

TOWN PLANNING BOARD

Minutes of 342nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.1.2007

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

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

Assistant Director/New Territories, Lands Department
Ms. Eugina Fok

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Y.K. Cheng

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 341st RNTPC Meeting held on 5.1.2007

[Open Meeting]

1. The draft minutes of the 341st RNTPC meeting held on 5.1.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed Meeting]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session Only)]

A/I-MWI/40 Proposed Hotel in “Comprehensive Development Area” and
 “Other Specified Uses” annotated
 “Recreation and Tourism Related Uses” zones,
 Part of Ma Wan Lots 151, 214, 215 and 218, Ma Wan
 (RNTPC Paper No. A/I-MWI/40B)

Presentation and Question Session

6. As the application site formed part of the “Comprehensive Development Area” zone for the proposed Ma Wan Park development of which the developer was a subsidiary of

Sun Hung Kai Properties Ltd. (SHKP), Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. Noting that the applicant requested on 4.1.2007 and 15.1.2007 respectively for a deferment of the consideration of the application, the Committee considered that Mr. Yap could stay at the meeting, and noted that Mr. Cheng had sent his apologies for being unable to attend the meeting.

7. The Secretary said that the requests for deferment were to allow the applicant to have more time to resolve the public road implementation issue with the Lands Department and other technical issues with concerned departments.

Deliberation Session

8. 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 a total of four months had been allowed at the applicant's request for preparation of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, for her attendance to answer Members' enquiries. Ms. Chan left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and 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 4

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/NE-HLH/12 Proposed Public Utility Installation
(Sewage Pumping Station)
in “Green Belt” zone,
Government Land, San Wai, Fanling
(RNTPC Paper No A/NE-HLH/12)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer except that one of the local parties consulted had views on the operation of the sewage pumping station and traffic arrangements during the construction stage; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

10. Members had no question on the application.

Deliberation Session

11. 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 19.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of sufficient stand-by pumps and retention facilities to avoid emergency overflow from the proposed sewage pumping station to the nearby stream course to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of firefighting access, water supplies and fire service installations proposals to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) the proposed sewage pumping station should be kept clear of the adjacent road by at least 1m;
- (b) emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department;
- (c) necessary geotechnical submission should be made in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002 for 'Geotechnical Control for Slopes and Retaining Walls' during the development stage;
- (d) discharge from the sewage pumping station should comply with the latest Environmental Protection Department's discharge standard under the Water Pollution Control Ordinance;

- (e) water mains in the vicinity of the application site could not provide the standard firefighting flow;
- (f) precautionary measures should be taken to avoid any impact to the adjacent planting area in both the construction and operation stages; and
- (g) interface between other projects on the application site should be resolved with the Project Manager/New Territories North & West, Civil Engineering and Development Department.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/NE-KTS/245 Proposed House (New Territories Exempted House (NETH) – Small House) in “Agriculture” zone, Lot 1380B1RP in DD 100, Chan Uk Po, Sheung Shui
(RNTPC Paper No. A/NE-KTS/245)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the District Lands Officer/North, Lands Department objected to the planning application mainly because the application site was outside the village ‘environs’ (‘VE’) of Chan Uk Po Village and not covered by any Modification of Tenancy/Building Licence. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the application as approval of such developments would set an undesirable precedent for similar applications

in the future, and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation did not favour the application in view of active farming activities in the area and potential of the application site for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as the proposed development was considered not compatible with the surrounding landscape character and moderate disturbances to the existing landscape were anticipated;

- (d) two public comments were received during the statutory publication period raising objection to the application on environmental, sewerage, visual and air ventilation grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development did not meet the interim criteria for assessing planning application for Small House development in the New Territories in that the footprint and the application site of the proposed Small House fell outside both the village 'environs' and "Village Type Development" zone of Chan Uk Po Village. Also, it was not in line with the planning intention of the "Agriculture" zone. It was not compatible with the surrounding landscape character, and would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative adverse traffic impact in the area.

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

14. In reply to a Member's question, Mr. W.K. Hui, DPO/STN, clarified that the local objections included in the table under paragraph 9.1 of the Paper referred to the views collected by the District Officer when the locals including District Council members were consulted on the application. For the public comments mentioned in paragraph 10.1 of the Paper, they were written comments received by the Secretariat of the Town Planning Board during the statutory publication period.

Deliberation Session

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

- (a) the proposed Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the footprint and the application site of the proposed Small House fell outside both the village ‘environs’ and “Village Type Development” zone of Chan Uk Po Village;
- (b) the use under application was not in line with the planning intention of the “Agriculture” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the planning intention; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in further encroachment on good agricultural land and substantial cumulative adverse traffic impact in the area.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/NE-LYT/348 Proposed Public Utility Installation
(Sewage Pumping Station)
in “Village Type Development” zone,
Government Land, Tung Kok Wai, Fanling
(RNTPC Paper No. A/NE-LYT/348 & 349)
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- (iv) A/NE-LYT/349 Proposed Public Utility Installation
(Sewage Pumping Station)
in “Village Type Development” zone,
Government Land, Wing Ning Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/348 & 349)
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Presentation and Question Session

16. Noting that Applications No. A/NE-LYT/348 and 349 were similar in nature, the Committee agreed to consider the two applications together.

