were for the development of a NTEH (Small House) and the application sites were located next to each other, Members agreed to consider the two applications together.

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

- (a) background to the applications;
- (b) the proposed House (NTEH- Small House) at each of the application sites;
- (c) departmental comments – no objection from concerned Government departments was received for both applications;

- (d) one public comment stating no comment was received for each application during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the Paper.

17. Members had no question on the applications.

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

#### Deliberation Session

18. The Chairperson remarked that the proposed NTEHs (Small Houses) generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

19. After deliberation, the Committee decided to approve both applications, on the terms of the applications as submitted to the Town Planning Board. The permissions should be valid until 3.11.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

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

20. The Committee also agreed to advise each of the applicants to:

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments that :

- (i) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
  - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
  - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) the permission was only given to the development under application. If provision of access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions only)]

- (iv)           A/NE-LYT/344           Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in "Agriculture" zone, Lots 1204A, 1204B, 1204C, 1204D, 1204RP, 1205D, 1205F, 1205G, 1205H, 1205J, 1205K, 1205RP, 1207 and 1209 in DD 76, Tan Chuk Hang Lo Wai, Fanling (RNTPC Paper No. A/NE-LYT/344)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of building materials;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application due to close proximity of the site to Tan Shan River which was one of the 33 ecologically important streams in Hong Kong, insufficient information to demonstrate that the proposed uses would not have adverse impact on Tan Shan River and high potential of the site for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application on grounds of lack of information on the traffic impact, undesirable precedent for other similar applications and substandard access road. Both the Director of Environmental Protection (DEP) and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application from environmental and landscape planning points of view respectively. There were sensitive uses in the vicinity of the application site and the access road. The proposed uses were also not compatible with the surrounding environment;
- (d) four public comments were received during the statutory publication period raising objection to the application mainly on the grounds of incompatibility with the rural character of the area, adverse traffic and environmental impacts and sitting of inappropriate land uses such as open storage should be away from Tan Shan River. Local objections from the Chairman of the Fanling District Rural Committee and Village Representatives of Tan Chuk Hang were received by the District Officer on traffic and public health grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 11.2 and 11.3 of the Paper. In particular, the development did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up

Uses' in that there was no previous planning approval given for the application site. There was insufficient information to demonstrate that the application would not have adverse traffic, environmental, ecological and landscape impacts on the surrounding areas. There were also adverse departmental comments and local concerns on the application.

22. Members had no question on the application.

#### Deliberation Session

23. The Chairperson remarked that the application site was a greenfield site and not suitable for the proposed open storage use.

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

- (a) 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 was no previous approval given for the application site. There were also adverse departmental comments and local concerns on the application; and
- (b) there was insufficient information to demonstrate that the uses under application would not have adverse traffic, environmental, ecological and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/NE-TK/219 Proposed House (New Territories Exempted House (NTEH) — Small House)  
in "Village Type Development" and "Green Belt" zones,  
Lot 276ARP in DD 26, Wong Yue Tan Village,  
Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/219)
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- (vi) A/NE-TK/220 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 276BRP in DD 26, Wong Yue Tan Village,  
Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/220)
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- (vii) A/NE-TK/221 Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 276C in DD 26, Wong Yue Tan Village,  
Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/221)
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#### Presentation and Question Sessions

25. Noting that Applications No. A/NE-TK/219, A/NE-TK/220 and A/NE-TK/221 were all for the development of a NTEH (Small House) and the application sites were located close to each other, Members agreed to consider the three applications together.

26. Miss Alice Y.C. Liu, STP/STN, informed that a replacement Plan A-1 for each Paper was tabled at the meeting. She then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the applications as the “Green Belt” (“GB”) zone served as buffer for the nearby “Conservation Area” (“CA”) zone and approving the applications would set an undesirable precedent for similar applications. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to the applications, but he did not support the 2.5m access



road which was too narrow;

- (d) one public comment was received for each of the applications during the statutory publication period supporting the application. The District Officer conveyed that the Village Representative of Wong Yue Tan also supported the applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraphs 12.1 and 12.2 of the Papers. The DAFC's concerns could be addressed by imposing approval condition on the submission and implementation of landscaping proposals as recommended in paragraph 12.3(a) of the Papers. Regarding the AC for T/NT, TD's concerns, the provision of access road was considered not a pre-requisite for Small House development.

27. The Chairperson asked about the location of the proposed access road. With reference to a plan submitted by the applicant at Appendix Ia of the Paper, Mr. W.K. Hui, DPO/STN, showed the location of the proposed NTEHs (Small Houses) and the proposed access road which ran along the boundaries of Lots 278A, 279A and 529RP. In response to a Member's enquiry, Mr. W.K. Hui replied that the provision of access road was not a pre-requisite for the proposed NTEHs (Small Houses). If such was subsequently required for the proposed developments, the applicants would be advised to comply with the provisions of the relevant statutory plan and obtain planning permission from the Board where required.

#### Deliberation Session

28. The Chairperson remarked that the proposed NTEHs (Small Houses) generally complied with the interim criteria for assessing application for NTEH/Small House development in the New Territories.

