

TOWN PLANNING BOARD

Minutes of 340th Meeting of the Rural and New Town Planning Committee held at 2:40 p.m. on 15.12.2006

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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

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

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. B.W. Chan

Dr. James C.W. Lau

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

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 339th RNTPC Meeting held on 1.12.2006

[Open Meeting]

1. The draft minutes of the 339th RNTPC meeting held on 1.12.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Sai Kung and Islands District

[Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/I-NP/10 Proposed Temporary Fast Food Shop
for a Period of 3 Years
in “Green Belt” zone,
G/F, 60C Ngong Ping Village,
Ngong Ping,
Lantau
(RNTPC Paper No. A/I-NP/10)
-

Presentation and Question Sessions

3. The Committee noted that on 4.12.2006, the applicant requested the Town

Planning Board to defer making a decision on the application in order to allow more time to respond to queries raised by Water Supplies Department.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/136 Proposed Houses Development
in “Residential (Group E)” zone,
Lot 300, 305RP, 306RP, 307RP, 343A2(Part),
344, 345, 346, 347 and 349RP(Part) in DD 210
and Adjoining Government Land,
Ho Chung,
Sai Kung
(RNTPC Paper No. A/SK-HC/136)
-

Presentation and Question Sessions

5. The Committee noted that on 1.12.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow more time to resolve concerns raised by Government departments.

Deliberation Session

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-HH/40 Proposed Public Utility Installation
(Electricity Package Transformer)
in “Village Type Development” zone,
Government Land in Nam Wai,
Sai Kung
(RNTPC Paper No. A/SK-HH/40)
-

Presentation and Question Sessions

7. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed public utility installation (electricity package transformer);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 9.1 of the Paper.

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 15.12.2010, 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 protective measures against possible vehicular collision with the electricity package transformer to the satisfaction of the Director of Electrical and Mechanical Services; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to apply to District Lands Officer/Sai Kung, Lands Department for short term tenancy; and
- (b) to consult the Director of Water Supplies regarding measures taken to avoid the potential interface and impacts on the project, namely “Replacement and Rehabilitation of Water Mains Stage 2 Mainlaying Works in Sai Kung Area”.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/SK-PK/148 Proposed School (Kindergarten)
in “Village Type Development” zone,
Lot 605A(Part), 659A(Part), 659(Part), 660(Part),
661(Part), 663(Part), 664(Part), 665, 666B(Part), 666C(Part),
671(Part) in DD 221 and Adjoining Government Land,
1A, Lane 2,
Sha Kok Mei Village,
Sai Kung
(RNTPC Paper No. A/SK-PK/148)
-

Presentation and Question Sessions

11. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed school (kindergarten);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, three public comments were received supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper and considered that the application could be approved for a temporary period of three years. While the existing vehicular access to the application site was substandard, the applicant had proposed a traffic patrol system and would liaise with the Sai Kung Rural Committee to enhance the access and footpath leading to the application site. In view of the above, the Assistant Commissioner for Transport/New Territories of Transport Department had no objection to the granting of a 3-year temporary approval so that the traffic situation could

be monitored.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) 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 15.6.2007;
- (b) in relation to (a) above, the provision of drainage facilities 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 15.9.2007;
- (c) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (d) in relation to (c) above, the implementation of the tree preservation and landscape 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 15.9.2007;
- (e) the submission of vehicle parking, loading/unloading and access arrangement proposals within 6 months to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.6.2007; and
- (f) if any of the above planning conditions (a), (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.

14. The Committee also agreed to advise the applicant of the following:
- (a) a temporary approval of 3 years was given in order to allow the Town Planning Board to monitor the traffic situation to ensure that no traffic safety issues would be caused by the proposed development before completion of the enhancement to the existing vehicular access and footpath leading to the application site;
 - (b) to liaise with the District Lands Officer/Sai Kung, Lands Department to apply for a short term waiver to effect the proposed kindergarten use;
 - (c) to liaise with the Sai Kung District School Development Section, Education and Manpower Bureau to comply with requirements on premises and structures as stipulated in Parts I and II of the Education Regulations and to observe section 20 of the Education Ordinance regarding the registration of the changed school premises;
 - (d) to liaise with the Chief Building Surveyor/New Territories East, Buildings Department to obtain prior approval and consent from the Building Authority before commencement of all proposed building works, unless such works were exempted under the Buildings Ordinance; and
 - (e) to resolve any land issues relating to the development with the concerned owner(s) of the application site.

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TSW/34 Proposed School (Tutorial School)
in “Residential (Group B)” zone,
Shop No. B15(A), 1/F,
Kingswood Richly Plaza,
1 Tin Wu Road,
Tin Shui Wai,
Yuen Long
(RNTPC Paper No. A/TSW/34)
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Presentation and Question Sessions

15. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

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

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 15.12.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

- (a) resolve any land matters relating to the development with the concerned owner(s) of the premises;
- (b) note the Director of Buildings' comment in paragraph 9.1.4 of the Paper;
and
- (c) note the Director of Fire Services' comment that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans/licence application.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/470 Proposed Eleven New Territories Exempted Houses (NTEHs) (Small Houses) in “Village Type Development” and “Recreation” zones, Lots 1744A to 1744N and 1744RP in DD 125, San Uk Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/470)
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Presentation and Question Sessions

19. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

[Dr. C.N. Ng joined the meeting during the presentation session.]

- (a) background to the application;
- (b) proposed eleven New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received supporting the application. The commenter also considered that it was not necessary to impose landscape, drainage and run-in/out approval conditions; and
- (e) the Planning Department (PlanD)’s views – the seven proposed NTEHs at Lots No. 1744C to 1744I were totally within the “Village Type Development” (“V”) zone and always permitted. PlanD had no objection to the proposed NTEH at Lot No. 1744B but did not support the three proposed NTEHs at Lots No.1744A, 1744J and 1744K for reasons given in

paragraphs 12.1 to 12.3 of the Paper. The three proposed NTEHs at Lots 1744A, 1744J and 1744K did not meet the assessment criteria for NTEH/Small House development because the footprints of the two proposed NTEHs at Lots 1744A and 1744K totally fell outside the “V” zone while less than 50% of the footprint of the NTEH at Lot 1744J was within the “V” zone. There was no general shortage of land in meeting the demand for Small House development in the “V” zone. Besides, it was necessary to impose approval conditions relating to drainage and landscape issues to address concerns raised by relevant Government departments.

20. Members had no question on the application.

Deliberation Session

21. The Chairperson remarked that the application was in general assessed against the interim criteria for assessing planning application for NTEH/Small House development in the New Territories. Amongst the 11 proposed NTEHs, three of them were not supported as less than 50% of their footprints fell within the “V” zone.