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

- (a) background to the applications;
- (b) the proposed 2 public utility installations (sewage pumping stations);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department had some reservations on Application No. A/NE-LYT/349 as the proposed pumping station at Wing Ning Tsuen would affect quite a number of trees and bamboos, particularly at the northern side of the site and cause moderate disturbances to the existing landscape character;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer except that one of the local parties consulted suggested to shift the Tung Kok Wai pumping station (TKWPS) site northward in order to make way for possible future footpath widening to facilitate desludging of the adjacent public latrine; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraph 10.1 of the Paper. In

view of the nature and design of the sewage pumping stations, it was unlikely that the proposed uses would have adverse traffic, environmental, visual and infrastructural impacts on the surrounding areas. The landscape concern could be addressed by imposing appropriate approval conditions. Regarding the local comments on the location of the TKWPS, it was noted that after the completion of the village sewerage project and the pumping station, the latrine could be upgraded as a flushing toilet and therefore desludging would no longer be required.

18. Members had no question on the applications.

Deliberation Session

19. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. The permissions should be valid until 19.1.2011, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

- (a) the provision of sufficient stand-by pumps and retention facilities to avoid emergency overflow from the proposed sewage pumping station to the nearby stream course to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of firefighting access, water supplies and fire service installations proposals to the satisfaction of the Director of Fire Services or of the Town Planning Board.

20. The Committee also agreed to advise the applicant of Application No. A/NE-LYT/348 that :

- (a) emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department;
- (b) necessary geotechnical submission should be made in accordance with Works Bureau Technical Circular (Works) No. 29/2002 during the development stage;
- (c) discharge from the sewage pumping station should comply with the latest Environmental Protection Department's discharge standard under the Water Pollution Control Ordinance;
- (d) for provision of water supply to the development, extension of the inside services to the nearest Government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (e) the proposed sewage pumping station should be kept clear of the adjacent road by at least 1m; and
- (f) water mains in the vicinity of the proposed sewage pumping station could not provide the standard firefighting flow.

21. The Committee also agreed to advise the applicant of Application No. A/NE-LYT/349 that :

- (a) emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department;
- (b) necessary geotechnical submission should be made in accordance with Works Bureau Technical Circular (Works) No. 29/2002 during the

development stage;

- (c) discharge from the sewage pumping station should comply with the latest Environmental Protection Department's discharge standard under the Water Pollution Control Ordinance; and
- (d) for provision of water supply to the development, extension of the inside services to the nearest Government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/NE-TK/223 Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses) in “Village Type Development”, “Green Belt” and “Government, Institution or Community” zones, Lots 422A1, 422ARP, 422F and 422RP in DD 26 and Adjoining Government Land, Shuen Wan Lei Uk Village, Tai Po
(RNTPC Paper No. A/NE-TK/223)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed 2 Houses (NTEHs – Small Houses);
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) one public comment was received during the statutory publication period indicating support to the application as the applicants were indigenous villagers of the village and the land under application was owned by them; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. 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 19.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the 'Code of Practice on Working near Electricity Supply Lines'

established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicants and their contractors when carrying out any works in the vicinity of the electricity cables;

- (b) in case non-exempted site formation works and/or communal drainage systems were involved, submission should be made by an Authorized Person to the Building Authority for approval prior to commencement of the works;
- (c) extension of the inside services to the nearest Government water mains for connection might be needed. The applicants should resolve the land matters associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (d) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal method for the proposed development.

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/ST/645 Proposed Shop and Services (Fast Food Shop)
in "Industrial" zone,
Workshop C2, LG/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/645)
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Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed shop and services (fast food shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One of them supported the application on the premise that it would help meeting the increasing demand for eating place due to the continued growth in employment in the area, and reducing vacant industrial floor area. The other objected to the application mainly on the concerns that an existing food shop at the subject industrial centre had extended its operation onto the pavement causing inconvenience and obstruction to pedestrians, and the situation would be aggravated with the proposed additional fast food shop; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. Regarding the public comment raising objection to the application, it should be noted that illegal extension of business onto public pavement was subject to enforcement by concerned Government departments. The operation of the proposed fast food shop was small in scale without any seating accommodation. Moreover, the provision of customer waiting space within the application premises as proposed by the applicant could address the concern of occupation of public pavement by customers waiting for their orders.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the condition of providing fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) liaise with the Chief Building Surveyor/New Territories East, Buildings Department regarding fire resistance period of the wall separating the application premises and adjacent workshop areas;
- (d) note the Director of Fire Services' comments that the proposed fast food shop should only be licensed and operated as 'food factory' without the provision of seating accommodation or as 'factory canteen'. Fast food shop licensed and operated as 'restaurant' or 'light refreshment restaurant' would not be accepted; and
- (e) apply to the Director of Food and Environmental Hygiene for a Food Factory Licence for conducting the proposed food business.

