

TOWN PLANNING BOARD

Minutes of 343rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.2.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department

Mr. H.L. Cheng

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

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

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

Secretary

Absent with Apologies

Professor Nora F.Y. Tam

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. James C. W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 342nd RNTPC Meeting held on 19.1.2007

[Open Meeting]

1. The draft minutes of the 342nd RNTPC meeting held on 19.1.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

(i) Town Planning Appeal No. 2 of 2007

Temporary Recycling Materials Transfer Station for a Period of 3 Years in "Village Type Development" zone, Lots 287(Part), 296(Part), 298(Part), 301(Part), 302A, 302RP, 303, 304, 306 and 307(Part) in DD 119, Shan Ha Tsuen, Yuen Long
(Application No. A/YL-TYST/331)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for a temporary recycling materials transfer station for a period of 3 years was received by the Town Planning Appeal Board (TPAB) on 17.1.2007 was received. The subject site was zoned "Village Type Development" ("V") on the approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10. The application was rejected by the TPB on 22.12.2006 mainly on the grounds that the proposed development was not in line with the planning intention of the "V" zone and no strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; the development did not comply with the TPB Guidelines for Application for Open Storage and Port Back-up Uses; and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas.

3. The Secretary went on to say that the hearing date of the appeal was yet to be fixed. The Secretariat would represent the Town Planning Board on all matters relating to the appeal in the usual manner.

(b) Town Planning Appeal Decision

(i) Town Planning Appeal No. 22 of 2005 (22/05)

Temporary Outward Bound Training Centre for a Period of 3 Years in “Conservation Area” and “Agriculture” zones Lots 1303(Part), 1305(Part), 1308(Part), 1311(Part), 1317(Part), 1318(Part), 1319(Part), 1320(Part) and adjoining Government land in DD107, Kam Tin, Yuen Long
(Application No. A/YL-KTN/223)

4. The Secretary reported that an appeal had been dismissed by the TPAB. The appeal was lodged by the appellant on 31.10.2005 against the decision of the TPB to reject on review an application (No. A/YL-KTN/223) for temporary outward bound training centre for a period of 3 years at a site zoned “Conservation Area” (“CA”) and “Agriculture” (“AGR”) on the draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/5. The appeal was heard by the TPAB on 9.11.2006 and dismissed by TPAB on 23.1.2007 on the grounds that the application, review application and present appeal were in substance merely repetition of the previous application (for the same use submitted by the appellant in June 2003); the appellant had never addressed any of the concerns raised by the TPB in rejecting the previous application; the activities of the applied use were not in line with the planning intention of both the “CA” and “AGR” zones and were not compatible with the surrounding rural character in the vicinity and the Lam Tsuen Country Park; and that part of the New Territories was very popular with trail-walkers, especially over weekends and on public holidays. The TPAB could not believe that the war game activities would not cause any disturbance to the large number of trail-walkers; and in all the circumstances, the reasons by the TPB for rejecting the review application could not be faulted.

(c) Appeal Statistics

5. The Secretary said that as at 1.2.2007, a total of 27 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

| | | |
|-----------------------------|---|-----|
| Allowed | : | 17 |
| Dismissed | : | 95 |
| Abandoned/Withdrawn/Invalid | : | 120 |
| Yet to be Heard | : | 27 |
| Decision Outstanding | : | 1 |
| <hr/> | | |
| Total | : | 260 |

[Mr. Elvis W.K. Au arrived to join the meeting at this point. Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Sai Kung & Islands District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TKO/2 Application for Amendment to the Notes for the “CDA” zone of the
Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/15,
Lots 368 and 371 in DD 224 and Adjoining Government Land,
Ying Yip Road, Area 92, Tseung Kwan O
(RNTPC Paper No. Y/TKO/2)

Presentation and Question Session

6. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time to resolve the outstanding issues with the relevant Government departments.

Deliberation Session

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

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/SK-HC/139 Proposed Low Density Residential Development in “Green Belt” zone, Lots 11(Part), 13-16, 17(Part), 18-20, 21(Part), 23(Part), 25-28, 29(Part), 30(Part), 31-33, 34(Part), 35(Part), 36, 37(Part), 38(Part), 39, 40(Part), 41, 42, 45(Part), 46RP(Part) and 48RP(Part) in DD 210, and Adjoining Government Land, Pak Wai, Sai Kung (RNTPC Paper No. A/SK-HC/139)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed low density residential development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of Planning Department had reservation on the application from landscape and urban design points of view. The “Green Belt” (“GB”) zoning should be retained as the site was an attractive semi-natural area which was suitable for passive recreational use by local residents. The minor improvement in preventing illegal dumping could not outweigh the likely adverse impacts on the existing landscape character and intrusion of suburban residential development. Also, there was insufficient information in the visual impact assessment to allow a detailed check on the accuracy of the photomontages. Other concerned Government departments had no objection to the application but there were some technical issues raised by the Transport Department, Drainage Services Department and Environmental Protection Department. The applicant had provided responses to the departmental comments, which had been circulated to Members and tabled at the meeting;
- (d) three public comments were received during the statutory publication period objecting to the application on grounds of adverse impacts on the natural environment, blocking access leading to Yu Chai Chung Village, adverse traffic impact and affecting the future road improvement works; 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

proposed development was not in line with the planning intention for the “GB” zone and the Town Planning Board Guidelines No. 10 for Application for development within “GB” zone in that the proposed development would involve clearance of vegetation; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape, traffic and visual impacts; and the approval of the proposed development would set an undesirable precedent for other similar applications, resulting in cumulative impacts and encroachment on the “GB” zone by developments and leading to a general degradation of the natural environment.

9. Members had no question on the application.

Deliberation Session

10. In response to a Member’s enquiry of whether the proposed development would be allowed if a section 12A application for amendment to the zoning of the site be submitted, Mr. Michael C.F. Chan, DPO/SKIs, commented that PlanD did not support the proposed development. Apart from the reason that the application was not in line with the planning intention of the “GB” zone and the relevant TPB Guidelines, the proposed development would involve clearance of the existing vegetation, and there was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape, traffic and visual impacts. The approval of the proposed development would set an undesirable precedent for other similar applications. Also, the application site was the subject of four previous applications all rejected by the Committee.