29. After deliberation, the Committee decided to approve the three applications, on the terms of the applications as submitted to the Town Planning Board. The permissions should be valid until 3.11.2010, and after the said date, the permissions should cease to have

effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

30. The Committee also agreed to advise each of the applicants to:

- (a) note that the applicant might need to extend his inside services to the nearest Government water mains for connection, resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (c) note that the permission was only given to the proposed development under application. If provision of access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions only)]

- (viii) A/NE-TK/222 Proposed 5 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)  
in “Village Type Development” and “Green Belt” zones,  
Various Lots in DD 17, Lo Tsz Tin Village,  
Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/222)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 5 houses (NTEHs – Small Houses) at the application site which comprised of two portions of land;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the proposed NTEHs No. 1 to 4, but objected to the proposed NTEH No. 5 as over 50% of its footprint fell outside the ‘village environs’ (‘VE’) of Lo Tsz Tin Village;
- (d) three public comments were received during the statutory publication period. One commenter expressed concerns on the application due to close proximity of the site with the Pat Sin Leng Country Park and adverse impact on two existing trees nearby. The other commenters raised objection on grounds of adverse impacts on fung shui of the village and the applicants were not the indigenous villagers of Lo Tsz Tin. The District Officer also received objections from the Village Representatives of Lo Tsz Tin Village on fung shui ground; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the proposed NTEHs No. 1, 2, 3 and 4, but did not support the proposed NTEH No. 5 for reasons as detailed in paragraphs 12.1 and 12.2 of the Paper.

The proposed NTEH No. 5 was not supported as over 50% of its footprint fell outside the 'VE' of Lo Tsz Tin Village and the "Village Type Development" ("V") zone. There was insufficient information to demonstrate why other suitable sites could not be made available within the "V" zone and approval of this proposed NTEH would set an undesirable precedent. DLO/TP, LandsD also objected to the proposed NTEH No. 5. Regarding the public comments, the application site was about 120m from the Pat Sin Leng Country Park. The concern on tree preservation could be addressed by imposing an approval condition on the submission and implementation of landscaping and tree preservation proposals as recommended in paragraph 12.3(a) of the Paper. The applicant would also be advised to avoid disturbance to any trees in the proximity of the application site.

32. Members had no question on the application.

#### Deliberation Session

33. In response to a Member's enquiry, Miss Alice Y.C. Liu, STP/STN, explained that the solid and pecked lines on Plan A-2 of the Paper were the "V" zone and 'VE' boundaries respectively. This Member noted that the proposed NTEHs No. 1 to 3 fell largely within the "Green Belt" ("GB") zone. Miss Alice Y.C. Liu explained that according to the interim criteria for assessing applications for NTEH/Small House, sympathetic consideration could be given if the proposed NTEHs were located within the 'VE' of a recognized village. The Secretary added that if the proposed NTEHs fell entirely within "V" zone, planning permission would not be required and it would be up to the LandsD to process the application under the Small House policy. However, planning permission for the proposed NTEHs was required as part of the application site fell within the "GB" zone where 'House' was a column 2 use. She further explained that the 'VE' was not a zoning boundary. It was drawn up by the LandsD for a recognized village which covered areas within 300 feet measuring from the last Small House built in 1972 under the Small House policy for land administration purpose. According to the interim criteria for assessing application for NTEH/Small House, sympathetic consideration might be given if the application site was located within the 'VE' and there was a general shortage of land in

meeting the Small House demand in the “V” zone of the village.

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

34. In response to the Member’s follow-up question, Mr. W.K. Hui, DPO/STN, replied that the Small House demand of Lo Tsz Tin Village was about 122 whereas only about 51 Small House sites were available within the “V” zone of the village. Therefore, there was a shortage of land within the “V” zone in meeting the Small House demand of Lo Tsz Tin Village.

35. After deliberation, the Committee decided to approve the application of the proposed New Territories Exempted Houses (NTEHs) No. 1, 2, 3 and 4 at Lots 1458G, 1459A, 1460A, 1464A, 1464B, 1464RP, 1465A, 1465RP, 1466A 1466RP, 1467A and 1467RP on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 3.11.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscaping proposals, including tree preservation proposals, for any trees on the site, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

36. The Committee also agreed to advise the applicants to :

- (a) note that they might need to extend their inside services to the nearest Government water mains for connection, and should resolve any land matters (such as private lots) associated with the provision of water supply

and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;

- (b) make necessary submission, such as exemption for site formation works, to the District Lands Office, Lands Department during the development stage;
- (c) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (d) avoid disturbance to any trees in proximity of the application site.

37. The Committee decided to reject the application of the proposed NTEH No. 5 at Lots 1458RP, 1459RP and 1460RP and the reasons were :

- (a) the NTEH was not in line with the interim criteria for assessing application for NTEH/Small House in the New Territories in that over 50% of its footprint fell outside the 'village environs' of Lo Tsz Tin Village (64.2%) and the "Village Type Development" ("V") zone (91%). According to the interim criteria, development of NTEH/Small House outside both the 'VE' and "V" zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to demonstrate why other suitable sites could not be made available within the areas zoned "V" for the proposed Small House development; and
- (b) approval of the proposed NTEH would set an undesirable precedent for other similar applications in the areas.

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

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



- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. Regarding the AC for T/NT, TD's concern, illegal parking problem was primarily an issue on traffic enforcement action. Recent site visit revealed that there were many vacant parking spaces available at the public car park above the application premises. The Commissioner of Police also had no objection to the application.

39. Members had no question on the application.

#### 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. The permission should be valid until 3.11.2010, 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 condition of the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) note the Director of Food and Environmental Hygiene's comments that a separate restaurant licence issued by his department after consultation and favourable comments from relevant Government departments and compliance of relevant restaurant licensing requirements and conditions was required if food business was carried out at the said location; and
- (b) note the Director of Fire Services's comments that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans/licence application.