22. After deliberation, the Committee noted that as the seven proposed New Territories Exempted Houses (NTEHs) at Lot 1744C to 1744I were totally within the “Village Type Development” (“V”) zone and always permitted in accordance with the Notes of the Outline Zoning Plan, planning permission from the Town Planning Board was not required.

23. The Committee decided to approve the application of the proposed NTEHs at Lot 1744B, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 15.12.2010, 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 landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (b) the submission of drainage proposals and the provision and maintenance of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

24. The Committee agreed to advise the applicant of the following:

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to upgrade/improve the watercourse between the discharge point and the District Officer's village drain to the satisfaction of the Director of Drainage Services;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection for provision of water supply to the development; and to 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 WSD's standards;
- (d) to note the comments of the Director of Fire Services to provide emergency vehicular access (EVA), fire hydrant and fire service installations in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department; and that detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by District Lands Officer/Yuen Long, Lands Department; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with Buildings Ordinance; and Authorized Person must be appointed for these site

formation and communal drainage works.

25. The Committee also decided to reject the application of the proposed NTEHs at Lots 1744A, 1744J and 1744K and the reasons were:

- (a) the proposed NTEHs (Small Houses) did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the proposed NTEHs at Lots 1744A and 1744K were both outside the village environs of recognized villages and the “Village Type Development” (“V”) zone, and that the footprint of proposed NTEH at Lot 1744J fell less than 50% within the “V” zone. There was no general shortage of land in meeting the demand for Small House development in the “V” zone. There was insufficient information in the submission to demonstrate why suitable sites could not be made available within the areas zoned “V” for the proposed Small House development;
- (b) the proposed NTEHs (Small Houses) were not in line with the planning intention of the “Recreation” (“REC”) zone which was to designate areas for developments restricted to recreational uses. “REC” zone should encourage the development of active and/or passive recreation and tourism/ecotourism. There was no strong justification in the submission for a departure from this planning intention; and
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development and the sufficient provision of infrastructure. Approval of the application would set an undesirable precedent for other similar applications in the areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/471 Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years in “Agriculture” zone,
Lot 384RP in DD 128,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/471)
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Presentation and Question Sessions

26. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary warehouse (storage and sale of organic food and gardening plants) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from the landscape planning point of view;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas, and approval of the application would set an undesirable precedent

for applications for other developments within the “AGR” zone.

27. Members had no question on the application.

Deliberation Session

28. The Chairperson remarked that as the site was situated in the inner part of Deep Bay Road, the Assistant Commissioner for Transport/New Territories of Transport Department also raised concern that the approval of the application would induce cumulative adverse traffic impact on the nearby road network.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from such planning intention, even on temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-KTS/390 Temporary Parking of Lorries and Private Cars and Ancillary Storage of Goods (Machine Oil and Metal Buckets) and Office for a Period of 3 Years in “Residential (Group D)” zone, Lot 1310(Part) in DD 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/390)
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Presentation and Question Sessions

30. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary parking of lorries and private cars and ancillary storage of goods (machine oil and metal buckets) and office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received objecting to the application on noise, traffic and safety grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 11.1 and 11.2 of the Paper in that the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was insufficient information in the submission to demonstrate that the development would have no adverse environmental and drainage impacts on the surrounding areas, and the approval of the application would set an undesirable precedent for

similar applications within the “R(D)” zone.

31. Members had no question on the application.

Deliberation Session

32. Referring to paragraph 2(a) of the Paper, a Member said that a minor typo was found in the second sentence that ‘Monday to Friday’ should read ‘Monday to Saturday’.

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was no strong justification for a departure from the planning intention even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would have no adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTS/391 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 509(Part), 514 and 515RP(Part) in DD 106
and Adjoining Government Land,
Kam Po Road,
Yuen Long
(RNTPC Paper No. A/YL-KTS/391)
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Presentation and Question Sessions

34. The application was submitted by a company with Top Bright Consultants Ltd. (TBC) being the consultant. Dr. James C.W. Lau, having current business dealings with TBC, declared interest in this item. The Committee noted that Dr. Lau had tendered his apologies for not able to attend the meeting.

35. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses including residential dwellings and agricultural land to the immediate east and south of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation was not in favour of the application from agricultural point of view due to the active agricultural activities maintained within the site. The Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from landscape point of view;

- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, there were adverse departmental comments against the applied use, there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas, and the approval of the application would set an undesirable precedent for similar uses to proliferate in the “OU(RU)” zone.

36. Members had no question on the application.

Deliberation Session

37. The Chairperson remarked that the proposed development was not compatible with the land uses in the surrounding areas. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

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

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that there were adverse departmental comments against the applied use. There was insufficient information in the submission to demonstrate that

the proposed development would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas; and

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-LFS/150 Proposed Eating Place (Restaurant)
and Minor Relaxation of Plot Ratio Restriction
in “Residential (Group E)” zone,
Lot 3578 in DD 129,
Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/150)
-

Presentation and Question Sessions

39. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

[Ms. Anna S.Y. Kwong joined the meeting during the presentation session.]

- (a) background to the application;
- (b) proposed eating place (restaurant) and minor relaxation of plot ratio restriction;
- (c) departmental comments – no objection from concerned Government departments was received;

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

40. Members had no question on the application.

Deliberation Session

41. 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 15.12.2010, 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 landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of the drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of car parking and loading/unloading as well as the internal driveway arrangement of the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) 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.

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

- (a) to note the Director of Environmental Protection's concern in paragraph 9.1.3 of the Paper and to apply to his department for a discharge licence and provide appropriate sewage treatment and disposal facilities for the

proposed restaurant development accordingly to meet with the relevant environmental pollution control ordinances;

- (b) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 9.1.6 of the Paper;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's concern to resubmit a site layout plan showing only traffic-engineering related details, and ensure the free movement of the vehicular turntable without any reversing of vehicles into/from Deep Bay Road;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the requirement to provide emergency vehicular access to all buildings in accordance with Building (Planning) Regulations 41D and detailed consideration would be made at the building plan submission stage; and
- (e) to note the Director of Food and Environmental Hygiene's comments in paragraph 9.1.9 of the Paper.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-NTM/204 Proposed Temporary Open Storage Uses
(Cargo Handling and Forwarding Facility, Container Storage,
Logistic Centre and Freight Forwarding Services)
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Various Lots in DD 104 and Adjoining Government Land,
Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/204)
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Presentation and Question Sessions

43. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage uses (cargo handling and forwarding facility, container storage, logistic centre and freight forwarding services) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site/Chuk Yau Road and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received objecting to the application on noise, dust and safety grounds. According to the District Officer/Yuen Long, a few Village Representatives considered that Chuk Yau Road was a narrow road and not suitable for heavy vehicles. Some villagers had expressed their worries that the proposed use might cause traffic congestion along Chuk Yau Road which was the only access road to part of Yau Tam Mei area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.2 and 12.3 of the Paper in that the proposed development was not compatible with the residential dwellings and village settlements in the surrounding areas, there were adverse comments from the Government departments, there was no previous planning approval for similar use, and there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts on the surrounding areas.