[Open Meeting (Presentation and Question Session Only)]

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| (vii) | A/TP/383 | Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lot 419B in DD 5,
San Wai Tsai Village, Tai Po
(RNTPC Paper No. A/TP/383) |
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT), Transport Department had reservation on the application as approval of the application would set an undesirable precedent for similar applications in the future, the resulting cumulative adverse traffic impact could be substantial;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. Although AC for T/NT had reservation on the application, the traffic associated with the proposed development was not expected to be significant. Other concerned Government departments had no objection to/adverse comments on the application.

31. Members had no question on the application.

Deliberation Session

32. 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 19.1.2011, 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 drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of firefighting access, firefighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) provide proper drainage facilities for the proposed development at his own expenses and note that there were no public drainage facilities in the vicinity of the application site, except the road drainage system at the adjacent San Wai Tsai Road;
- (b) note that any obstruction or disturbance to the nearby stream course was prohibited at any time during and after the construction of the proposed Small House;
- (c) consult the Environmental Protection Department regarding the preferred sewage treatment/disposal method for the proposed development as public sewerage connection was at some distance away (about 50-60m); and
- (d) note that water mains in the vicinity of the application site could not provide the standard firefighting flow.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Dr. Tang 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. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/TM-LTY Y/146 Proposed Temporary Open Public Vehicle Park
for a Period of 2 Years
in “Residential (Group C)” zone,
Lots 1141RP(Part), 1142ARP, 1143RP(Part),
1147RP(Part) in DD 130 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/146A)
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Presentation and Question Session

34. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open public vehicle park for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application due to the potential environmental nuisance from the proposed vehicle park to a nearby major residential development (i.e. The Sherwood), especially the noise nuisance caused by those heavy and long vehicles when travelling, turning or parking in the carpark. The proposed 2.5m high boundary wall might not be able to provide sufficient screening to the nearby noise sensitive receivers (i.e. The Sherwood). The

Assistant Commissioner for Transport/New Territories (AC for T/NT), Transport Department considered that the applicant should submit the reserve capacity calculation of the Fuk Hang Tsuen Road/Castle Peak Road junction. The Commissioner of Police (C of P) also considered that the proposed carpark entrance opposite to the lay-by on Fuk Hang Tsuen Road would pose a potential danger to other drivers;

- (d) four public comments were received during the statutory publication period of further information. They objected to the application mainly on the grounds of possible environmental pollution and noise nuisance, inconvenience caused to the users of Fuk Hang Tsuen Road, possible adverse traffic impacts, road safety issue, deterioration of the road condition, and deprivation of land zoned for “Government, Institution or Community” (“G/IC”) use; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper mainly in that there was insufficient information to demonstrate that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas. Concerned Government departments, including DEP, AC for T/NT and C of P, did not support/had adverse comments on the application. Besides, there were public comments raising objection to the proposed use. However, as for the comments on deprivation of land zoned for “G/IC” use, it should be noted that the application site did not involve land zoned as “G/IC” on the OZP.

35. In reply to a Member’s question, Mr. Wilson Y.L. So, DPO/TMYL, said that the application site, together with the area to the northeast of the site (i.e. the area below and in the vicinity of the Deep Bay Link (DBL) Viaduct), were zoned “Residential (Group C)” (“R(C)”) on the OZP. As the application site would be subject to traffic noise problem upon the opening of the DBL, a Member asked if the current “R(C)” zoning was still applicable. Mr. Wilson Y.L. So said that a land use review of the site and the surrounding area would be undertaken in due course.

Deliberation Session

36. A Member commented that, as the proposed temporary vehicle park was for a period of two years only, it could be tolerated pending the completion of the land use review for the area concerned. On the other hand, a Member pointed out that the site was involved in two previous applications (Nos. A/TM-LTY Y/132 and 143) which were rejected by the Committee mainly on environmental and traffic grounds, even before the completion of The Sherwood located opposite to the application site. Mr. Wilson Y.L. So supplemented that DEP did not support these two applications mainly due to environmental nuisance from off-site traffic of heavy vehicles. A Member opined that, since there were significant changes in the planning circumstances of the site, the proposed temporary vehicle park could be allowed subject to the imposition of appropriate approval conditions to alleviate potential environmental and traffic impacts. In response to the Chairperson's question, Mr. Wilson Y.L. So said that if the application was approved, approval conditions restricting the operation hours as well as types of activities and vehicles allowed on site could be imposed to address the environmental concerns.