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



[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/YL-HT/465 Temporary Open Storage of Vehicles Parts, Container Trailers, Marbles, Construction Materials, Wastes (Scrap Metals and Cardboard) and Tyres for a Period of 3 Years in “Undetermined” zone,  
Lots 1903RP, 1905RP, 1921, 1922RP(Part), 1943(Part), 1945(Part), 1946(Part), 1947(Part), 1948(Part), 1949(Part), 1950(Part), 1953(Part), 1954(Part), 1955RP(Part) and 1961RP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/465)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles parts, container trailers, marbles, construction materials, wastes (scrap metals and cardboard) and tyres;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the provision of more than one vehicular access point for the application site;
- (d) two public comments from Yuen Long District Council Members were received during the statutory publication period. One commenter supported the application as the applicant had complied with the previous approval conditions, there were no residential dwellings nearby, there were no complaints received, and that it was for renewal of planning permission. The other commenter objected the application mainly due to its proximity to nearby residential dwellings, traffic noise impact, drainage impact and toxic emission problem; and

- (e) the Planning Department (PlanD)'s views – Plan D had no objection to the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. The concerns of AC for T/NT, TD on access arrangement could be addressed by imposing approval conditions as recommended in paragraphs 12.4(e) and (f) of the Paper. Regarding the local concerns, the application site was about 100m from Yan Wu Garden and about 225m from Sik Kong Wai. The Director of Environmental Protection and the Chief Engineer/Mainland North, Drainage Services Department also had no adverse comment on the application from the environmental protection and drainage points of view.

43. In response to the Chairperson's enquiry on presence of a number of vehicular access points for the proposed uses, Mr. H.L. Cheng, Chief Engineer/Traffic Engineering (New Territories East), Transport Department (CE/TD(NTE), TD), said that the number of ingress and egress points should always be kept to a minimum in order to minimise the traffic impact. As for the current application, one vehicular access point was considered enough given the small size of the application site.

#### Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the existing drainage facilities on site as implemented under Application No. A/YL-HT/236 should be maintained at all times during the planning approval period;
- (b) the submission of the condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 3.2.2007;
- (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 3.5.2007;

- (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 3.8.2007;
- (e) the submission of vehicular access proposals for the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.5.2007;
- (f) in relation to (e) above, the implementation of the accepted vehicular access 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 3.8.2007;
- (g) the provision of fire services 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 3.5.2007;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

45. The Committee also agreed to advise the applicant to :
- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
  - (b) apply to the District Lands Officer/Yuen Long, Lands Department for a Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
  - (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the existing trees along the north-eastern side of the site were outside the site boundary and they should not be counted for this application;
  - (d) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
  - (e) 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 Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
  - (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
  - (g) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Ping Ha Road; and
  - (h) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Sessions only)]

- (iii) A/YL-HT/466 Temporary Open Storage of Pinball Machine Metal Parts, Marbles, Construction Materials, Wastes (Scrap Metals and Cardboard) and Tyres for a Period of 3 Years in "Undetermined" zone, Lots 1946(Part), 1947(Part), 1953(Part), 1954(Part), 1955RP(Part), 1956RP, 1957, 1958, 1959ARP(Part), 1959B(Part), 1959C(Part), 1960(Part), 1961RP(Part), 1963BRP(Part), 1965(Part) and 1968(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/466)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of pinball machine metal parts, marbles, construction materials, wastes (scrap metals and cardboard) and tyres;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the provision of more than one vehicular access point for the application site;
- (d) two public comments from Yuen Long District Council Members were

received during the statutory publication period. One commenter supported the application as the applicant had complied with the previous approval conditions, there were no residential dwellings nearby, there were no complaints received, and that it was for renewal of planning permission. The other commenter opposed the application mainly due to its proximity to nearby residential dwellings, traffic noise impact, drainage impact and toxic emission problem; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. The concerns of AC for T/NT, TD on access arrangement could be addressed by imposing approval conditions as recommended in paragraphs 12.4(f) and (g) of the Paper. Regarding the local concerns, the application site was about 150m from Yan Wu Garden and about 260m from Sik Kong Wai. The Director of Environmental Protection and the Chief Engineer/Mainland North, Drainage Services Department also had no adverse comment on the application from the environmental protection and drainage points of view.

47. Members had no question on the application.

#### Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the setting back of the site from the proposed works limit of Project Item No. 7794TH “Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)” as when required by Government departments;
- (b) the existing drainage facilities on the site as implemented under Application No. A/YL-HT/236 should be maintained at all times during the planning approval period;

- (c) the submission of the condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 3.2.2007;
- (d) 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 3.5.2007;
- (e) in relation to (d) 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 3.8.2007;
- (f) the submission of vehicular access proposals for the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.5.2007;
- (g) in relation to (f) above, the implementation of the accepted vehicular access 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 3.8.2007;
- (h) the provision of fire services 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 3.5.2007;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should

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

- (k) upon 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 also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for a Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the exact number of proposed new trees should be determined on site and was likely more than 31 numbers;
- (d) 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 Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Ping Ha Road;



- (g) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Ping Ha Road. The applicant should not be entitled for any compensation. As the road level of Ping Ha Road might be raised after the proposed improvement works, the applicant should be required to carry out necessary modification works at his own expense in future to tie in the interface with the road project; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