11. Members agreed that the application should not be supported and any application for amendment to the zoning of the site based on similar proposal would not merit different consideration.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zone, which was to define the limits of development areas by the existing natural features so as to contain urban sprawl. There was a general presumption against development in the “Green Belt” zone and no strong justifications had been provided in the development proposal to merit a departure from the planning intention;
- (b) the application was not in line with the Town Planning Board Guidelines for application for Development within “Green Belt” zone in that the proposed development would involve clearance of vegetation;
- (c) there was insufficient information to demonstrate that the proposed development would not have adverse landscape, traffic and environmental impacts; and
- (d) the approval of the proposed development would set an undesirable precedent and attract development for similar applications. Approving such applications would result in adverse cumulative impacts on the landscape environment and infrastructure in the area.

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/SK-TLS/32 Proposed Temporary Private Garden
for a Period of 3 Years
in “Conservation Area” zone,
Government Land Adjoining House No. 8,
Rise Park Villas, 38 Razor Hill Road, Sai Kung
(RNTPC Paper No. A/SK-TLS/32)
-

Presentation and Question Session

- 13. Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private garden;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of Planning Department did not support the application from landscape point of view as the garden would lead to an erosion of the hillside landscape and encroachment of sub-urban elements upon a predominantly natural landscape. The application might result in further pressure for garden development in the “Conservation Area” (“CA”) zone, which could have a significantly adverse impact on the rural and semi-natural landscape;
- (d) one public comment from the Chairman of the Owners’ Corporation of the Rise Park Villas was received during the statutory publication period expressing support to the application; 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 was not in line with the planning intention of the “CA” zone. The approval of the application would set an undesirable precedent for other similar applications within the “CA” zone.

14. Members had no question on the application.

Deliberation Session

15. A Member said that the proposed temporary garden would adversely affect the natural landscape and ecology of the “CA” zone.

16. In response to a Member's enquiry on whether the site would be reinstated to its original natural setting if the application was rejected, Mr. C.S. Mills advised that if no planning approval was given, the concerned site would be subject to enforcement action by the Lands Department.

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

- (a) the proposed development was not in line with the planning intention of the "Conservation Area" ("CA") zone, which was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. No justification regarding public benefits or planning merits had been provided in the submission to merit a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the "CA" zone.

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

Sha Tin, Tai Po and North District

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

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/NE-LYT/4 Application for Amendment to the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 from “Residential (Group C)” and “Village Type Development” to “Government, Institution or Community”, Lot 2412 in DD 83, Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. Y/NE-LYT/4)
-

Presentation and Question Session

18. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time to address the comments of the local villagers on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/ST/3 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/22 from “Green Belt” to “Residential (Group C)4”, Lot 380RP(Part) in DD 186, Sha Tin
(RNTPC Paper No. Y/ST/3)
-

Presentation and Question Session

20. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time to prepare and submit supplementary information to respond to the comments from relevant Government departments on technical issues.

Deliberation Session

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/NE-HT/4 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 84B in DD 76, Sze Tau Leng, Fanling
(RNTPC Paper No. A/NE-HT/4)
-

Presentation and Question Session

22. Mr. W.W. Chan, 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 Director of Agriculture, Fisheries and Conservation did not favour the application as the grading of the application site was ‘good’ and it had high potential for agricultural rehabilitation. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development complied with the interim criteria for assessing planning application for NTEH/Small House development. Only part of the application site fell within the “Agriculture” zone. The proposed development was considered not incompatible with the surrounding village settlement.

23. Members had no question on the application.

Deliberation Session

24. Members noted that the application complied with the interim criteria for assessing planning application for NTEH/Small House development.

25. 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 2.2.2011, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

26. The Committee also agreed to advise the applicant :

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/NE-LYT/350 Temporary Open Storage of Building Materials
for a Period of 3 Years
in “Agriculture” zone,
Lot 579RP(Part) in DD 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/350)
-

Presentation and Question Session

27. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of building materials;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and the proposed use would give rise to environmental nuisance. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application. A local view was received by the District Officer commenting that the development should adopt preventive measures to avoid blocking the adjacent river channel; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.2 of the Paper. The application site fell within Category 3 areas and was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that favourable consideration could not be given to the application as no previous planning approval was granted. Domestic structures were found adjacent to the application site and there

was insufficient information to demonstrate that the application would not have adverse environmental impact on the surrounding area. DEP did not support the application on environmental ground. The approval of the application would set an undesirable precedent for other similar applications.

28. Members had no question on the application.

Deliberation Session

29. Members noted that a similar application at the adjacent site had been approved but it was located further away from the domestic structures in the area.

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

- (a) the development was not in line with Town Planning Board Guidelines No.13D for Application for Open Storage and Port Back-up Uses in that no previous planning approval had been given to the application site and there were no technical assessments/proposals submitted to demonstrate that the development would not generate adverse environmental impact on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation to the environment of the area.

[Open Meeting (Presentation and Question Sessions only)]

- (iii) A/NE-KLH/357 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Village Type Development” and “Green Belt” zones,
Government Land in DD 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/357)
-

Presentation and Question Session

31. Mr. W.W. Chan, 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 Director of Agriculture, Fisheries and Conservation (DAFC) had reservation to the application as the application site was close to an ecologically important stream. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application, but one local objection was received by the District Officer objecting on ground that the “Green Belt” (“GB”) zone should be preserved; 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 application was in line with the Town Planning Board Guidelines No. 10 for Application for development within “GB” zone and complied with the interim criteria for assessing planning application for NTEH/Small House development. In view of DAFC’s reservation on the application, an advisory clause on the need to implement protective measures to avoid

affecting the stream during the construction of the proposed Small house was suggested.

32. Members had no question on the application.

Deliberation Session

33. Members noted that the application was in line with the Town Planning Board Guidelines No. 10 for Application for development within “GB” zone and complied with the interim criteria for assessing planning application for NTEH/Small House development.