44. Members had no question on the application.

45. The Chairperson remarked that the applied use was not compatible with the residential dwellings and village settlements in the area. As there was no previous planning approval for similar use at the site and the proposed development would have adverse impacts on the surrounding areas, the application should not be approved.

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

- (a) the proposed development was not compatible with the residential dwellings and village settlements in the surrounding areas;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval for similar use, and that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-PH/531 Temporary Restaurant
for a Period of 3 Years
in “Village Type Development” zone,
Lots 2008(Part), 2009(Part), 2010(Part), 2011(Part),
2012(Part), 2013(Part) and 2018A(Part) in DD 111,
Wang Toi Shan,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/531)
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Presentation and Question Sessions

47. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

[Mr. Elvis Au left the meeting temporarily during the presentation session.]

- (a) background to the application;
- (b) temporary restaurant for a period of 3 years;
- (c) departmental comments – the Chief Building Surveyor/New Territories West of Buildings Department (BD) raised objection to the application in view of the existence of the extensive unauthorized structures on site;
- (d) no public comment was received during the statutory publication period. The District Officer/Yuen Long advised that members of the Tso Tong raised objection to the application as the Tso Tong did not intend to rent out the subject site for restaurant use; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. The restaurant was considered not incompatible with the surrounding land uses including village houses, home for the aged, film studio, warehouses and open storages, and would provide eating and food catering services for people working and living in the area. Other technical issues, including BD's concerns, could be addressed by imposition of approval conditions.

48. The Chairperson asked about the operation hours of the subject restaurant. Referring to paragraph 2(b) of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, said that according to the applicant, the daily operation hours of the subject restaurant would be from 9:00 a.m. to 5:30 p.m.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the daily operation of the development was restricted from 9:00 a.m. to 5:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.3.2007;
- (c) in relation to (b) above, the implementation of the tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (d) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.3.2007;
- (e) in relation to (d) above, the provision of drainage facilities as proposed 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 15.6.2007;
- (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;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application

site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to note that shorter compliance periods were imposed so as to monitor the development and fulfilment of approval conditions;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his Office. His site inspection revealed that unauthorized structures had been erected on the site and were used for the purpose of a restaurant and ancillary storage. He reserved the right to take lease enforcement action against the irregularities. Moreover, according to his inspection, the existing built-over area of the structures erected on the site was about 426m² which was larger than the figure (403.3m²) submitted in the planning application. The applicant should clarify the discrepancy. The applicant/landowner(s) should apply to his Office for Short Term Waiver(s) for the erection of the proposed structure(s) on the lots. However, his Office did not guarantee that approval would be given upon application;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status, management and maintenance responsibility of the track leading to the site from Kam Tin Road should be checked;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;

- (f) to note the Chief Town Planning/Urban Design and Landscape, Planning Department's comments that there were several existing trees on site including a large *Ficus elastica*;
- (g) to note the Director of Food and Environmental Hygiene's comments that a licence issued by his Office might be required if food business was carried on at the site; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if a contravention was found. Formal submission of any proposed new works including any temporary structure, for approval under the BO was required. If the site was not abutting on and accessible from a road of at least 4.5m wide, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Moreover, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-PS/250 Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses (NTEHs) and Proposed Utility Installation for Private Project (Transformer Room) in “Village Type Development” zone, Lots 1340B4 to 24, 1340BRP, 1340B1RP(Part) and 1340B2RP(Part) in DD 121, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/250)
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Presentation and Question Sessions

51. The application was submitted by a company with Ho Tin & Associates Consulting Engineers Ltd. (HTA) being the consultant. Dr. James C.W. Lau, having current business dealings with HTA, declared an interest in this item. The Committee noted that Dr. Lau had tendered his apologies for being not able to attend the meeting. The Committee also noted that on 30.11.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow more time to prepare information for further consideration by concerned Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PS/257 Temporary Public Vehicle Park
for Container Tractor and Trailer for a Period of 3 Years
in “Undetermined” zone,
Lots 789(Part), 790(Part), 791(Part),
792(Part), 793(Part) and 794(Part) in DD 122,
Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/257)
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Presentation and Question Sessions

53. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

[Mr. Elvis Au returned to join the meeting during the presentation session.]

- (a) background to the application;
- (b) temporary public vehicle park for container tractor and trailer for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received objecting to the application for noise and dust nuisances; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 12.2 and 12.3 of the Paper in that the development was not compatible with the surrounding land uses, there were adverse departmental comments and local objection, no technical assessments had been submitted to demonstrate that the applied use would not have adverse drainage and environmental impacts on the surrounding

areas, and the approval of this planning application would set an undesirable precedent for similar applications in this area.

54. Members had no question on the application.

Deliberation Session

55. The Chairperson remarked that the development was not compatible with the surrounding land uses, in particular a number of residential structures were located to the immediate east, south and further south-east.

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

- (a) the development was not compatible with the surrounding land uses, in particular a number of residential structures were located to the immediate east, south and further south-east;
- (b) the application 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 and local objection, and no technical assessments had been submitted to demonstrate that the applied use would not have adverse drainage and environmental impacts on the surrounding areas; and
- (c) the approval of this planning application would set an undesirable precedent for similar applications in this area. The cumulative effects of approving these similar applications would result in degradation of the environment in this area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-PS/258 Proposed Temporary Public Vehicle Park
for Private Car, Light Goods Vehicle
and Medium Goods Vehicle for a Period of 3 Years
in “Village Type Development” zone,
Lots 406RP(Part), 407 and 408(Part) in DD 122,
Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/258)
-

Presentation and Question Sessions

57. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

[Dr. Lily Chiang returned to join the meeting during the presentation session.]

- (a) background to the application;
- (b) proposed temporary public vehicle park for private car, light goods vehicle and medium goods vehicle for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the development was not compatible with the adjacent residential structures, there was insufficient information to demonstrate that the development would not pose adverse environmental, traffic, drainage and landscape impacts on the surrounding areas, and the approval of this planning

application would set an undesirable precedent for similar applications in this area.

58. Referring to Plan A-1 of the Paper, a Member asked for the distinction between the current application and a similar application No. A/YL-PS/248 within the same “Village Type Development” zone. Mr. Wilson Y.L. So, DPO/TMYL, responded that the similar application No. A/YL-PS/248 was approved in consideration that the proposed development, which allowed the parking of private cars and light goods vehicles only, would serve the needs of the nearby residents. The current application, which involved the parking of medium goods vehicles, would create adverse impacts on the surrounding residential uses. As such, the current application was not supported.

Deliberation Session

59. The Chairperson remarked that the development, which involved the parking of medium goods vehicles, was not compatible with surrounding areas and would have adverse impacts on the surrounding residential uses. The application should not be approved to avoid a degradation of the environment of the area.