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

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/YL-KTN/261 Temporary Logistic Use and Ancillary Container Vehicle Park, Vehicle Repair Area and Staff Canteen for a Period of 3 Years in "Industrial (Group D)" and "Other Specified Uses" annotated "Railway Reserve" zones, Lots 1733RP(Part), 1734(Part) and 1735(Part) in DD 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/261)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistic use and ancillary container vehicle park, vehicle repair area and staff canteen;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses including residential dwellings in the vicinity and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the proposed road/path/track of about 4m wide was not adequate for the two-way traffic of container vehicles and there was no information on the daily traffic generation and traffic impact. Although the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to the application, he advised that the applicant’s drainage proposals only reflected the existing unsatisfactory drainage facilities on site and hence it was necessary to impose approval conditions on drainage aspect should the application be approved;
- (d) one public comment from the Village Representative of Fung Kat Heung was received during the statutory publication period raising objection to the application mainly on the grounds of adverse traffic, environmental and ecological impacts and damages to the surrounding rural environment. The same local objection was conveyed to the Committee by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. In particular, although 55% of the application site fell within “Industrial

(Group D)” zone, the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the development was considered incompatible with the surrounding land uses including residential structures in the vicinity. There was insufficient information to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas. There were also adverse departmental comments and local objection against the application on environmental, drainage and traffic grounds.

51. In response to the Chairperson’s enquiry, Mr. H.L. Cheng, Chief Engineer/Traffic Engineering (New Territories East), Transport Department (CE/TE(NTE), TD), confirmed that the term “adverse traffic impact” covered both the traffic flow and traffic infrastructure aspects.

52. A Member noted that there was no major change to the access road since the approval of two previous applications at the application site. The same Member asked for the reasons in using traffic impact as a reason for rejection. With reference to a set of plans, Mr. Wilson Y.L. So, DPO/TMYL, clarified that there had not been any major change to the access road in question. He pointed out that the two previous approved applications were mainly for open storage of vehicles, vehicles parts and car breaking, which were small in scale and different in nature from the current logistic use with ancillary container vehicle park under application.

#### Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the development was incompatible with the surrounding rural land uses with residential dwellings and cultivated agricultural land and there were adverse departmental comments on the application; and

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

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/YL-LFS/145 Temporary Public Car Park for Private Cars, Light Goods Vehicles, Medium Goods Vehicles and Motor Coaches for a Period of 3 Years in “Residential (Group C)” and “Village Type Development” zones, Lots 2858A1, 2858ARP, 2862B1 and 2862BRP(Part) in DD 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/145)
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Presentation and Question Sessions

54. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement pages 1, 11 and 12 of the Paper had already been sent to Members. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car park for private cars, light goods vehicles, medium goods vehicles and motor coaches;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance from heavy vehicles (including motor coaches, light goods vehicles and medium goods vehicles) was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 11.1 of the Paper. In particular, as compared with the previous approved applications (No. A/YL-LFS/53, A/YL-LFS/84, A/YL-LFS/94 and A/YL-LFS/139) which were mainly for temporary public vehicle park for private cars, light goods vehicles and motor coaches, there were changing circumstances in that the current application involved the parking of medium goods vehicles and the DEP did not support the application. Although there were four previous approvals for similar uses at the application site, three of them had been revoked due to non-compliance with the approval conditions.

55. Mr. Francis Ng, Assistant Director/New Territories, Lands Department (AD/NT, LandsD), clarified that the second sentence of paragraph 9.1.1(a) of the Paper should read “unleased Government land (G.L.) in the southeast boundary outside the application boundary (Plan A-2) is also being occupied without prior approval from his Office”.

56. In response to the Chairperson’s enquiry about the difference between this application and the previous approved application No. A/YL-LFS/151 to the north as shown on Plan A-2 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, advised that Application No. A/YL-LFS/151 was for temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles whereas this application included the parking of the above types of vehicle and motor coaches as well. Application No. A/YL-LFS/151 was the subject of a previous approved application (No. A/YL-LFS/113) under which the applicant volunteered to provide a range of noise mitigation measures including restriction of operation hours and provision of a solid boundary wall on site which were considered acceptable by the DEP. The application was approved by the Board on review on 14.11.2003 for a period of 3 years and the approval condition on such measures was compiled with. Against this background, the renewal Application No. A/YL-LFS/151 was approved by the Committee on 20.10.2006. The DEP did not support the current application as it involved parking of heavy vehicles.

#### Deliberation Session

57. The Chairperson noted that the current application and Application No. A/YL-LFS/151 were proposed for similar uses. Given the nearby residential dwellings were located close to the site of Application No. A/YL-LFS/151, the Chairperson enquired whether

the noise concerns of the current application could be addressed by imposing a set of noise mitigation measures similar to those adopted in Applications No. A/YL-LFS/113 and A/YL-LFS/151.

58. In response, Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (PEPO(SA), EPD), said that he did not have detailed information regarding Applications No. A/YL-LFS/113 and A/YL-LFS/151 at hand. Based on the information provided by DPO/TMYL at the meeting, a range of noise mitigation measures, including solid boundary wall, was proposed under Application No. A/YL-LFS/113. Solid boundary wall was generally an effective measure to reduce noise nuisances and hence the applicant's proposals were accepted by DEP. It should, however, be noted the cost of providing solid boundary wall was high. For temporary uses like the current application, DEP would not request for such provision, unless the applicant volunteered to do so.