34. 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 2.2.2011, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of a fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of protective measures to ensure no siltation occurs or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) note that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) note that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) note that appropriate protective measures should be taken to avoid affecting the nearby stream during the construction of the Small House;
- (d) liaise with the District Lands Officer/Tai Po, Lands Department to ensure that the Small House grant would not encroach upon the works limit of Drainage Services Department's drainage improvement project 4112CD and adjoining GLL No. T13879;
- (e) note that the site fell within a flood plain and prior to the completion of the drainage improvement works, it might be subject to overland flow and inundation during heavy rainstorms;
- (f) note that there were some fruit trees in the vicinity of the site. The applicant should ensure that no trees would be felled or disturbed during the construction of the Small House; and
- (g) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/NE-LT/367 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 347B in DD 19, San Uk Pai Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/367)
-

Presentation and Question Session

36. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for the application. Dr. Lau had tendered apologies for being unable to attend the meeting.

37. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH)(Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

38. Members had no question on the application.

Deliberation Session

39. Members noted that the application complied with the interim criteria for assessing planning application for NTEH/Small House development.

40. 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 2.2.2011, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no siltation occurs or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) note that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) note that adequate space should be provided for the proposed Small House to be connected to the public sewerage network; and
- (c) note that the permission was only given to the development under application. If provision of an access road was required for the proposed

- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The application was not in line with the planning intention of “Agriculture” zone and DAFC did not favour the application. The application did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed development fell within WGG and was not able to be connected to existing or planned sewerage system in the area. DEP and DWS did not support and objected to the application respectively.

43. Members had no question on the application.

Deliberation Session

44. Members noted that the application did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed development fell within WGG and was not able to be connected to existing or planned sewerage system in the area.

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications have been provided in the submission for a departure from the planning intention; and

- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect Water Gathering Grounds (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions only)]

- (vi) A/NE-TK/224 Proposed Public Utility Installation
(Electricity Package Transformer)
in "Village Type Development" zone,
Government Land in DD 17, near Lo Tsz Tin Village,
Tai Po
(RNTPC Paper No. A/NE-TK/224)
-

Presentation and Question Session

46. Mr. W.W. Chan, 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 (electricity package transformer);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period of the application, but one local view was received by the District Officer, both expressing support to the application; and

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

47. Members had no question on the application.

Deliberation Session

48. 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 2.2.2011, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

49. The Committee also agreed to advise the applicant :

- (a) to set back the proposed package transformer by 3m lateral clearance from the adjoining existing road to facilitate any future road widening;
- (b) to apply to the District Lands Officer/Tai Po, Lands Department for a Short Term Tenancy;
- (c) to note that if any non-exempted building works were involved, an

authorized person and/or registered structural engineer should be appointed and building plans should be submitted to the Building Authority for approval prior to commencement of works;

- (d) to adjust the boundary to avoid encroachment upon the existing water mains. Alternatively, water mains diversion was required to avoid encroachment. The cost of diversion works would be borne by the applicant; and
- (e) water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Sessions only)]

- (vii) A/TP/384 Proposed 2 Houses (New Territories Exempted Houses) (NTEHs) (Small Houses), in “Green Belt” zone, Lots 829I and 829J in DD 5, San Wai Tsai Village, Tai Po (RNTPC Paper No. A/TP/384)
-

Presentation and Question Session

50. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (NTEHs)(Small Houses);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as there was no proper vehicular access road to the application site. However, he commented that the traffic associated with the proposed development was not expected to be significant. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

51. Members had no question on the application.

Deliberation Session

52. Members noted that the application was in line with the Town Planning Board Guidelines No. 10 for Application for development within “Green Belt” zone and complied with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development.

53. 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 2.2.2011, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

57. In response to the Chairperson's enquiry on the land status of the affected playground as shown in Plan A-2, Mr. W.K. Hui, DPO/STN, replied that the affected tennis court belonged to the applicant as stated in paragraph 8.1(b) of the Paper.

Deliberation Session

58. 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 2.2.2011, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of the landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, to resolve any land matter associated with the main laying and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's (WSD) standards;
- (b) make use of his private sump and pump system to effect adequate water supply to the proposed development;
- (c) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) to consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (e) to observe the 'Code of Practice on Working near Electricity Supply Lines' when carrying out works in the vicinity of electricity supply lines. Before commencement of construction works, the applicant should liaise with CLP Power Hong Kong Limited to divert the existing electricity supplies lines away from the vicinity of the proposed development.

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

[Open Meeting (Presentation and Question Sessions only)]

- (ix) A/ST/646 Proposed Religious Institution
(Extension of an Existing Church)
in "Residential (Group B)" zone,
1 Chung Ling Lane, Sha Tin
(RNTPC Paper No. A/ST/646)
-

Presentation and Question Session

60. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (extension of an existing church);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

61. Members had no question on the application.

Deliberation Session

62. 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 2.2.2011, 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 the landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire-fighting access, fire-fighting water supplies to the satisfaction of the Director of Fire Services or of the TPB.

63. The Committee also agreed to advise the applicant to :
- (a) apply to the District Lands Officer/Shu Tin, Lands Department for the lease modification to permit the church extension on the site;
 - (b) comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department on the arrangement on emergency vehicular access;
 - (c) carry out an assessment of the impacts of dam break on the proposed development and make his own provisions. The project proponent was advised to liaise with Water Supplies Department's Reservoir Safety Section if data on dam safety was required; and
 - (d) note the Project Manager/New Territories East, Civil Engineering and Development Department's comment as stated in paragraph 8.1.8 of the Paper that a proposed easement and a temporary occupation of airspace of part of the site were needed to be created.