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

- (a) the development was not compatible with the adjacent residential structures;
- (b) there was insufficient information to demonstrate that the development would not pose adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) no similar application for temporary public vehicle park which allowed the parking of medium goods vehicle had been approved in this “Village Type Development” (“V”) zone before. The approval of this planning application would set an undesirable precedent for other similar applications in the “V” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-PS/259 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” and “Undetermined” zones, Lots 391(Part), 392(Part), 403RP(Part) and 404 in DD 122 and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/259)
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Presentation and Question Sessions

61. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

62. Members had no question on the application.

Deliberation Session

63. The Chairperson remarked that given that the proposed development would serve

the parking needs of some local residents and involve private cars and light goods vehicles only, sympathetic consideration could be given in approving this application.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (c) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.9.2007;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.6.2007
- (g) in relation to (f) above, the provision of drainage facilities identified in the drainage proposal 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 15.9.2007;

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

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his office for a Short Term Waiver and Short Term Tenancy to regularize the irregularities on the site. His office reserved all rights to take enforcement/control action against these irregularities;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (e) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the site fell within the Sheung Cheung Wai Archaeological Site, no land excavation should be undertaken in the site without prior written approval of his office;
- (f) note the Chief Engineer/Development (2), Water Supplies Department's (WSD's) comments that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of inside services within the private lots to WSD's standards; and
- (g) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-SK/137 Proposed Temporary Car Park (Private Cars and Light/Medium Goods Vehicles) for a Period of 3 Years in "Village Type Development" zone, Lot 782 in DD 114 and Adjoining Government Land, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/137)
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Presentation and Question Sessions

67. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary car park (private cars and light/medium goods vehicles) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage and environmental impacts on the surrounding areas, and the approval of the application would set an undesirable precedent for similar uses to proliferate into the “V” zone.

68. Members had no question on the application.

Deliberation Session

69. The Chairperson remarked that the parking of medium goods vehicles would create nuisance to the sensitive receivers in the vicinity. The approval of the application would set an undesirable precedent for similar uses to proliferate into the “V” zone.

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land

considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;

- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage and environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar uses to proliferate into the “V” zone. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-ST/326 Proposed Temporary Open Storage of Recyclable Metal for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 5 and 6 (Part) in DD 105, and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/326)
-

Presentation and Question Sessions

71. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage of recyclable metal for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received objecting to the application for environmental reason and illegal use of the site. The District Officer/Yuen Long advised that members of the Ming Yuen Tong strongly objected the application on ground that the current occupier illegally used the site without their consent; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, and there was no information in the submission to demonstrate that the development would not have adverse ecological, drainage and environmental impacts on the surrounding areas.

72. In response to the Chairperson’s enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the planning intention of the “OU(CDWRA)” zone was to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Although the site was paved, existing fish ponds were found to its immediate north and north-east.

Deliberation Session

73. The Chairperson remarked that the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone, in particular, to encourage the phasing

out of sporadic open storage and port back-up uses.

74. 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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;
- (b) the proposed development did not comply with the revised Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay Area” in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/337 Temporary Warehouse for Storage of
Old Household Electrical Appliances and Old Computers
for a Period of 3 Years
in “Undetermined” zone,
Lot 1159RP in DD 119 and Adjoining Government Land,
Pak Sha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/337)
-

75. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary warehouse for storage of old household electrical appliances and old computers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the south-west and north-west of the site, and environmental nuisance was expected. He also raised concern on the improper handling process of any breaking/dismantling of old electrical appliances/old computers that might cause soil pollution;
- (d) during the statutory publication period, two public comments were received. One commenter objected to the application while the other raised concern, both on similar traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. Given that the site was purely used for storage purpose under enclosed structure, the development would unlikely generate significant adverse environmental impact on the surrounding areas. Regarding the DEP's concern on soil pollution, the applicant had submitted that only storage use would be involved and no workshop activities would be undertaken on site. Besides, in view of the DEP's and the local concerns, corresponding approval conditions were recommended to minimize any potential impact on the environment.

76. Noting that there were no previous approval, DEP's adverse comments and local objections received, a Member wondered whether the application could be approved. Mr. Wilson Y.L. So, DPO/TMYL, said that given that the site was directly accessible to Kung Um Road and the temporary warehouse was purely used for storage purpose under enclosed

structure, the development would unlikely generate significant adverse traffic and environmental impacts on the surrounding areas. The applicant also submitted that no workshop activities would be undertaken on site. In view of the DEP's and the local concern, appropriate approval conditions, restricting the operation hours, repairing/dismantling activities and type of vehicles and that no electronic waste was allowed to be stored on the site, were recommended to minimize any potential impact on the environment. Referring to Plan A-1 of the Paper, Mr. So added that similar applications (No. A/YL-TYST/328, 329 and 335) for warehouse uses were recently approved in September and December 2006.

Deliberation Session

77. Noting that DEP did not support the application as there were sensitive receivers in the vicinity while PlanD had no objection to the application, a Member said that it appeared that there were conflicting views from the two Government departments. Mr. Wilson So explained that the area was mixed with warehouses and storage yards, with a few scattered residential structures to the further south-west and north-west of the site. There were also warehouse structures to the west and north-west of the site. The development was thus not incompatible with the surrounding areas. Given that other relevant Government departments had no adverse comments on the application and the environmental concern could be addressed by imposition of appropriate approval conditions, it was recommended to grant a temporary approval to the application.

78. The Secretary recalled that Members of the Town Planning Board had visited the Ha Tsuen and Tong Yan San Tsuen areas in late 2004. With the improved infrastructural provision in the area, it seemed that the area would become more accessible and could provide possible space for port back-up uses. As the temporary warehouse was purely used for storage purpose under enclosed structure, any possible environmental nuisance of the development to the scattered residential structures could be addressed by implementation of appropriate mitigation measures.