59. The Secretary pointed out that the current application had in fact included a range of noise mitigation measures as stated in paragraph 2(g) of the Paper. This included building a 2.5m high solid boundary wall along the northern site boundary to screen off noise from the nearby residential dwellings and to extend the solid boundary wall to segregate the parking of medium goods vehicles from other types of vehicles within the bounded area. Mr. H.M. Wong said that if the applicant volunteered to provide these noise mitigation measures, he could not see any reasons for not accepting them and it would be up to the applicant to justify that the proposed noise mitigation measures were effective. However, he cautioned that the 2.5m solid boundary wall proposed under the current application was rather substantial in length. He wondered if the applicant was fully aware of the cost implication. Whether the proposed noise mitigation measures would be implemented after obtaining planning permission was another matter of concern.

60. A Member referred to paragraph 11.1(b) of the Paper which stated that a previous approved application No. A/YL-LFS/139 was revoked due to non-compliance of an approval condition that stipulated no medium goods vehicle, heavy goods vehicle, construction vehicle or container vehicle was allowed to be parked or stored on the application site at any time during the planning approval period. This seemed to suggest that these types of vehicle would not be allowed at the application site. As such, the provision of solid boundary wall

would not be a relevant consideration for the current application. Another Member enquired if any environmental complaint had been received in relation to the application site.

61. In response, Mr. Wilson Y.L. So clarified that the applied uses of the previous approved applications since 2000 did not include medium and heavy goods vehicles as stated in Appendix II of the Paper. The condition of not allowing parking of medium and heavy goods vehicles was therefore imposed. He also drew Member's attention that parking of medium goods vehicles had been specifically included in the current application. On environmental complaint, he said that no public comment was received during the statutory publication period.

62. As medium goods vehicle was included in the current application, a Member considered that it was not unreasonable to request for the provision of solid boundary wall should the case be approved.

63. Another Member enquired about the effectiveness of solid boundary wall to mitigate noise nuisances. Mr. H. M. Wong replied that there were generally two types of noise concerns for the current application, namely traffic noise along the access road leading to the application site and operational noise generated by parking of vehicles within the applicant site. For the former, he noted that the access road in question was relatively distant from residential dwellings. For the latter, the residential dwellings nearby would normally be 3-storey village houses. A solid boundary wall of about 2.5 to 3m should be sufficient to minimize the noise nuisances. The materials of the solid boundary wall should not be too flimsy, for instance fencing or tree planting would not be accepted. The thickness of solid boundary wall would generally depend on the materials used. In view of its length and height, this Member said that the structural safety of the solid boundary wall should be ensured, and if needed, building plans would need to be submitted.

64. The Vice-chairman said that as a range of noise mitigation measures, including solid boundary wall, was proposed in the current application which were considered acceptable to the DEP, the application could be approved with shorter compliance periods to monitor the situation. If the applicant failed to comply with the compliance period, the planning permission could be revoked. The Chairperson agreed and suggested shorter compliance periods of 3 months for preparing the noise mitigation proposals and another 3

months for implementing the accepted noise mitigation measures. Members agreed to the above suggestions. In response to Mr. H.M. Wong's question, the Chairperson said that there was a mechanism under the Town Planning Ordinance to provide for extension of time for compliance if the applicant had made genuine effort but still could not comply with the conditions within the specified compliance period.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 3.11.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no heavy vehicle (including bus, heavy goods vehicle, construction vehicle or container vehicle) was allowed to be parked or stored on the application site at any time during the planning approval period;
- (b) no night time operation between 9:00pm to 7:30am, as proposed by the applicant, was allowed on site during the planning approval period;
- (c) landscape planting and drainage facilities on site shall be maintained in good condition at all times during the planning approval period;
- (d) the submission of noise mitigation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 3.2.2007;
- (e) in relation to (d) above, the implementation of the accepted noise mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 3.5.2007;
- (f) the provision of 9-litre water type/3kg dry powder fire extinguisher(s) within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.2.2007;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied



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

- (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 shall 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.

66. The Committee agreed that the applicant should be reminded that the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

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

- (a) note that shorter approval period of 12 months and shorter compliance periods were given so as to facilitate monitoring of the situation on site and fulfilment of planning conditions;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the unauthorized structure on site and unauthorized occupation of Government land. Otherwise, his Office would consider appropriate enforcement/control action against the occupier/owner. There was also no guarantee that the application for STW/STT would ultimately be approved;

- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department’s comments to properly maintain the drainage system and rectify the system if it was found inadequate/ineffective during operation and submit condition records of the existing drainage facilities within 3 months after the planning approval to the satisfaction of his department;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments to check the land status of the access/road/track leading to the site from Tin Wah Road and consult the relevant lands and maintenance authorities of the access/road/track accordingly; and
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments to clearly annotate the planting species in the landscape proposal with reference to the proposed trees’ location and implement all the proposed plantings within the application site boundary.