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

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/TM/353 Proposed Government Use
(Joint-user Complex and Wholesale Fish Market)
in “Government, Institution or Community” and “Open
Space” zones,
Government Land to the Northeast of
the Junction of Wu On Street and Wu Shan Road,
Area 44, Tuen Mun
(RNTPC Paper No. A/TM/353)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the details of the proposed joint-user complex and wholesale fish market;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) 728 public comments were received during the statutory publication period of the application, with five supporting, and the remaining 723 objecting to the application. The objections included 718 comments in the form of standard letters received from residents of Yuet Wu Villa and Marina Gardens, 1 comment from residents of Marina Garden with 2400 signatures, 1 comment from the Owners’ Committee of Marina Garden, 1 letter received from Coalition of Opposition to the Construction of Fish Market Area 44, 1 comment from 4 Tuen Mun District Councillors and 1 comment from an individual. They objected on the grounds that the

proposed development would lead to loss of open space, creation of environmental problems, including noise, odour and hygiene, wrong location of the complex, adverse impacts on nearby residents and incompatibility between the fish market and the community hall within the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development was generally in line with the planning intention of the application site mainly zoned “Government, Institution or Community” (“G/IC”) zone in the Tuen Mun Outline Zoning Plan. The encroachment on the adjoining “Open Space” zone, due to a shift in the northward direction by 20m of the proposed development, was to address local concerns on the possible environmental impacts. The loss of 304m² of open space was acceptable as adequate open space of about 6ha has been reserved in Area 44 in accordance with the Hong Kong Planning Standards and Guidelines. Moreover, some 4000m² of landscaped area in the proposed development would be opened for the enjoyment of the general public. The proposed development would re-provide the existing Castle Peak Wholesale Fish Market which was built in the 1970s and was operating under unsatisfactory conditions. The reprovisioning had policy support from the Health, Welfare and Food Bureau. The Environmental Impact Assessment (EIA) for the proposed development, which was a designated project, was approved by the Director of Environmental Protection in March 2003 with approval conditions to address the potential environmental impacts on the surrounding areas. The proposed development and the provision of necessary community facilities were compatible with the surrounding open space, GIC and residential developments. The Tuen Mun District Council supported the proposal and urged the Government for early implementation.

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

65. Members had no question on the application.

Deliberation Session

66. A Member considered that the concerned Government departments, through liaison by District Officer, could explain further to the locals the background and the details of the application, the EIA undertaken and the mitigation measures proposed to minimise impacts, in view of the large number of public comments received.

67. 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 2.2.2011, 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 a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire-fighting access, fire-fighting water supplies and fire service installations for the site to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments to apply for permanent allocation of the site and the formal approval of the permanent agreement/approval from the appropriate authorities for the re-provisioned vehicular access to the LPG compound and the revocation of the existing public open car park and the permanent closure of Wu Tai Circuit under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the public landing steps;

- (b) note the Chief Engineer/Development (2), Water Supplies Department's comment that the applicant should bear the cost of any necessary water main diversion works affected by the proposed development.
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comment that substantiation of hydraulic adequacy of the new system by calculation should be submitted at the later stage of the project implementation.
- (d) to liaise with the residents of Yuet Wu Villa and Marina Garden and to provide them with relevant information of the proposed development to address their concerns.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/TM-LTY Y/148 Temporary Office and Warehouse
for a Period of 3 Years
in "Village Type Development" zone,
Lots 3669RP(Part), 3670(Part), 3671(Part), 3675B(Part),
3675E(Part), 3720(Part) and 3721(Part) in DD 124,
Sun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/148)
-

Presentation and Question Session

69. Members noted that the applicant requested for deferral for consideration of his application to allow time to address the comments raised by concerned Government departments.

Deliberation Session

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

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

[Open Meeting (Presentation and Question Sessions only)]

- (iii) A/TM-LTY Y/149 Proposed Temporary Car Park (Private Car)
for a Period of 3 Years
in “Residential (Group B)2” zone,
Lot 2291 in DD 124 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/149)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary car park (private car);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on any proposal to provide new ingress/egress point at the section of Castle Peak Road near the application site;
- (d) five public comments were received during the statutory publication period of the application, objecting mainly on grounds of jeopardizing the interests of the occupier of the two structures located partly within the site, possible environmental nuisance to the residential dwellings in the vicinity; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on Castle Peak Road and AC for T/NT had reservation in this regard. There were also public objections to the application.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to reject the application and the reason was that insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/YL-HT/474 Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Recreation” zone, Lots 1161(Part), 1198(Part), 1199A, 1199B(Part), 1200(Part), 1201(Part), 1202A, 1202B, 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1208 and 1213(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/474)
-

Presentation and Question Session

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

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and access road, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application from landscape point of view as the proposed use was not compatible with the adjacent village setting and natural environment, and significant changes and disturbances to the existing landscape character had been caused by the current unauthorized development. The Assistant Commissioner for Transport/New Territories (AC for T/NT) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) raised concerns on cumulative traffic and drainage impacts respectively;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application site fell within Category 2 areas and was not in line with Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was insufficient information in the submission to demonstrate that the applied use would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. The application site was the subject of eight previous rejected applications. There had been no change in the planning circumstances since rejection of the previous applications and there was no strong justification to merit a departure from the previous decisions.

75. Members noted that a public comment had been received but filed out-of-time. The same commenter submitted another letter dated 31.1.2007 requesting for the rejection of this application on the ground that no reasonable step had been taken to obtain the owner's consent.

Deliberation Session

76. Referring to the late public comment and the related letter, the Secretary advised that the Secretariat had informed the commenter via a letter dated 12.1.2007 that the applicant had posted site notice and sent notice to the Ha Tsuen Rural Committee, which were considered as having taken reasonable steps to obtain/give the necessary owner's consent/notification in accordance with the Town Planning Board Guidelines No. 31 on 'Satisfying the Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance'.

77. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were major adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/YL-HT/475 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Village Type Development" and "Recreation" zones,
Lot 1069 in DD 125, Sik Kong Wai, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/475)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed House (NTEH)(Small House);

- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

79. Members had no question on the application.

Deliberation Session

80. 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 2.2.2011, 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 a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

81. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department to extend his/her inside services to the nearest suitable Government water mains for connection for provision of water supply to the development; to resolve any land matter associated with the main laying; and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;

- (b) to note the comments of the Director of Fire Services to provide emergency vehicular access (EVA), fire hydrant and fire service installations in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by the Lands Department; and that detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by District Lands Officer/Yuen Long; and
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with Buildings Ordinance; and Authorized Person must be appointed for these site formation and communal drainage works.