37. A Member asked whether there were adequate parking spaces in the area. Mr. Wilson Y.L. So said that the provision of parking spaces in those recently completed residential developments such as The Sherwood and Botanic Villa should have followed the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). However, such requirements might not be fully complied with in other residential sites within the "Residential (Group D)" and "Village Type Development" zones.

38. In response to a Member's query, Mr. Wilson Y.L. So said that the applied use under the current application was very similar to the previous Application No. A/TM-LTY Y/132 for 44 parking spaces for private cars and 13 parking spaces for trucks/light goods vehicles less than 5.5 tonnes for a period of 3 years. The application was rejected by the Committee on 23.12.2005. The applied use under the current application was similar to Application No. A/TM-LTY Y/132 except no parking of trucks was proposed. DEP and AC for T/NT did not support Application No. A/TM-LTY Y/132 on environmental and traffic grounds. There were local objections to the current application, but not for the previous rejected case. Considering that there were changes in planning circumstances for the site due to the DBL and the major concern of local objections was related to the parking

of light goods vehicles, Members agreed that the proposed temporary vehicle park for a period of two years could be tolerated but only for the parking of private cars.

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 19.1.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, repairing, cleaning of vehicles and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) only private cars were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the provision of a 2.5m high solid wall at the northern and western boundary, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.10.2007;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.7.2007;
- (g) 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 19.7.2007;

- (h) in relation to (g) 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 19.10.2007;
- (i) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.7.2007;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.10.2007;
- (k) the submission of a layout plan showing the vehicular access arrangement within the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.7.2007;
- (l) in relation to (k) above, the implementation of the vehicular access arrangement within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.10.2007;
- (m) 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;
- (n) if any of the above conditions (e), (f), (g), (h), (i), (j), (k) or (l) 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;

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

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

- (a) resolve any land issues relating to the development with the concerned land owner;
- (b) apply to the District Lands Officer/Tuen Mun for Short Term Waivers to regularise the structures erected on the site as well as a Short Term Tenancy to legalise the occupation of Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission by an authorized person for the proposed development was required under the BO. B(P)R 41D should be observed regarding the provision of emergency vehicular access to the site;
- (d) submit the reserve capacity calculation of Fuk Hang Tsuen Road/Castle Peak Road junction to the Assistant Commissioner for Transport/NT, Transport Department; and review the proposal taking into account the Commissioner of Police's comments that the entrance of the site, which was opposite to a lay-by on Fuk Hang Tsuen Road, might pose potential danger to other drivers;
- (e) note that the run-in should be constructed in accordance with the Highways Department's Standard Drawing Nos. H1113/H1114 or H5115/H5116;

- (f) note that an archaeological excavation was conducted in an area next to the site for the construction of Deep Bay Link. Architectural features and artefacts of the Qing Dynasty were discovered. As the site was of archaeological potential, no excavation should be undertaken without prior written approval of the Antiquities and Monuments Office of Leisure and Cultural Services Department; and
- (g) follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/YL-HT/472 Renewal of Planning Approval
for Temporary Open Storage of Marble
under Application No. A/YL-HT/329 for a Period of 3 Years
in “Comprehensive Development Area”
and “Village Type Development” zones,
Lots 2420RP(Part), 2422RP(Part), 2442(Part) and
2443RP(Part) in DD 129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/472)
-

Presentation and Question Session

41. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of marble under Application No. A/YL-HT/329 for a period of 3 years;

- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department advised that two Small House applications had been approved within the subject “Village Type Development” zone;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.3 of the Paper. Nevertheless, taking note of the impending Small House developments in the vicinity of the application site, a shorter approval period of 2 years was recommended should the application be approved.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 19.1.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the existing landscape planting implemented under the previous approved Application No. A/YL-HT/329 should be maintained at all times during the planning approval period;
- (b) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/329 should be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/329 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 19.7.2007;

- (d) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.7.2007;
- (e) in relation to (d) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.10.2007;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.7.2007;
- (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;
- (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; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long for Short Term Waiver to regularize the unauthorized structure on Lot No. 2442 in DD 129; and

- (c) note that a shorter approval period of 2 years was imposed to allow the applicant to identify suitable sites for relocation in view of the impending Small House developments in the vicinity of the application site.