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

[Open Meeting (Presentation and Question Sessions only)]

- (vi) A/YL-LFS/152 Proposed Temporary Recycled Materials Collection Centre for a Period of 3 Years in “Commercial/Residential” zone, Lots 2183RP, 2184RP, 2185RP and 2187RP(Part) in DD 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/152)
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Presentation and Question Sessions

68. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement pages 1 and 11 of the Paper had already been sent to Members. He then presented the application and covered

the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary recycled materials collection centre;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the application, but advised that the proposed screen planting for the residential development west of the application site was insufficient;
- (d) one public comment from a Yuen Long District Council Member was received during the statutory publication period raising objection to the application mainly due to potential soil contamination problem, pollution to the Deep Bay, incompatibility with the surrounding area, and adverse impacts on the tourism development of Lau Fau Shan and on traffic of the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. In particular, the proposed development was not compatible with the nearby tourist spot of seafood market and restaurants of Lau Fau Shan. The applied use was akin to open storage uses and hence the Town Planning Guidelines on 'Application for Open Storage and Port Back-up Uses' was relevant to the application. The application was not in line with this set of Guidelines in that there were adverse departmental comments and local objection to the application. There was also no/insufficient information to demonstrate that the development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

69. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there were adverse departmental comments from concerned Government departments and local objection on environmental, traffic, drainage and landscape aspects; and
- (b) 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.

[Open Meeting (Presentation and Question Sessions only)]

- (vii) A/YL-MP/155 Proposed Temporary Works Area for Construction of a Bird-watching Hide for a Period of 12 Months in “Site of Special Scientific Interest” zone, Mai Po Nature Reserve, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/155)
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Presentation and Question Sessions

71. Professors Nora F.Y. Tam and David Dudgeon declared interest in this item as they were both member of relevant committees under the World Wide Fund for Nature Hong Kong, the applicant of the subject application.

[Professors Nora F.Y. Tam and David Dudgeon left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed temporary works area for construction of a bird-watching hide;
- (c) departmental comments – no objection from the concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

73. Members had no question on the application.

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

#### Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 3.11.2007, on the terms of the application as submitted to the Town Planning Board and subject to the condition that upon expiry of the planning permission, the application site should be reinstated to its original state to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's advice to apply to his office for temporary occupation of Government land by appropriate documentation; justify the occupation period of 12 months (instead of 4 months) for the proposed works area; and to provide a plan showing the final operating location of the bird-watching hide and clarify

whether the final operating location had been agreed by the relevant departments. If the final operating location involved Government land, the applicant should apply to his office for occupation of Government land by appropriate documentation;

- (b) note the Director of Environmental Protection's comments that any environmental issues arising from the construction and operation of the proposed development would be subject to statutory control under the Environmental Impact Assessment Ordinance;
- (c) note the Director of Agriculture, Fisheries and Conservation's advice to implement good site practice during the construction to avoid any obstruction to the adjacent water channel which was frequently used by his department; and
- (d) note the Director of Food and Environmental Hygiene's comments to handle the trade wastes generated from the application site are at the applicant's own cost.

[Professors Nora F.Y. Tam and David Dudgeon returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (viii) A/YL-MP/156 Proposed Houses with Ancillary Club House and Recreational Facilities in "Residential (Group D)" zone, Lots 3224RP, 3225ARP, 3226ARP, 3228 and 3229 in DD 104 and Adjoining Government Land, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/156)
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#### Presentation and Question Sessions

76. The application was submitted by a subsidiary company of the Henderson Land Development Company Limited (HLDCL). Mr. Alfred Donald Yap declared an interest in

this item as his company had current business dealings with HLDCL.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

77. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement pages 2 and 12 of the Paper had already been sent to Members. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses with ancillary club house and recreational facilities, highlighting that the current application was for amendment to the previous approved scheme under Application No. A/YL-MP/136 submitted by the same applicant;
- (c) departmental comments – no objection from the concerned Government departments was received;
- (d) two public comments from the Village Representative of Chuk Yuen Tsuen and the Management Office of Palm Springs were received during the statutory publication period. They raised objection to the application mainly on the grounds of road safety concern, fung shui, traffic and environmental (noise, air, ecological and water pollution) impacts, and that no traffic impact and environmental assessments had been undertaken for the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper. Regarding the local concerns, concerned Government departments, including the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD), had no objection to the application. As advised by the Director of Environmental Protection (DEP), the proposed residential development was a Designated Project under the Environmental Impact Assessment (EIA) Ordinance. An

environmental permit would be required before the commencement of the proposed development.

78. Members had no question on the application.

#### Deliberation Session

79. While Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (PEPO(SA), EPD), had no objection to the application, he reminded Members that the proposed development would gain access via Kam Po Road, which was only a drainage maintenance access. The noise impact assessment of the EIA undertaken for the Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin took no account of the additional traffic that would be generated from other developments along the road. While DEP's concern had been conveyed to the applicant and the concerned departments, the vehicular access point for the proposed development remained the same. The applicant should be reminded that having run-in on Kam Po Road would require the agreement of the Transport Department and Drainage Services Department and might have environmental implications under the EIA Ordinance. In fact, he noted that the run-in of the proposed development could be provided on other access roads. Mr. Wilson Y.L. So, DPO/TMYL, replied that concerned Government departments had been requested to resolve the issue with the applicant. Besides, the AC for T/NT, TD had just advised that Kam Po Road with a width of 7.3m was sufficient for public use. Mr. H.M. Wong reiterated that allowing public use of Kam Po Road might amount to a material change to the scope of the concerned Designated Project under the EIA Ordinance. The Chairperson remarked that the issue should be resolved amongst relevant Government departments outside the meeting, including possible alternative access arrangement to and from the site other than Kam Po Road.