[Open Meeting (Presentation and Question Sessions only)]

- (vi) A/YL-HT/476 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Heavy Goods Vehicles under Application No. A/YL-HT/333 for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 826A(Part), 828, 839(Part) and 840(Part) in DD 125, and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/476)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed renewal of the planning approval for the temporary public vehicle park for private cars, light goods vehicles and heavy goods vehicles;

- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment from a Yuen Long District Councillor was received during the statutory publication period of the application, objecting on grounds of incompatibility with the planned land use and generation of noise impacts to residents on the nearby Tin Shui Wai New Town; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The temporary public vehicle park was not incompatible with the surrounding land uses which were predominantly public vehicle parks and container vehicle parks. The site was the subject of two previous applications (A/YL-HT/247 and 333) by the same applicant and all approval conditions had been complied with. The current application was a renewal of the planning permission and there had been no change in planning circumstances. Although there was a public comment objecting to the application, no objection was received from concerned Government departments, including the Director of Environmental Protection. The site was about 100m away and separated by the elevated Tin Ying Road and a nullah from Tin Shui Estate in Tin Shui Wai New Town.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no parking of container vehicles was allowed on the site during the planning approval period;

- (b) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked on the site during the planning approval period;
- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/333 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/333 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2007;
- (e) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2007;
- (f) in relation to (e) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.11.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of 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 TPB by 2.8.2007;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g), was not complied with by the specified date, the approval hereby given should

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

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The unauthorized occupation of Government land and the unauthorized structures thereon should be regularized through application of Short Term Tenancy to his Office; and
- (c) follow the latest Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions only)]

- (vii) A/YL-KTN/268 Proposed Residential Development with Commercial and Government, Institution and Community Facilities in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in DD 107 and Adjoining Government Land, Sha Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/268)
-

Presentation and Question Session

86. Mr. Alfred Donald Yap and Mr. Y. K. Cheng, having current business dealings with the applicant, declared interests in this item. Since the applicant had requested the Committee to defer consideration of the application and discussion of and determination on this item was not necessary, Members agreed that Messrs Yap and Cheng should be allowed to stay in the meeting.

87. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time to prepare supplementary information to address comments from 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 the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions only)]

- (viii) A/YL-KTN/269 Proposed New Territories Exempted House (NTEH)
(Small House)
in “Agriculture” zone,
Lot 53C in DD 110, Tai Kong Po, Yuen Long
(RNTPC Paper No. A/YL-KTN/269)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed NTEH (Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received.
- (d) one public comment with 18 signatures from the local villagers was received during the statutory publication period of the application, objecting on ground of blockage of the existing pedestrian access; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed Small House was compatible with the surrounding village settlement. Concerned Government departments had no objection to the application. Although the application did not meet the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that there was sufficient land in the “Village Type Development” zone of Cheung Kong Tsuen to meet the future Small House demand of Cheung Kong Tsuen and Tai Kong Po, the District Lands Officer/Yuen Long advised that the proposed Small House fell within the village ‘environs’ of Tai Kong Po which was a post-1898

recognised village and the applicant was eligible for a Small House grant. Moreover, cross-village application would not be accepted according to the prevailing policy. As such, sympathetic consideration could be given to the application due to the exceptional circumstances according to the said interim criteria. To address the objection from local villagers, an approval condition would be included to ensure that an uninterrupted public access would be maintained.

90. Members had no question on the application.

Deliberation Session

91. 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 2.2.2011, 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 setting back of the proposed development to maintain an uninterrupted public access to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Highway Engineer/New Territories West, Highways Department's comment that the applicant should construct a run-in/out at the access point at Kong Tai Road in accordance with Highway Standard Drawings nos. H1113B and H1114A in case the application was approved. His department was/should not be responsible for the maintenance of Kong Tai Road fronting the lot;

- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comment that the development should not cause hindrance to the existing overland flow and mitigation measures should be provided if otherwise and the Director of Environmental Protection should be consulted for the sewage treatment/disposal aspect of the proposal;
- (c) note the Director of Fire Services' comment that the emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses—A Guide to Fire Safety Requirements' newly issued by the Lands Department. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long, Lands Department;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comment that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter associated with the main laying and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person must be appointed for the above site formation and communal drainage works; and
- (f) note the Director of Electrical and Mechanical Services' comment 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

proposed PFS would provide service to motorists in this area and would make optimal utilisation of land. Although there was a local objection on fire safety aspect, concerned Government departments had no objection to the application. Besides, two previous applications for PFS use were approved by the Committee and the current application was only an amendment to the last approved scheme.

94. Members had no question on the application.

Deliberation Session

95. 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 2.2.2011, 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 the vehicular access proposal and the ingress/egress including road markings and traffic signs of the petrol filling stations (PFSs) to the satisfaction of Commissioner for Transport or of the TPB;
- (b) the submission and implementation of run-in proposal to the satisfaction of the Director of Highways or of the TPB;
- (c) the submission and implementation of landscape proposals to the satisfaction of Director of Planning or of the TPB;
- (d) the provision and maintenance of the flood mitigation measures as proposed in the approved Drainage Impact Assessment and any other stormwater drainage facilities to the satisfaction of Director of Drainage Services or of the TPB;

- (e) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB; and
- (f) the submission of a station earthing design and a risk assessment report to the satisfaction of Director of Electrical and Mechanical Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comment that the proposed drainage reserve of 6 metres wide as shown on the Master Layout Plan was not included in the lease. Subject to the Drainage Services Department's comments, the grantee might be required to enter a lease modification to implement the provision of drainage reserve within the Lot;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comment that bollards should be installed in the cycle track on the edges between the run-in and the cycle track at the entrance and exit of the PFS at the spacing between 750mm and 1100mm according to Volume 3 of Transport Planning and Design Manual;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that the access proposal should also be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access points in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's comment that there were two 1400mm diameter fresh water mains to/from