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) no electronic waste was allowed to be stored on the site during the planning approval period;
- (d) no open storage, repairing, breaking, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.9.2007;
- (h) the submission of drainage proposal 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 15.6.2007;
- (i) in relation to (h) above, the implementation of drainage proposal 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 15.9.2007;
- (j) the submission of fire service installations proposal 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 15.6.2007;

- (k) in relation to (j) above, the provision of fire service installations as proposed 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 15.9.2007;
- (l) the submission of vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.6.2007;
- (m) in relation to (l) above, the implementation of vehicular access proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.9.2007;
- (n) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 15.6.2007;
- (o) in relation to (n) above, the implementation of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 15.9.2007;
- (p) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m), (n) or (o) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The lot owner concerned/applicant should apply for short term waiver (STW) and short term tenancy (STT) to regularize the irregularities on site and illegal occupation of Government land. Should no STW and STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/land control action against the registered owner/occupier;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that if Transport Department agreed with the proposal, a run-in should be constructed at the access point and in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. His office did not maintain the access track between the site and Kung Um Road;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should take all precautionary measures to prevent any damage/blockage of the existing drainage system and stream course adjacent to the site. In the event of any damage/blockage to the drainage system and stream course, the applicant should be responsible for making good the damage/blockage at his own cost and to the satisfaction of concerned departments. The applicant should also allow access to the

concerned department for inspection and maintenance of the drainage system;

- (f) 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 (DEP);
- (g) note the DEP's comments that the applicant was advised to observe the requirements under the Water Pollution Control Ordinance regarding the sewage treatment/disposal aspect. The applicant could approach the DEP's Regional Office (North) for more details;
- (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 (BO). 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (i) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In considering the design/nature of the structures, fire service installations (FSIs) were anticipated to be provided. The applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the BO.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/338 Temporary Warehouses for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1170A&B1-B5&BRP(Part), 1173(Part) and 1176(Part) in DD 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/338)
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Presentation and Question Sessions

81. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary warehouses for storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers to the north and west of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received objecting to the application on traffic, environmental and drainage grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. Given that the site was purely used for storage purpose under enclosed structure, the development would unlikely generate significant adverse environmental impact on the surrounding areas. In view of the DEP’s and the local concerns, corresponding approval conditions were recommended to minimize any potential impact on the environment and address the

drainage concern.

82. Members had no question on the application.

Deliberation Session

83. The Chairperson remarked that as the site was purely used for storage purpose under enclosed structure and the development would unlikely generate significant adverse environmental impact on the surrounding areas, sympathetic consideration could be given in approving the application.

84. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that as the previous planning approval was revoked due to non-compliance with approval conditions, shorter compliance periods were recommended in the current application so as to monitor the fulfillment of the approval conditions.

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) no open storage, repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.3.2007;

- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.3.2007;
- (h) in relation to (g) above, the implementation of drainage proposal 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 15.6.2007;
- (i) the submission of fire service installations proposal 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 15.3.2007;
- (j) in relation to (i) above, the provision of fire service installations as proposed 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 15.6.2007;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) shorter compliance periods so as to monitor the fulfillment of approval conditions;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the District Lands Officer/Yuen Long, Lands Department should be consulted as regards to all proposed drainage works outside the lot boundary to ensure unobstructed discharge from the development in future;
- (f) 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 (DEP);
- (g) note the DEP's comments that the applicant was advised to observe the requirements under the Water Pollution Control Ordinance regarding the sewage treatment/disposal aspects of the development. The applicant could approach the DEP's Regional Office (North) for more details;
- (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 (BO). 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and

- (i) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be provided. The applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the BO.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvii) A/YL-TYST/339 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in "Undetermined" zone,
Lots 1879A&B(Part), 1883(Part),
1884(Part) and 1885(Part) in DD 117,
Kung Um Road,
Yuen Long
(RNTPC Paper No. A/YL-TYST/339)
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Presentation and Question Sessions

87. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;

- (d) during the statutory publication period, one public comment was received objecting to the application on traffic congestion and environmental pollution; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper in that the site was small in area and had easy access to Kung Um Road, and those residential dwellings were separated by other storage yards. To address the DEP's and the local concerns, appropriate approval conditions were recommended to minimize any potential impact on the environment.

88. Referring to paragraphs 9.1.4 and 9.1.5 of the Paper, a Member noted that the DEP commented that there were sensitive receivers in the vicinity of the site while the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of Planning Department advised that there was no sensitive receiver in the vicinity of the site. This Member queried about the difference in the two departments' views. Referring to Plan A-2 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, responded that there were scattered residential structures to the south-east and further north-east of the site separated by other storage yards. The two Government departments' comments were on different aspects of the application. The DEP's comments were mainly related to the environmental nuisance within 100m of the site while CTP/UD&L was of the view that there was no recognised sensitive receiver from urban design and landscape point of view.

89. In response to the same Member's enquiry on the measures to minimize any potential impact arising from the vehicle repair workshop, Mr. Wilson So supplemented that the development was considered not incompatible with the surrounding areas which were predominantly occupied by workshops, warehouses and open storage yards. Given that the site was relatively small, had easy access to Kung Um Road and the residential structures in the vicinity were separated by other storage yards, the development would unlikely generate significant adverse traffic and environmental impacts on the surrounding areas. To address the DEP's and the local concerns, approval conditions restricting the operation hours were recommended. The applicant would also be advised to follow the latest 'Code of Practice

on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP.

Deliberation Session

90. The Chairperson asked whether the operation hours of vehicle repair workshops could be shortened taken into account of the potential adverse impacts of the vehicle repair workshop. The Secretary said that operation on the site would normally be prohibited from 11:00 p.m. to 7:00 a.m. in accordance with the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP. Depending on local circumstances and the impact of the possible environmental nuisance, more stringent restriction on operation hours might be considered. In view of the DEP's and the local concerns, the Chairperson suggested restricting the operation hours of the subject vehicle repair workshop from 9:00 p.m. to 7:00 a.m. Members agreed.

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no operation between 9:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.9.2007;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the Town Planning Board by 15.6.2007;

- (f) in relation to (e) above, the implementation of 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 15.9.2007;
- (g) 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; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The landowners concerned should apply for Short Term Waivers (STWs) to regularize the irregularities on the site. Should no STW application be received/approved, and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comment that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department;
- (f) note the Director of Fire Services' comments that the site was proposed for vehicle repair workshop in which activities involving storage/use of Dangerous Goods were likely. As such the applicant/operator of the site was advised to approach his department's Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (h) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-TYST/340 Temporary Open Storage of Plastic Goods
Including Containers and Road Signs for a Period of 3 Years
in “Undetermined” zone,
Lots 1415RP, 1416RP and 1426 in DD 119
and Adjoining Government Land,
Shan Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/340)
-

Presentation and Question Sessions

93. Mr. Anthony C.Y. Lee, 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 plastic goods including containers and road signs for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver to the west of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper. The site was the subject of a previous application (No. A/YL-TYST/326) for the same use covering a larger site and approved by the Committee for two years in August 2006. The current application with a reduced area was farther away from the sensitive receivers as compared with the previous approved application. In view of the DEP’s concern, corresponding approval conditions were recommended to minimize any potential impact on the

environment. A shorter approval period of two years instead of three years was recommended so as to monitor the development on the site.

94. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, clarified that according to the applicant, the application site was used for temporary open storage of plastic goods (including containers and road signs) as shown on Drawing A-2 of the Paper.

Deliberation Session

95. A Member raised concern on those containers stored on site might lead to the problem of mosquito breeding. The Chairperson suggested adding an advisory clause to alert the applicant to the issue. Members agreed.