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/YL-KTN/267 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Undetermined” zone, Lots 202RP(Part) and 203RP(Part) in DD 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/267)
-

Presentation and Question Session

45. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery 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 no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 19.1.2008, 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 medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the existing trees and landscape planting in the vicinity of the site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.4.2007;
- (f) in relation to (e) above, the implementation of the drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.7.2007;
- (g) 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;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that a shorter approval period of one year and shorter compliance periods were imposed so as to monitor the situation and the fulfillment of relevant approval conditions;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed vehicular access between the site and Kam Tin Road and the management and maintenance responsibilities of the access leading to the site from Kam Tin Road should be checked;
- (d) note that the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (e) adopt the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any possible environmental nuisances;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised building works/structures should be removed. All building works were subject to compliance with

the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and

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

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/YL-KTS/392 Renewal of Planning Approval
for Temporary Open Storage of Vehicle Parts
under Application No. A/YL-KTS/311
for a Period of 3 Years in "Residential (Group D)" zone,
Lots 698A(Part), 701BRP(Part), 701C(Part) and 702C(Part)
in DD 106 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-KTS/392)
-

Presentation and Question Session

49. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicle parts under Application No. A/YL-KTS/311 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 including residential dwellings in the vicinity of the site and environmental nuisance from the proposed use was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. Although DEP did not support the application on environmental grounds, there was no environmental complaint received in the past three years nor any local objection received during the public inspection period. The concern on environmental nuisance could be addressed by imposing appropriate approval condition as recommended in paragraph 12.3 (a) of the Paper.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.1.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicle repairing, dismantling and other workshop activities should be carried out on the site at any time during the planning approval period;
- (b) the existing landscape planting on the site including the replacement of dead trees, if any, should be maintained at all times during the planning approval period;
- (c) the approved drainage facilities on the site should be maintained at all times

during the planning approval period;

- (d) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.7.2007;
- (e) in relation to (d) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.10.2007;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices 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 19.7.2007;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long (DLO/YL), Lands

Department for regularization of the unauthorized structures on the private lots and the adjoining Government land as well as cancellation and reissue of the Short Term Waiver No. 3171 regarding the relaxation of built-over area. However, DLO/YL did not guarantee the approval upon receipt of application;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments that the ingress/egress of the site did not abut on Shek Kong Airfield Road. The status of the strip of land between the site and Shek Kong Airfield Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the access proposal should also be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the HyD Standard Drawing Nos. H1113B and H1114A;
- (e) adopt the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any possible environmental nuisances;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (g) note the Director of Electrical and Mechanical Services' comments that the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in

the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/YL-MP/157 Temporary Restaurant for a Period of 3 Years
in “Open Storage” zone,
Lots 2562BRP and 2564RP in DD 104,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/157)
-

Presentation and Question Session

53. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary restaurant for a period of 3 years;
- (c) departmental comments – the Chief Building Surveyor/NT West, Buildings Department (CBS/NTW, BD) objected to the application as the proposed change of use from the existing New Territories Exempted House (NTEH) to a restaurant would contravene the provisions of the Buildings Ordinance in respect of means of escape arrangement in case of fire;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that large volume of non-domestic discharge from the temporary restaurant might pollute the existing storm drains and Fairview Park River, and the increased traffic to the already over-loaded Castle Peak Road might pose danger to road users;

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. A previous application (No. A/YL-MP/120) for the same use on the site was approved by the Committee in 2003 for a period of 3 years. The approval conditions in respect of landscaping, drainage and fire safety had all been complied with. The current application basically applied for continual use of the site as a temporary restaurant with key development parameters including site area, total floor area and building height same as the previously approved scheme. The Buildings Department's concern on the structural aspect could be dealt with at the building plan submission stage. Other concerned departments, including Environmental Protection Department (EPD), Transport Department (TD), and Food and Environmental Hygiene Department (FEHD) had no adverse comments on the application. Regarding the public comment raising concerns on traffic and sewage disposal aspects, concerned departments including EPD and TD had no major adverse comments. Moreover, the applicant was required to obtain a restaurant licence from the FEHD under the provisions of Food Business Regulations of the Public Health and Municipal Ordinance (Cap. 132) in which the operation of the restaurant would be put under proper control.

54. Members had no question on the application.

Deliberation Session

55. With reference to Drawings No. A-2 to A-4 of the Paper, a Member asked why the layout plans were for the ground floor, second floor and third floor, without a first floor. Mr. Wilson Y.L. So, DPO/TMYL, said that the application involved a number of building structures including a 3-storey NTEH for restaurant and studio uses. In order to avoid confusion and misunderstanding, the applicant would be requested to rectify the floor numbering of the layout plans concerned.

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.1.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the drainage facilities implemented under Application No. A/YL-MP/120 should be maintained at all times during the planning approval period;
- (b) the submission of a landscape and 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 19.7.2007;
- (c) in relation to (b) above, the implementation of a landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.10.2007;
- (d) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.7.2007;
- (e) in relation to (d) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.10.2007;
- (f) the provision of emergency vehicular access, water supply for firefighting 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 19.7.2007;
- (g) 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;
- (h) if any of the above planning conditions (b), (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; and

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from the District Lands Officer/Yuen Long, Lands Department;
- (c) rectify the floor numbering of the layout plans for the proposed 3-storey restaurant;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the status of the strip of land between the application site and Castle Peak Road – Tam Mi should be checked and the parties to provide, manage and maintain this strip of land be confirmed;
- (e) note that the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the change of use from the existing New Territories Exempted House (NTEH) to a restaurant would contravene the provisions of the Buildings Ordinance (BO) in respect of escape

arrangement in case of fire. Formal submission of the building plan for the NTEH under the BO was required;

- (g) note that the proposed restaurant should be granted with a valid restaurant licence issued by the Food and Environmental Hygiene Department (FEHD). The management of the restaurant was responsible for the removal and disposal of the refuse at their expenses;
- (h) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal referral of the restaurant application from FEHD. In this respect, the applicant was advised to approach his Fire Protection Sub-regional Office for advice; and
- (i) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

58. 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.