Au Tau Water Treatment Works in the vicinity of the site. In case these two fresh water mains were damaged due to fire or explosion of the proposed PFS, water supply to thousands of people in the Yuen Long area would be interrupted. Moreover, it was also dangerous for his department to carry out the maintenance works of these two water mains if there was leakage at the underground oil tank. Therefore, the applicant should take into account the above factors in their quantitative risk assessment as mentioned in Clause 8(a) of Appendix B of their planning statement;

- (e) note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal submission of application for dangerous goods licence;
- (f) note the Director of Electrical and Mechanical Services' comment that the submission of the station earthing design including drawings should detail the earthing, grounding and bonding method to be adopted to cope with the risks associated with the concerned overhead lines in case of falling and the rise of earth potential arising from the lightning strikes or electrical faults on the concerned overhead lines. The details of relevant international standards or guidelines to be complied with should also be specified in the design. The separate risk assessment report should demonstrate that the risks were eliminated or mitigated to an acceptable level; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that an access road from the site to a public street should be provided to comply with the requirements of Building (Private Streets & Access Roads) Regulations and to the satisfaction of relevant departments. Plans for the proposed building works should be submitted for approval under the Buildings Ordinance.

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (x) A/YL-LFS/153 Proposed Temporary Open Storage of Construction Material for a Period of 3 Years in “Residential (Group E)” zone, Lots 2179(Part), 2180(Part), 2181RP(Part), 2191(Part) and 2192(Part) in DD 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/153)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction material;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and access road, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories raised concerns that the application would set an undesirable precedent for other similar applications in the surrounding areas. Other Government departments consulted had no objection or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. There was no immediate development proposal for the subject “R(E)” zone and the applied temporary use could be tolerated in the meantime. A previous

application for a larger site had been approved to the immediate east of the application site up to 2008. DEP's concern could be addressed through imposing approval conditions restricting operation hours and including an advisory clause for the applicant to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'. The traffic impact would not be substantial as the site was small in size and the applicant had advised that only light goods vehicles would be used.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00p.m. to 9:00a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling or workshop activities were allowed on the site during the planning approval period;
- (d) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2007;

- (f) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2007;
- (g) in relation to (f) above, the implementation of a landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 2.11.2007;
- (h) the submission of run-in/run-out proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 2.8.2007;
- (i) in relation to (h) above, the implementation of run-in/run-out proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 2.11.2007;
- (j) 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 the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2007;
- (k) the provision of fencing for the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2007;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (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 be revoked on the same date 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 TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the owner of the Lot was required to seek permission from his Office in case the user of those structures on Lot 2181RP did not conform to the permitted user under the existing Short Term Waiver (STW) and to apply to the DLO/YL for STW for erection of structures on site;
- (c) comply with the environmental mitigation measures recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' as issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to ensure that the existing channels into which the runoff collected by the subject site would be discharged were adequate to discharge the additional flow from the subject site, to construct and maintain all proposed drainage facilities at own costs and to properly

maintain the drainage facilities and rectify those facilities if they found inadequate/ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities; and

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

[Open Meeting (Presentation and Question Sessions only)]

- (xi) A/YL-MP/154 Proposed Land and Pond Filling for Permitted New Territories Exempted House Development in “Village Type Development” zone, Lots 3235A-3235F, 3235RP, 3236A-3236G, 3236RP, 3237A-3237I, 3237RP, 3238A-3238F, 3238RP, 3239A-3239D, 3239RP, 3240, 3241, 3244A-3244D, 3244RP, 3245A-3245K and 3245RP in DD 104, and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-MP/154)
-

Presentation and Question Session

101. Mr. W.M. Lam, STP/TMYL, drew Members attention to a typo in line 5 of paragraph 2(f) of the Paper, which should read “uneven” and disparate surface.

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

- (a) background to the application;
- (b) the proposed land and pond filling for permitted New Territories Exempted House (NTEH) Development;

- (c) departmental comments – the Director of Environmental Protection (DEP) raised concern on the general interface issues of having village development close to or on fishponds, especially effluent discharge to nearby ponds at the implementation stage. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as pond filling was involved and the abandoned ponds might still have potential to continue pond fish farming. The District Lands Officer/Yuen Long (DLO/YL) had reservation on inclusion of Government land (GL) in the application and that land or pond filling thereon was not supported. Other Government departments had no objection to or no adverse comment on the application;
- (d) three and six public comments were received during the statutory publication period of the application and the further information respectively objecting on grounds that the proposed development would bring about adverse traffic, drainage and environmental impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The application site fell within “Village Type Development” (“V”) zone which was intended for Small House development. Although DAFC was not in favour of the application due to pond filling, 27 Small House applications had been received by DLO/YL and the need for the proposed land and pond filling for NTEH development was justified. DEP's concern on interface issue and effluent discharge and the local objection on adverse environmental and drainage grounds could be addressed by an approval condition on the submission and implementation drainage proposals. Also, the sewage disposal arrangement would be dealt with at the stage of processing Small House grants under the established land administrative practice. DLO/YL's concern on inclusion of GL was a land administrative matter and an advisory clause was suggested to notify the applicant of DLO/YL's advice. Although there were also local objections

on traffic ground, the Transport Department had no objection on traffic aspect.

103. A Member queried if there was a need for land and pond filling to facilitate Small House development since there was still undeveloped land in the “V” zone.

104. In response, Mr. Wilson Y.L. So, DPO/TMYL, advised that the concerned lots were owned by the applicants, and the application site and the wider area had been zoned “V” since 1994. No planning permission was required for Small House development. The application was submitted due to the need for land and pond filling, which was supported by sufficient justifications and drainage proposals had been submitted. The Chairperson added that the requirement for application for land and pond filling in the “V” zone was to ensure that drainage in the area would not be adversely affected rather than for ecological value of the pond.