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 15.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the implementation of the accepted landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.3.2007;
- (f) the submission of the revised drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage

Services or of the Town Planning Board by 15.3.2007;

- (g) in relation to (f) above, the implementation of the revised 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 15.6.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) a shorter approval period of two years was granted and shorter compliance periods so as to monitor the situation of the site and the fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The applicant should apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government Land. Otherwise, his office would consider appropriate control action against the occupier. However, there was no guarantee that the application for STT would

ultimately be approved;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) 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;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). 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 BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (h) to avoid storage of waste water within plastic goods (in particular containers) leading to the problem of mosquito breeding.

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

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/80-3 Application for Amendment to Permission
– Proposed Class B Amendments to Approved Residential Development
under Application No. A/YL-LFS/80
in “Green Belt” zone,
Various Lots in DD 129 and Adjoining Government Land,
Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/80-3)

Presentation and Question Sessions

98. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Alfred Donald Yap, having current business dealings with HLD, declared interest in this item. The Committee noted that on 11.12.2006, the applicant requested the Town Planning Board (the Board) to defer making a decision on the application in order to provide supplementary information to address local comments on the application. As the Paper was on the applicant’s request to defer consideration of the application and the Board’s usual practice was to accede to the request, Mr. Yap did not need to leave the meeting.

Deliberation Session

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

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Anthony C.Y. Lee, STP/TMYL, for their attendance to answer Members’ enquiries. Messrs. So and Lee left the meeting at this point.]

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

[A short break of 5 minutes was taken.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Draft Ting Kok Outline Zoning Plan No. S/NE-TK/12

(RNTPC Paper No. 25/06)

Presentation and Question Sessions

100. Dr. Kenneth S.S. Tang, STP/STN, presented the proposed amendment to the Notes for the “Agriculture” zone as detailed in the Paper.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/12;
- (b) agree that the Amendment Plan No. S/NE-TK/12A (to be re-numbered as S/NE-TK/13 upon gazetting) and its Notes were suitable for gazetting under section 7 of the Town Planning Ordinance;

- (c) adopt the Explanatory Statement (ES) as an expression of the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the draft Ting Kok OZP and issued under the name of the Board; and
- (d) agree that the revised ES was suitable for exhibition for public inspection together with the draft OZP.

Agenda Item 7

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-KTN/1 Application for Amendment to the
Draft Kwu Tung North Outline Zoning Plan No. S/NE-KTN/7,
to rezone the site from “Comprehensive Development Area” (“CDA”),
“Open Space” and “Village Type Development” (“V”) to “CDA” and “V”
and to impose a maximum plot ratio restriction of 1 and
a maximum building height restriction of 6 domestic storeys
not including 1 car parking level for the proposed “CDA” zone,
Various Lots in DD 92 and Adjoining Government Land
near Yin Kong Village,
Kwu Tung,
Sheung Shui
(RNTPC Paper No. Y/NE-KTN/1)

Presentation and Question Sessions

103. The Committee noted that on 15.11.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow more time to prepare further information to address concerns raised by relevant Government departments.

Deliberation Session

104. 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 three 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.

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-FTA/81 Proposed Temporary Asphalt Production Plant
for a Period of 3 Years
in “Agriculture” zone,
Lot 551BRP(Part) in DD 89,
Man Kam To Road,
Sha Ling

(RNTPC Paper No. A/NE-FTA/81)

Presentation and Question Sessions

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

[Ms. Anna S.Y. Kwong left the meeting temporarily during the presentation session.]

- (a) background to the application;
- (b) proposed temporary asphalt production plant for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site/access road and environmental nuisance was expected;

- (d) during the statutory publication period, five public comments were received objecting to the application on environmental ground, in particular the potential odour, dust and noise impacts on the residential dwellings in the vicinity of the site; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed development could be tolerated for reasons given in paragraphs 11.2 to 11.4 of the Paper. The proposed asphalt production plant was not incompatible with the surrounding land uses and previous planning approval had been given in 2003. In view of the DEP's and the locals' concerns on environmental grounds, a temporary approval of one year was recommended in order to monitor the situation.

106. Mr. W.K. Hui, DPO/STN, said that a previous application (No. A/NE-FTA/50) submitted by the same applicant for the same use was approved in April 2003. Shortly after the granting of the approval, a third party (i.e. four asphalt production companies) lodged a judicial review (JR) to the High Court in June 2003 against the decision of the Town Planning Board in granting a temporary approval to the applicant. The JR applicants' main argument was that the proposed asphalt production plant was not a genuine temporary use. The JR was dismissed on 22.3.2006. Subsequently, the applicants of the JR lodged an appeal to the Court of Appeal. The appeal hearing was scheduled for late February 2007. During the three-year planning approval since 2003, the proposed asphalt production plant had not come into operation as the District Lands Officer/North of Lands Department withheld processing of the Short Term Tenancy in relation to the unleased Government Land for the proposed vehicular access until the determination of the JR. The approval of the application No. A/NE-FTA/50 lapsed on 4.4.2006. As the current application was submitted after the expiry of the previous planning permission, this application should be considered as a new application rather than a renewal application.

107. A Member asked whether one year approval period was sufficient taken account of the considerable amount of time and cost in setting up the asphalt production plant. Referring to a site photo in Appendix Ia of the Paper, Mr. W.K. Hui replied that according to the applicant, the asphalt production plant was installed in September 2002 but had not come into operation. Subsequently, the asphalt production plant was removed from the site in mid 2003. Since the asphalt production plant was just a machinery, the installation work was

unlikely taken a long period of time. It would be up to the applicant to decide whether to start the operation should a temporary permission of one year be granted.

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

Deliberation Session

108. A Member asked whether it was intended to tolerate the operation for one year and provide time for the applicant to relocate the operation. The Secretary said that as mentioned by DPO/STN, the proposed asphalt production plant was not incompatible with the surrounding land uses and previous planning approval was given in 2003. The applicant had also complied with all approval conditions. In view of the DEP's and the locals' concerns on environmental grounds, a temporary approval of one year was recommended in order to monitor the situation. Should the applicant wish to continue the operation of the proposed asphalt production plant after the expiry of the one-year planning permission, a new application could be submitted to the Committee for consideration.

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

109. In reply to a Member's enquiry on the JR, the Secretary stated that the JR applicants' main argument for their case was that the proposed asphalt production plant was not a genuine temporary use. It should be noted that the current application was a fresh planning application rather than a renewal application and processed in accordance with the provisions of the statutory plan currently in force. The Committee should consider the application based on prevailing planning circumstances including land use compatibility, traffic and environmental impacts as well as local views.

110. Some Members were concerned about on the potential odour, dust and noise impacts as well as health hazard on the nearby residents as raised in the public comments objecting to the application. A Member asked whether the potential industrial/residential interface problems could be addressed by imposition of appropriate approval conditions. Mr. W.K. Hui said that a licence should be obtained from the DEP before the asphalt production plant could be operated.