80. 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 3.11.2010, 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 Master Layout Plan to include the proposals identified in approval conditions (b) to (g) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment and the implementation of flood mitigation measures and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the provision of sewage treatment and disposal facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the provision of vehicle parking spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the provision of proper run-in to the site to the satisfaction of the Director of Highways or of the Town Planning Board; and
- (g) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's advice to apply to his office for a land exchange for implementing the proposed development. However, there was no guarantee that the land exchange application would eventually be approved. The site area of 12,798m<sup>2</sup> would be verified during processing of the land exchange application;

- (b) note the Director of Environmental Protection's comments that the proposed residential development was a Designated Project under the Environmental Impact Assessment Ordinance. An environmental permit would be required before the commencement of the proposed development;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments to submit the proposed modification to the roadside slopes and the slope drainage system due to the inclusion of the roadside slopes on the present Government land into the site. Such proposal should be submitted to Drainage Services Department and his office for comment. All the proposed modification to public road or roadside slopes in association with the planning application should be implemented by the Authorized Person at his own cost; and
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site should abut on a street not less than 4.5m. Otherwise, the development intensity would be subject to Building (Planning) Regulation (B(P)R) 19(3). The access road/internal street within the site should comply with the Building (Private Street and Access Road) Regulation. The area of internal street required under Buildings Ordinance s. 16(1)(p) might have to be deducted from site area for the purpose of plot ratio and site coverage calculations. The area of club house was accountable for gross floor area calculation under the Buildings Ordinance, unless otherwise exempted. Attention should be drawn to the provision of emergency vehicular access under B(P)R 41D. Detailed checking would be carried out at building plan submission stage.

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (ix) A/YL-PH/529 Proposed Temporary Vehicle Park for Heavy Vehicles (including Container Vehicles) for a Period of 3 Years in “Residential (Group D)” zone, Lot 55(Part) in DD 108, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/529)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary vehicle park for heavy vehicles (including container vehicles);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application as the proposed vehicle park for heavy vehicles was considered a landscape value detractor to the existing rural landscape character of the area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant should submit a drainage proposal to demonstrate all the existing flow paths/runoff falling onto and passing through the application site would be disposed of via proper discharge points. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the width of the proposed access road between Fan Kam Road and the application site was not sufficient for two-way traffic of container vehicles, there was no information on the location and size of the run-in on Fan Kam Road, and the size of the parking spaces was not sufficient for container vehicles;

- (d) one public comment from a Yuen Long District Councilor was received during the statutory publication period raising objection to the application due to close proximity of the application site to residential dwellings; the noise and dust generated by heavy vehicles; and the nuisances caused by handling of goods on neighbouring residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 12.2 to 12.4 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” zoning and did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’. The proposed development was not compatible with the residential dwellings in the immediate vicinity. There was also no information to demonstrate that the proposed development would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas.

83. Members had no question on the application.

#### Deliberation Session

84. 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 on the Outline Zoning Plan, 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. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development was not compatible with the residential dwellings in the immediate vicinity; and
  
- (c) the proposed development did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that the application site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the proposed development would not generate adverse environmental, drainage, traffic and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions only)]

- (x)           A/YL-PS/252           Proposed Temporary Open Storage of Building Materials and Machineries for a Period of 3 Years in "Recreation" zone, Lots 114, 115RP(Part) and 203(Part) in DD 126, Ping Shan, Yuen Long  

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(RNTPC Paper No. A/YL-PS/252)

Presentation and Question Sessions

85.           The Committee noted that 20.10.2006, the applicant requested the Board to defer consideration of the application in order to allow time to resolve concerns on technical aspects raised by Government departments.

Deliberation Session

86.           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.

[Professors Peter R. Hills and David Dudgeon left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (xi)           A/YL-PS/253           Filling of Land for Agricultural Use (Growing of Organic Vegetables and Mushrooms) and Ancillary Office in “Green Belt” zone, Lots 1023(Part), 1024(Part), 1025A(Part), 1025RP in DD 122 and Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/253)
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Presentation and Question Sessions

87.           Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement page 1 had already been sent to Members. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the filling of land for agricultural use (growing of organic vegetables and mushrooms) and ancillary office;
- (c) departmental comments – both the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) and Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) considered the proposed vehicular access unacceptable as it utilised an existing footpath not designed for vehicular access. The applicant had not provided any drainage proposals. As such, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the applicant should propose, provide and maintain a proper drainage system for the development to the satisfaction of his department;
- (d) five public comments were received during the statutory publication period

raising objection to the application on the grounds of no owners' consent, fung shui and illegal filling without prior planning approval. The District Officer conveyed a local objection from five indigenous villagers, which was included as one of the public comments; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 12.1 and 12.2 of the Paper. Although 'agricultural use' was always permitted within the "Green Belt" zone, no strong justifications were provided to demonstrate that filling of land under the current application was essential and inevitable for carrying out agricultural activities on site. No similar applications were previously approved in the "Green Belt" zone and hence approving the application would set an undesirable precedent. There were adverse departmental comments on the proposed vehicular access arrangement. There was also no information to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.

88. Members had no question on the application.

#### Deliberation Session

89. The Chairperson said that there was insufficient information to demonstrate that the development would not have adverse impacts on drainage and other aspects. On the other hand, owners' consent was not a pre-requisite in approving planning applications.

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

- (a) no strong justifications had been provided to demonstrate that filling of land under the current application was essential and inevitable for carrying out agricultural activities on site;
- (b) there was no information in the submission to demonstrate that the development under application would not have adverse drainage impact on

the surrounding area and aggravate flooding in the area; and

- (c) the approval of the application would set an undesirable precedent for similar applications for land filling within the same “Green Belt” zone. The cumulative effect would degrade the general environment of the area.