Deliberation Session

105. 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 2.2.2011, 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 and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposals prior to land and pond filling on site to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) resolve any land issues relating to the development with other concerned land owner(s) of the application site;

- (b) note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that the applicants were requested to cease any unauthorized occupation of Government land (GL) on site. His office had no guarantee to grant Short Term Tenancy to anybody to occupy any GL with or without a planning permission. His office did not support any land and pond filling on the concerned GL and occupation of the GL without his prior approval would be subject to appropriate land control action accordingly;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's advice that inception channel should be provided to prevent surface water flowing from the lot onto the public road and access proposal, if any, should be submitted for comment by his office and relevant Government departments; and
- (d) note the Director of Fire Services' advice that the emergency vehicular access (EVA) and the fire hydrant for the New Territories Exempted House development in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" newly issued by the Lands Department were required. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon receipt of formal application referred by DLO/YL.

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

[Open Meeting (Presentation and Question Sessions only)]

- (xii) A/YL-NTM/208 Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone, Lot 647RP(Part) in DD 99, Lots 2971RP(Part), 2972(Part), 2975(Part), 2976, 2977, 2978RP, 2979, 2980, 2981RP, 2982RP, 2983RP(Part), 2986RP, 2987RP(Part) and 2988RP in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/208)
-

Presentation and Question Session

107. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for the application. Dr. Lau had tendered apologies for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the temporary lorry and container tractor/trailer park with ancillary workshop;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

109. Members had no question on the application.

Deliberation Session

110. In response to a Member's enquiry on whether the approval conditions in the previous applications had been fulfilled, Mr. Wilson Y.L. So, DPO/TMYL, advised that all the approval conditions for the four previous applications had been fulfilled. However, there was minor change in the site boundary for the current application and thus the need for a new planning condition regarding drainage proposals as required by the Drainage Services Department.

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the northern part of the site to avoid encroachment onto the works limit of the "Improvements to San Tin Interchange" project as when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays was allowed on the site 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 submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2007;

- (f) in relation to (e) above, the provision of drainage facilities proposed within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.11.2007 ;
- (g) 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 TPB by 2.8.2007;
- (h) in relation to (g) 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 TPB by 2.11.2007;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher for 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 TPB by 2.8.2007;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's advice to apply to his Office for Short Term Waiver(s) and a Short Term Tenancy for regularizing the unauthorized structures on site and the illegal occupation of Government land;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning 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. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage;
- (e) note the Director of Fire Services' advice that should the canteen be intended to be open to the public, a proper application to Food and Environmental Hygiene Department (FEHD) would be required and additional fire safety requirements would be formulated upon receipt of formal application referral from FEHD. Also, the applicant/operator was advised to approach his Dangerous Goods Division for advice on licensing should the ancillary workshop involves storage/use of dangerous goods;
- (f) note the Director of Food and Environmental Hygiene's comments that the applicant was required to handle the waste generated at his own cost; and

- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s advice that a waterworks reserve within 1.5 metres from the centerline of the water main should be provided to WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workman should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize.

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

[Open Meeting (Presentation and Question Sessions only)]

- (xiii) A/YL-PH/535 Temporary Open Storage of Private Cars and Vans
for a Period of 3 Years
in "Agriculture" zone,
Lot 1479B(Part) in DD 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/535)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of private cars and vans;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as lease enforcement had been initiated against the irregularities on the subject lot which was not covered by any Short Term Waiver or Short Term Tenancy. The Chief Highway

Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advised that the site fell within the project limit of two projects, namely “Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road” and “Improvement to Kam Tin Road, Stage 2” administered by Works Division of his Office. The applicant should ensure that construction works of the road improvement projects would not be affected. Other Government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application, which fell within Category 3 areas, was in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were previous approvals for the application site, the approval conditions had been complied with and there was no local objection. DLO/YL’s comments were land administrative matters which could be resolved by the applicant. An advisory clause had been included to notify the applicant of DLO/YL’s comments.

114. Members had no question on the application.

Deliberation Session

115. A Member suggested that the applicant should be more specifically informed that the two HyD’s projects would commence construction in 2010. The operation on site would need to be terminated by that time to avoid encroachment upon the works limit. The Chairperson said that the suggested advisory clause in paragraph 12.5(c) of the Paper could be suitably revised.

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing, maintenance, dismantling and workshop activities were allowed on the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no night-time operation between 7 p.m. to 7 a.m. was allowed on the site during the planning approval period;
- (d) no operation on Sundays or public holidays was allowed during the planning approval period;
- (e) the drainage facilities within the site as implemented under Application No. A/YL-PH/443 should be maintained at all times during the planning approval period;
- (f) the existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (g) the submission of run-in/out proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 2.8.2007;
- (h) in relation to (g) above, the provision of run-in/out proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 2.11.2007;
- (i) 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 TPB by 2.8.2007;

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

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

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his Office. His site inspection revealed that the site was being used for the proposed use with a single structure as ancillary office erected thereon. The structure was found straddling over Lot 1479 S.B and the adjoining Government land (GL). The piece of GL had not been included in the planning application but was found being occupied without his prior

approval. The applicant should clarify on the discrepancy. His Office reserved the right to take lease enforcement and land control action against the irregularities. Subsequent to the previous planning approval, a proposed Short Term Waiver and a proposed Short Term Tenancy were offered to the landowners for regularizing the unauthorized structures on the subject lot in July 2004. However, the landowners declined to accept the offers and failed to demolish the structures on site. His Office had initiated lease enforcement action against the irregularities on the subject lot;

- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the site fell within the project limit of two projects "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" and "Improvement to Kam Tin Road, Stage 2" administered by Works Division of his Office. The projects would commence in 2010. A run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department for implementation of appropriate mitigation measures;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that according to his records and site inspection, the existing drainage works constructed on site were different from that shown in the application in terms of the location of catchpits and discharge points; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the

applied use was temporary in nature and for renewal of the previous planning permission. All approval conditions of the previous application had been complied with. Compared with the last approval, there was no intensification of the development and only existing temporary structures were involved. The monastery was considered not incompatible with the surrounding setting in view of its small scale, and it would not have adverse impacts. The applicant had demonstrated genuine effort in searching for an alternative permanent site in the “Green Belt” (“GB”) zone in Ngau Tam Mei but the proposal was rejected by the Board on review in December 2005.