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/YL-NSW/172 Proposed Comprehensive Residential Development
in "Undetermined" zone,
Lots 592C1(Part), 592CRP(Part)
and 1252RP(Part) in DD 115,
Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/172)
-

Presentation and Question Session

59. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, declared interests in this item. The Committee noted that the applicant on 12.1.2007 requested the Town Planning Board to defer consideration of the application in order to allow more time for preparing supplementary information to address the outstanding departmental comments. As a request for deferment was received from the applicant, the Committee considered that Mr. Yap could stay at the meeting and noted that Mr. Cheng had sent his apologies for being unable to attend the meeting.

Deliberation Session

60. 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 a total of four months had been allowed for the preparation and submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/YL-NTM/206 Proposed New Territories Exempted House
(NTEH) (Small House)
in "Village Type Development" and "Green Belt" zones,
Lot 419J in DD 105, Shek Wu Wai,
San Tin Heung, Yuen Long
(RNTPC Paper No. A/YL-NTM/206)
-

Presentation and Question Session

61. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed NTEH (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 13.1 of the Paper.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscape proposals was to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Engineer/Mainland North, Drainage Services Department's comments to consult the District Officer/Yuen Long for further information on existing local village drains and issues related to connecting the proposed drainage point and the drains; to consult the District Lands Officer/Yuen Long (DLO/YL) with regard to all the proposed drainage works outside the site in order to ensure unobstructed discharge from the site; to obtain the Director of Environmental Protection's agreement on

sewage disposal and treatment matters; and to construct and maintain all proposed drainage facilities at the applicant's own costs;

- (b) note the Director of Fire Services' comments that detailed fire safety requirements on emergency vehicular access, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by DLO/YL. The applicant should make reference to the latest 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by the Lands Department;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard firefighting flow; and
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the above site formation and communal drainage works.

[Open Meeting (Presentation and Question Session Only)]

- (viii) A/YL-NTM/207 Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 3 Years
in "Green Belt" zone,
Lots 2235(Part), 2236(Part), 2238(Part), 2239(Part),
2240, 2241, 2245(Part), 2300(Part), 2301(Part)
and 2326(Part) in DD 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/207)
-

Presentation and Question Session

- 65. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container 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 and access road and environmental nuisance from the proposed use was expected. The Director of Agriculture, Fisheries and Conservation was not in favour of the application in view of active agricultural and fish farming activities in the vicinity of the site;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The development was not in line with the planning intention of the “Green Belt” (“GB”) zone. There was insufficient information to demonstrate that the applied use would have no adverse environmental and drainage impacts. With felling of trees in around 1997, the site had been used as container vehicle park without planning permission. Such development was not tolerable and should not be encouraged. Approval of the application would send a wrong message to similar applications for developments which involved pond filling in the “GB” zone.

66. Members had no question on the application.

Deliberation Session

67. The Chairperson remarked that the illegal felling of trees on the site and use of the site as container vehicle park without planning permission should not be tolerated.

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

- (a) the temporary public vehicle park (excluding container vehicles) was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse 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 “GB” zone, the cumulative effects of which would result in a further degradation of the rural character of the area.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/YL-PH/533 Proposed Temporary Logistics and Freight Yard
for a Period of 3 Years
in “Residential (Group D)” and “Agriculture” zones,
Lot 50RP(Part) in DD 108
and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/533)
-

Presentation and Question Session

69. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistics & freight yard 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 from the proposed use was expected;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the proposed development would involve frequent loading/unloading activities and vehicle traffic which might pose a danger to the already overloaded access road; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” and “Agriculture” zones, and did not comply with the Town Planning Board (TPB) Guidelines No. 13D on planning application for open storage uses. A number of residential units were located in the immediate vicinity of the site. The proposed loading and unloading parking would be in conflict with the existing trees on the site. There was no drainage proposal to demonstrate that the existing flow paths and runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points.