[Open Meeting (Presentation and Question Sessions only)]

- (xii) A/YL-TYST/332 Proposed Temporary Warehouse for Storage of Tiles and Advertising Boards for a Period of 5 Years in “Undetermined” zone, Lots 670(Part), 768(Part), 769(Part) and 785(Part) in DD 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/332)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of tiles and advertising boards;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) did not support the application as the landscape issues had yet been addressed and no landscape proposal was submitted. The Director of Fire Services (D of FS) did not support the application unless the applicant confirmed to provide fire service installations to his satisfaction. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the applicant needed to propose and provide drainage facilities to his satisfaction should the application be approved;



- (d) one public comment was received during the statutory publication period stating that there were too many warehouses causing deterioration in air quality, traffic congestion and abandonment of the residential area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper. There was no information to demonstrate that the proposed development would not generate adverse landscape, drainage and fire safety impacts on the surrounding areas. The previous planning approvals for similar temporary warehouse uses were all revoked due to non-compliance with approval conditions. The last application (No. A/YL-TYST/238) for the same warehouse use was also rejected as there was no information to demonstrate that the development would not generate adverse landscape, drainage and fire safety impacts on the surrounding areas.

92. Members had no question on the application.

#### Deliberation Session

93. 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 proposed development would not generate adverse landscape, drainage and fire safety impacts on the surrounding area.

[Open Meeting (Presentation and Question Sessions only)]

- (xiii) A/YL-TYST/333 Proposed Temporary Social Service Centre  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 2645(Part) in DD 120 and Adjoining Government  
Land, Wa Fung School, Lam Hau Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/333)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary social service centre;
- (c) departmental comments – no objection was received from concerned Government departments;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed social service centre was small-scale and compatible with the surrounding areas which were mainly fallow agricultural land and the village settlement of Lam Hau Tsuen nearby. No adverse impact on the surrounding area was also anticipated.

95. The Chairperson said that the existing school buildings ought to have drainage facilities, and as compared with the previous school use, there should not be many more people using the school buildings under the applied use. She asked whether there was genuine need to require the applicant to submit and implement drainage proposals in the approval conditions as recommended in paragraphs 11.2(b) and (c) of the Paper. Mr. Wilson Y.L. So, DPO/TMYL, replied that Wa Fung School had ceased operation in September 2006. The applicant would make use of the existing school buildings to operate a temporary social service centre under application. The use of the existing school buildings might be different from the previous one. The approval conditions as recommended by the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) could ensure that no adverse drainage impacts would be resulted from the proposed temporary social service centre.

Deliberation Session

96. A Member said that the abandoned school buildings could have been worn out and certain drainage improvement/upgrading works might be required should the buildings be put to further use. While Members generally had no objection to incorporate approval conditions on drainage aspect, the Chairperson opined that any drainage works required should be reasonable and commensurate with the nature and duration of uses. In this respect, the applicant should not be expected to undertake any full-fledged or substantial drainage works. The Committee agreed that the Committee's views should be drawn to the attention of the CE/MN, DSD.

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.11.2009, 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 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 3.5.2007;
- (c) in relation to (b) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.8.2007;
- (d) the submission of emergency vehicular access, water supply for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.5.2007;
- (e) in relation to (d) above, the implementation of emergency vehicular access,

water supply for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.8.2007;

- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities consulted accordingly;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Shan Ha Road;
- (d) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance

with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required. Should building proposal be submitted to the Building Authority for approval, the site should be accessible from a road of not less than 4.5m wide. Otherwise, the development intensity would be subject to the application of Buildings (Planning) Regulation 19(3).

[Open Meeting (Presentation and Question Sessions only)]

- (xiv)        A/YL-TYST/334      Renewal of Planning Approval for Temporary Container Tractor and Trailer Park for a Period of 3 Years under Application No. A/YL-TYST/222 in “Undetermined” zone, Lot 2817RP(Part) in DD 120, Tin Liu Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/334)
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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    renewal of planning approval for temporary container tractor and trailer park for a period of 3 years;
- (c)    departmental comments – no objection was received from concerned Government departments;
- (d)    one public comment was received during the statutory publication period

raising objection to the application on traffic, environmental and pollution grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. The applied use generally complied with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that it was not incompatible with the surrounding land uses which were mainly open storage yards and vehicle repair workshops and the nearest village settlement of Tin Lung Tsuen was about 60m away. Vehicles to and from the application site would not need to pass by the village houses. There was no adverse comment from concerned Government departments. Planning approval for the previous application (No. A/YL-TYST/222) was granted to the same applicant for the same use and all the approval conditions were complied with. Regarding the public comment, concerned Government departments, including the Director of Environmental Protection (DEP) and the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection on the application.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.11.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicle dismantling, vehicle repairing and workshop activities should be carried out on the site at any time during the planning approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of a drainage plan with photos showing the latest conditions of the drainage works constructed on the site under the previous application (No. A/YL-TYST/222) 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 3.5.2007;
- (e) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if the above planning condition (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified and the relevant lands and maintenance authorities be consulted accordingly;

- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road; and
- (d) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection.

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

**Agenda Item 7**

**Any Other Business**

103. There being no other business, the meeting was closed at 4:45 p.m.