111. Mr. Elvis Au elaborated that odour, dust and noise impacts were typical

environmental issues relating to asphalt production plants. Should the plant capacity exceed the limit of 250 kg/hour, it would be classified as a Specified Process (Tar and Bitumen Works) under the Air Pollution Control Ordinance and a licence would be required for its operation. It was important to have careful planning to prevent potential industrial/residential interface problems. A buffer distance of 100m was generally recommended under the Hong Kong Planning Standards and Guidelines to prevent dust impacts on residential uses. As there were sensitive users in the vicinity of the site/access road and environmental nuisance was expected, DEP did not support the application.

112. In response to a Member's enquiry on the previous application, the Secretary said that the proposed asphalt production plant was previously approved on the grounds that the proposed development was considered not incompatible with the surrounding land uses and would unlikely cause any significant adverse traffic, environmental, drainage and landscape impacts on the area. Concerned Government departments, including the DEP, had no objection to the application. There was also no local objection received. According to the applicant at that time, the application site had been used as a concrete batching plant for more than 15 years and covered by a Short Term Waiver. To meet the changing market condition, part of the concrete batching plant was changed into an asphalt production plant.

113. A Member pointed out that given the proposed asphalt production plant had never come into operation on site since its approval in 2003, adverse departmental comments and local objections received, the Committee should consider the current application afresh based on prevailing planning circumstances rather than a continuation of the previous application. The above views were shared by another Member.

114. A Member opined that the Committee should adopt a consistent approach in dealing with the current application. As there was no change in planning circumstances in the subject "Agriculture" zone, it was not appropriate for the Committee to depart from the decision of the previous planning application on the same site for the same use, the current application could be considered for approval. Noting that the Court of Appeal hearing was scheduled for late February 2007, a Member added that a temporary permission of one year was appropriate in order to monitor the situation. Upon expiry of the current permission, the Court of Appeal's decision could also be taken into consideration by the Committee if a new application was submitted.

115. Referring to Plan A-2 of the Paper that the concrete batching plants to the immediate east and west of the site was not in operation, Mr. Elvis Au stated that the Committee should consider whether there was any change in circumstances and merit to justify the approval of the application. A Member pointed out that the concrete batching plants were an existing use, the operation of which could be reactivated at any time.

116. The Chairperson asked about the current situation of the concrete batching plants. Mr. W.K. Hui said that the concrete batching plants to immediate east and west of the site were currently not in operation. However, information was not available on the reason why and when the operation was ceased.

117. In reply to the Chairperson's enquiry, Mr. Elvis Au reiterated that an asphalt production plant with its capacity exceeding 250 kg/hour would be classified as a Specified Process (Tar and Bitumen Works) under the Air Pollution Control Ordinance and a licence would be required for its operation. However, the applicant had not provided any information on the capacity of the plant in his submission.

[Mr. H.L. Cheng left the meeting temporarily at this point.]

118. A Member had reservation on the application as the proposed development might cause environmental nuisance to the surrounding environment. Acknowledging that any potential environmental nuisance arising from the operation of the asphalt production plant could be controlled under the relevant legislation through the licensing system, another Member was of the view that the Committee should defer a decision on the application requesting the applicant to provide additional information, in particular the capacity of the plant and the appropriate control mechanism, to support the application for consideration of the Committee.

119. The Chairperson concluded that the application would be deferred pending the submission of further information from the applicant. The applicant should be requested to provide information on the capacity of the asphalt production plant in terms of kg/hour, whether and when the concrete batching plants on the east and west of the application site would resume their operation. A Member added that in response to the present increasing public aspiration for better living environment, a cautious approach should be adopted to avoid any undesirable environmental problem arising from the implementation of the

application. This Member suggested that the applicant should also be requested to provide mitigation measures to minimise the possible impacts on the environment. Members agreed.

120. After deliberation, the Committee decided to defer a decision on the application pending the submission of additional information from the applicant on the capacity of the asphalt production plant in terms of kg/hour, whether and when the concrete batching plants on the east and west of the application site would resume their operation, and the mitigation measures to minimise the possible impacts on the environment. 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.

[Mr. H.L. Cheng returned to join the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TP/382 Proposed Six Houses (New Territories Exempted Houses)
(NTEHs) (Small Houses)
in “Green Belt” zone,
Lots 431A1 to 431A6, 829K and 829L in DD 5,
San Wai Tsai Village,
Tai Po
(RNTPC Paper No. A/TP/382)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed six houses (New Territories Exempted Houses) (NTEHs) (Small

Houses);

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

122. Members had no question on the application.

Deliberation Session

123. 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 15.12.2010, 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 landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

124. The Committee also agreed to advise the applicants should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicants and their contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines or have them replaced by underground cables.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KTS/240 Temporary Godown Uses with Ancillary Office
for a Period of 3 Years
in “Recreation” zone,
Lots 1623B, 1624A to I, 1624RP, 1626, 1628, 1629 and
1631 to 1637 in DD 100 and Adjoining Government Land,
Ying Pun,
Kwu Tung South
(RNTPC Paper No. A/NE-KTS/240)
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Presentation and Question Sessions

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

[Mr. Edmund K.H. Leung returned to join the meeting during the presentation session.]

- (a) background to the application;
- (b) temporary godown uses with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. The application site was provided with boundary hoarding of about 3m to 4m high and material handling operations were conducted inside the enclosed area. Nearby dwellings should have no direct sightline to the material handling activities. The application site had a relatively short access to the main public road (i.e. Fan Kam Road) and the access road had

been paved. To address the DEP's concern, it was recommended to advise the applicant to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any possible environmental impacts.

126. Members had no question on the application.

Deliberation Session

127. The Chairperson remarked that as the development was not incompatible with the surrounding uses which were predominantly occupied by workshops and open storage yards, sympathetic consideration could be given in approving the application.