70. Members had no question on the application.

Deliberation Session

71. 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)” and “Agriculture” zones. There was no strong justification in the submission for a departure from the planning intentions, 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’ (TPB PG-No.13D) in that no previous approval had been granted at the site, and that it was not compatible with the surrounding land uses with residential structures in the vicinity of the site. Moreover, there were adverse departmental comments on environmental and drainage aspects; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (x) A/YL-PH/534 Temporary Open Storage of Plastic Materials
for a Period of 3 Years
in “Residential (Group D)” and “Agriculture” zones,
Lots 2879(Part), 2881(Part), 2888(Part),
2889(Part), 2890(Part) and 2900(Part) in DD 111,
Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-PH/534)

Presentation and Question Session

72. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of plastic materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were scattered houses along the access road, and environmental nuisance on the sensitive receivers was expected due to the traffic of heavy vehicles via the access road to the site. The Director of Agriculture, Fisheries and Conservation did not favour the application in view of active agricultural activities in the vicinity of the site;
- (d) one public comment was received during the statutory publication period indicating objection to the development from the villagers on the grounds that the storage of plastic materials on site was close to residential premises which would induce environmental pollution and noise nuisance affecting them; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. There was no previous application approved for open storage of recycling materials of the same kind as the current application in the subject “Residential (Group D)” and “Agriculture” zones. Approval of the application would set an undesirable precedent for similar applications to proliferate into the area. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas. There was also objection from local villagers against the application.

73. Members had no question on the application.

Deliberation Session

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

- (a) the development did not comply with the Town Planning Board Guidelines

for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13D) in that there were local objection and adverse departmental comments on environmental, drainage, landscape and agricultural aspects; and

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

[Open Meeting (Presentation and Question Session Only)]

- (xi) A/YL-PS/252 Proposed Temporary Open Storage of
Building Materials and Machineries for a Period of 3 Years
in "Recreation" zone,
Lots 114, 115RP(Part) and 203(Part) in DD 126,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/252A)
-

Presentation and Question Session

75. The Committee noted that the applicant requested on 3.1.2007 for a deferment of the consideration of the application in order to allow more time to prepare and submit further information to resolve the concerns on technical aspects raised by relevant Government departments.

Deliberation Session

76. 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 a further period of two months had been allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session Only)]

- (xii) A/YL-ST/327 Temporary Open Storage and Retail Sale
of Construction Machinery for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 16BRP(Part) and 19(Part) in DD 105
and Adjoining Government Land,
San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/327)
-

Presentation and Question Session

77. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage and retail sale of construction machinery for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL), Lands Department did not support the application mainly because a Short Term Tenancy previously offered to regularize the occupation of Government land and the unauthorized structures thereon was declined by the operator;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the application site encroached on part of the access road which obstructed villagers’ access to their houses, and the construction machinery repairing activities on site would create serious noise and air pollution problems; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The applied use was not incompatible with the surrounding land uses which

included vacant land, residential dwellings, vehicle parks and open storage of construction machinery. DLO/YL's objection was related to land administration issues which should be sorted out by the applicant with the land authority. Previous planning applications for the same use were approved by the Committee and relevant approval conditions on landscape and drainage facilities were complied with. Regarding the local objection raising concerns on construction machinery repairing activities on site, it could be addressed by imposing approval conditions as recommended in paragraphs 12.4 (a) to (c) of the Paper. The applicant would also be advised to resolve the land issues with local villagers as detailed in paragraph 12.5 (b) of the Paper.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.1.2010, 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 on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no machinery repairing and workshop activities involving metal cutting/drilling, paint spraying, hammering and changing oil/lubricant should be carried out on the site at any time during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;

- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the implementation of compensatory planting for the missing trees on the site approved under Application No. A/YL-ST/244 within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.7.2007;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/244 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 19.7.2007;
- (h) the provision of 3 kg dry powder/9-litre water type fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.7.2007;
- (i) 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;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

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

owner(s) of the application site;

- (b) resolve the land issues with the local villagers regarding access to their houses;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Tenancy to regularize the occupation of Government land and the unauthorized structures erected thereon;
- (d) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note that the Highways Department was not responsible for the maintenance of any existing vehicular access connecting to the site and Castle Peak Road; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of container as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission by an authorized person for the proposed development was required under the BO. If the site did not abut on a street of not less than 4.5m wide, development intensity of the site should be determined under B(P)R 19(3) at the building plan submission stage.

[Open Meeting (Presentation and Question Session Only)]

- (xiii) A/YL-ST/328 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 341BRP(Part), 353(Part), 354(Part)
and 210(Part) in DD 105 and Adjoining Government Land,
San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/328)

Presentation and Question Session

81. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL), Lands Department did not support the application mainly because the landowners, subsequent to the previous planning approval, had failed to apply to his office for regularization of the unauthorized structures on the site. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road to the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The development was not incompatible with the surrounding land uses which were mainly open storage yards for containers and vehicles for sale. The current application was a renewal of the temporary approval for similar

vehicle repair workshop granted under Application No. A/YL-ST/255 in 2003. Relevant approval conditions on landscape, drainage, sewage treatment were complied with by the applicant. Regarding DEP's concerns, it could be addressed by imposing approval conditions as recommended in paragraphs 12.2 (a) and (b) of the Paper. Moreover, the approval condition on maintenance of the sewage treatment and disposal facilities on site as required under the previous approved Application No. A/YL-ST/255 would be retained to alleviate the potential impact of wastewater disposal from the repair workshop to the Inner Deep Bay environs. For DLO/YL's objection, it was considered that regularization of unauthorized structures on site was related to land administration issues which should be sorted out by the applicant with the land authority;

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.1.2010, 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 application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the sewage treatment and disposal facilities should be maintained at all

times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/255 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 19.7.2007;
- (g) the submission of a 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 19.7.2007;
- (h) in relation to (g) above, the implementation of the 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 19.10.2007;
- (i) the submission of a run-in/out 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 19.7.2007;
- (j) in relation to (i) above, the provision of a proper run-in/out for the application site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.10.2007;
- (k) the provision of 3 kg dry powder/9-litre water type fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.7.2007;
- (l) 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;

- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (n) 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for regularization of the unauthorized structures on site;
- (c) note the Chief Engineer/Project Management, Drainage Services Department's comments that the site was located very close to the revised works site for the future San Tin Western Main Drainage Channel under PWP Item No. 112CD "Drainage Improvement in Northern New Territories – Package A" where the site limits of the Channel works were yet to be finalized. The construction of the channel was tentatively scheduled to commence in early 2009 for completion in early 2012. A portion of the site should be made available for the drainage works if identified to be necessary at the detailed design stage;
- (d) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulations 19(3) at the building plan submission stage; and

- (f) note the Director of Fire Services' comments that the vehicle repair workshop on site might involve storage/use of dangerous goods, the applicant should approach the Dangerous Goods Division of his department for advice on licensing of the site for such purposes.

[Open Meeting (Presentation and Question Session Only)]

- (xiv) A/YL-TYST/342 Proposed Comprehensive Residential Development Scheme (to include Minor Relaxation of Maximum Building Height Restriction from 17 Storeys to 20 Storeys) in "Comprehensive Development Area" and "Green Belt" zones, Lots 398RP, 404 and 408 in DD 121 and Lots 287RP(Part) and 302RP in DD 127 and Adjoining Government Land, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/342)
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Presentation and Question Session

85. The Secretary said that Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd. and Christopher Leung & Associates Ltd., which were the consultants for this application, had declared an interest in this item. The Committee noted that the applicant on 15.1.2007 requested the Town Planning Board to defer consideration of the application in order to allow more time to prepare supplementary information to address

the concerns on technical issues raised by Government departments. The Committee also noted that Dr. Lau left the meeting at this point.

Deliberation Session

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

[Open Meeting (Presentation and Question Session Only)]

(xv) A/YL-TYST/343 Proposed Flats and Minor Relaxation of
Plot Ratio and Building Height Restrictions
of “Residential (Group B)1” zone
in “Residential (Group B)1”, “Government, Institution or
Community” and “Green Belt” zones,
Lot 2131 in DD 121,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/343)

Presentation and Question Session

87. The Secretary said that Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd., which was one of the consultants for this application, had declared an interest in this item. The Committee noted that Dr. Lau had already left the meeting. The Committee also noted that the applicant on 16.1.2007 requested the Town Planning Board to defer consideration of the application in order to allow more time to prepare supplementary information to address the concerns on technical issues raised by Government departments.

Deliberation Session

88. 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 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. Wilson W.S. Chan, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Chan left the meeting at this point.]

Agenda Item 6

Any Other Business

[Open Meeting]

A/NE-FTA/75-1 Extension of Time For Compliance with Planning Condition –
Temporary Vehicle Repair Workshop for a Period of 3 Years
in “Agriculture” zone,
Lot 492 in DD 51, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/75-1)

89. The Committee noted that replacement page 1 for the Paper had been sent to Members on 17.1.2007. Then the Secretary reported that an application for extension of time for compliance with planning conditions (d) and (e) under Application No. A/NE-FTA/75 was received on 4.1.2007. The application was approved by the Committee for a temporary vehicle repair workshop for a period of 3 years up to 7.7.2009 subject to approval conditions. Approval conditions (d) and (e), relating to the submission as well as implementation of tree preservation and landscaping proposals, should be complied with by 7.1.2007 and 7.4.2007 respectively. As the application for extension of time for compliance with conditions was received on 4.1.2007, that was only 3 days before the deadline for compliance with condition (d) on 7.1.2007, the application would not be processed in

accordance with the practice adopted by the Town Planning Board due to insufficient time for obtaining departmental comments. In fact, the approval had already expired at the time of consideration by the Committee.

90. Members agreed not to consider the application for extension of time as there was insufficient time to obtain departmental comments before the expiry of the specified time limits for compliance with the approval conditions.

91. There being no other business, the meeting was closed at 3:45 p.m..