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no heavy goods vehicles including container vehicles was allowed for transportation of goods to/from the application site during the planning approval period;
- (b) the submission of improvement measures to the access road and associated footpath within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.3.2007;
- (c) in relation to (b) above, the implementation of improvement measures to the access road and associated footpath within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.6.2007;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.3.2007;

- (e) in relation to (d) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.6.2007;
- (f) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.3.2007;
- (g) in relation to (f) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.6.2007;
- (h) the submission of water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.3.2007;
- (i) in relation to (h) above, the provision of water supply for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.6.2007;
- (j) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods had been given so as to closely monitor the

development and implementation of planning conditions;

- (b) liaise with the District Lands Officer/North, Lands Department regarding reissue of the Short Term Wavier and Short Term Tenancy for the application site;
- (c) note the comments from the Chief Engineer/Development (2), Water Supplies Department in paragraph 9.1.7 of the Paper; and
- (d) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LYT/346 Proposed Temporary Recycling and Reprocessing Factory of Electronics and Electrical Items (Computer Cathode Ray Tube Monitors and Televisions) for a Period of 3 Years in "Recreation" zone, Lots 568RP(Part) and 567D(Part) in DD 85 and Adjoining Government Land, Lau Shui Heung Road, Fanling
(RNTPC Paper No. A/NE-LYT/346)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary recycling and reprocessing factory of electronics and

electrical items (computer cathode ray tube (CRT) monitors and televisions) for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection did not support the application as there were anticipated environmental impacts arising from the operation of the proposed facility. The Chief Engineer/Development (2) of Water Supplies Department objected to the application. As the site was located in close proximity (about 5 meters) to Kwan Tei River, heavy metals contained in used CRTs were hazardous substances and would pose high risks to the environment and human health. There was insufficient information in the submission to demonstrate that the operation of the recycling facilities would not induce adverse impacts on the nearby sensitive receivers. The Assistant Commissioner for Transport/New Territories of Transport Department had reservation on the application for the substandard access road to the site;
- (d) during the statutory publication period, two public comments were received objecting to the application mainly on land use compatibility, environmental and traffic grounds. The District Officer (North) advised that there were one local supported the application and two raised objection to the application on environmental pollution and public health grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 10.1 to 10.3 of the Paper in that the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone, and there was insufficient information to demonstrate that the use under application would not have adverse traffic and environmental impacts on the surrounding areas.

131. Referring to Plan A-4 of the Paper, the Chairperson asked about the structure on site. Mr. W.K. Hui, DPO/STN, responded that a 1-storey shed constructed with corrugated iron sheets was currently found on the site, which might be the warehouse under the previous application No. A/NE-LYT/147 approved in 1998.

Deliberation Session

132. The Chairperson remarked that as the proposed development would have adverse environmental impacts on the surrounding areas, the application was not supported.

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

- (a) the application site fell within an area zoned “Recreation” (“REC”). The “REC” zone was intended primarily for the improvement of the environmental quality of the designated areas by offering incentives for low-density recreational development in the zone. It encouraged the development of active and/or passive recreation and tourism. The “REC” zoning was intended to phase out the existing open storage uses and improve the environmental quality of the areas. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) there was insufficient information to demonstrate that the use under application would not have adverse traffic and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-LYT/347 Proposed Public Utility Installation
(Electricity Package Transformer)
in “Village Type Development” zone,
Government Land in Tong Hang,
Fanling
(RNTPC Paper No. A/NE-LYT/347)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed public utility installation (electricity package transformer);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer/North advised that one local supported the application while the others had no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

135. Members had no question on the application.

Deliberation Session

136. 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 15.12.2010, 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 diversion of existing water mains within the application site affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (b) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

137. The Committee also agreed to advise the applicant of the following:
- (a) to apply to District Lands Officer/North, Lands Department for an excavation permit;
 - (b) to note Assistant Commissioner for Transport/New Territories, Transport Department's comment that the proposed development should be kept clear of any road, footpath and access in its vicinity by at least 1m; and
 - (c) to note Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 8.1.8 of the Paper.

Agenda Item 9

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTS/228-1 Application for Amendment to Permission
– Proposed Houses (Amendment to Approved Scheme)
in “Residential (Group C)2”,
“Government, Institution or Community”, “Open Space”,
“Green Belt”, “Agriculture” and ‘Road’ zones,
Lot 2242 in DD 95,
Kwu Tung South,
Sheung Shui

(RNTPC Paper No. A/NE-KTS/228-1)

Presentation and Question Sessions

138. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with SHK, declared interests in this item. The Committee noted that on 11.12.2006, the applicant requested the Town Planning Board (the Board) to defer making a decision on the application in order to allow more time to prepare and submit supplementary information on landscape matters for further consideration by the Planning Department. As the Paper was on the

applicant's request to defer consideration of the application and the Board's usual practice was to accede to the request, Messrs. Yap and Cheng did not need to leave the meeting.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/240-1 Extension of Time for Commencement of the
Approved Seven New Territories Exempted Houses
(NTEHs) (Small Houses)
under Application No. A/NE-LT/240
for a Period of 3 Years until 22.12.2009
in "Agriculture" zone,
Various Lots in DD 8,
Sha Pa Village,
Lam Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/240-1)
-

- (iii) A/NE-LT/241-1 Extension of Time for Commencement of the Approved Five New Territories Exempted Houses (NTEHs) (Small Houses) under Application No. A/NE-LT/241 for a Period of 3 Years until 22.12.2009 in “Agriculture” and “Government, Institution or Community” zones, Various Lots in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/241-1)
-

140. Noting that the two applications were similar in nature and both sites fell within the “Agriculture” zone on the Lam Tsuen Outline Zoning Plan, Members agreed that the applications could be considered together.

Presentation and Question Sessions

141. Dr. Kenneth S.S. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) extension of time for commencement of the approved New Territories Exempted Houses (NTEHs) (Small Houses) under Applications No. A/NE-LT/240 and 241 for a period of 3 years until 22.12.2009;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) and the Director of Environmental Protection (DEP) maintained their previous views of not favouring/not supporting the applications;
- (d) no local objection was received by the District Officer/Tai Po for both applications; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 8.2 and 8.3 of RNTPC Paper No. A/NE-LT/240-1 and 241-1 respectively. Although the DAFC and DEP did not support the applications, other concerned Government departments had no objection to nor comment on the applications for extending the time limit of commencement. In order to address the DAFC's and DEP's concerns, appropriate approval conditions were imposed. Although none of the approval conditions had been complied with, it was understood that the applicants were not in a position to fulfil such conditions at this stage.

142. Members had no question on the applications.

Deliberation Session

Application No. A/NE-LT/240-1

143. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 22.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of septic tanks and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board;

- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the applicants should consult the Antiquities and Monuments Office, Leisure and Cultural Services Department regarding the scope for archaeological investigation prior to the commencement of site formation works;
- (b) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers;
- (c) note the comments of the Director of Agriculture, Fisheries and Conservation that the site was close to an ecological important stream as promulgated in Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005. The applicants should implement adequate measures to avoid affecting or polluting the stream; and
- (d) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the Town Planning Board Guidelines No. 35A and 36 for details.

Application No. A/NE-LT/241-1

145. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 22.12.2009, on the terms of the application as submitted to the Town Planning Board and

subject to the following conditions:

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of septic tanks and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers;
- (b) note the comments of the Director of Agriculture, Fisheries and Conservation that there was a water course adjacent to the application site. The applicants should implement adequate measures to avoid affecting or polluting the water course; and
- (c) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh

application under section 16 of the Town Planning Ordinance. Please refer to the Town Planning Board Guidelines No. 35A and 36 for details.

Remarks

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