120. Members had the following questions :

- (a) the reasons for approving the last application;
- (b) whether new structures were proposed and whether approving the application would set a precedent for other developments in the “CPA” zone; and
- (c) whether the proposed monastery would be acceptable in this “CPA” zone in the long term.

121. In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following main points:

- (a) the application site was the subject of two previous applications No. A/YL-PN/5 and A/YL-PN/6. Application No. A/YL-PN/5 was rejected but Application No. A/YL-PN/6 was approved mainly on the consideration that no intensification of the existing building bulk nor new structure was involved, and the temporary Buddhist monastery was not incompatible with the surrounding setting;
- (b) the structures on site were existing structures and no additional structures were proposed;

- (c) given the unique nature of the application and there were no similar applications, the application could be considered on its own merits. Concerned Government departments had no objection to the application; and
- (d) the applied use would not be tolerated in the long term. As detailed in paragraph 8 of the Paper, the planning intention of the “CPA” zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development.

Deliberation Session

122. In response to a Member’s enquiry on whether the Planning Department (PlanD) had assisted the applicant to search for a suitable permanent site, Mr. Wilson Y.L. So advised that PlanD had started dialogue and assisted the applicant in the last few years. However, some of the sites proposed by PlanD were considered unacceptable to the applicant. In the end, the applicant applied for using a site in the “GB” zone in Ngau Tam Mei, but the proposal was rejected by the Town Planning Board on review in December 2005.

123. A Member suggested should the application be approved, a shorter approval period of two years should be granted to give a clear message to the applicant with regard to the planning intention for conservation of the “CPA” zone and the need to relocate the monastery to another acceptable permanent location.

124. Some Members considered that the applied temporary use for a period of three years could be tolerated and their views were summarised in the following :

- (a) the minimal number of structures on site were compatible with the surrounding environment as shown in the site photos;
- (b) this kind of development had no lasting impacts on the surrounding area since the temporary structures could be removed easily;

- (c) the applied use was intended for meditation. It was understandable that the applicant would prefer secluded locations; and
- (d) the applicant should be advised to seriously search for an alternative permanent location in the coming 3 years.

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the application site should be maintained at all times during the approval period;
- (b) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the administration office building on site within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2007;
- (c) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) if the above planning condition (b) 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
- (e) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) search for an alternative permanent site for the relocation of the monastery within the next 3 years;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department (DLO/YL) for Short Term Waiver to regularize the irregularities on site. Should no STW application be received/approved and the irregularities persist on site, DLO/YL would consider taking appropriate enforcement action against the registered owner;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments as stated in paragraph 9.1.6 of the Paper that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. The existing structures on site were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII.

[Mr. Edmund K.H. Leung left the meeting and the Vice-chairman left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (xv) A/YL-PS/262 Proposed Religious Institution and Minor Relaxation of Building Height Restriction in “Residential (Group B)2” and “Road” zones, Lots 2241RP(Part), 2242RP(Part), 2261, 2262RP, 2263RP, 2264RP, 2265 and 2266 in DD 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long (RNTPC Paper No. A/YL-PS/262)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed religious institution and minor relaxation of building height restriction;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period of the application, objecting on the ground that his buildings located within the application site would be affected by the proposed development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed religious institution was a community facility, not in conflict with the planning intention of “R(B)” zone and not incompatible with the permanent and planned residential use in the surrounding area. The relaxation of building height was minor and only to accommodate the roof top structure of a religious institution. The resultant built form and height of the proposed development would not create adverse visual impact.

Concerned Government departments had no objection. The structures referred to in the public comment were owned by the applicant.

128. Members had no question on the application.

Deliberation Session

129. 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 2.2.2011, 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 tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of parking and loading/unloading facilities, and internal road/traffic access to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission, implementation and maintenance of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should submit a land exchange proposal to his office to

realize the proposed development should the application be approved. The grant of extra Government land had to be justified during the land exchange application as detailed in paragraph 8.1.1 of the Paper;

- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments to check and clarify the boundary and land status of the site; and to assess and advise if the existing road facilities including footways, pedestrian crossings, etc. in the vicinity of the proposed development were adequate for the commuting of future occupants and members as detailed in paragraph 8.1.2 of the Paper;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that Building (Planning) Regulation (B(P)R) 41D regarding the provision of emergency vehicular access was applicable to the proposed development and detailed comment on the building layout would be given at the building plan submission stage as detailed in paragraph 8.1.7 of the Paper;
- (d) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's (CEDD) comments that the site was near to Scheduled Area No. 2, beneath which marble with cavities might be present. If marble was encountered during ground investigation, details should be submitted to BD for comment as detailed in paragraph 8.1.10 of the Paper;
- (e) consult CEDD on the proposed realignment/improvement of the planned road so as to avoid encroachment on the proposed road layout; and
- (f) resolve any land issues relating to the development with the owner of the adjoining building structures affected by the proposed development.

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

[Open Meeting (Presentation and Question Sessions only)]

- (xvi) A/YL-PS/263 Proposed Residential Development (Flats and Houses)
in “Residential (Group E)2” zone,
Lots 621ARP, 621A2, 621B2, 621BRP, 623RP, 624,
626RP and 631 in DD 122, Yung Yuen Road, Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/263)
-

Presentation and Question Session

131. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time to prepare supplementary information to address Government departments’ concerns on the technical issues.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions only)]

- (xvii) A/YL-PS/264 Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries under Application No. A/YL-PS/217 for a Period of 3 Years in “Undetermined” zone, Lots 1630RP, 1631RP(Part), 1633RP(Part), 1634, 1635RP, 1635ARP, 1636RP(Part), 1712RP(Part), 3206RP, 3225RP, 3226RP, 3228RP, 3230-3235, 3236RP(Part), 3237(Part), 3238RP(Part), 3239(Part), 3240, 3241(Part), 3244(Part), 3246(Part), 3247(Part), 3338(Part), 3339-3350, 3351RP, 3352RP, 3370-3376 in DD 124, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/264)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed renewal of the planning approval for the temporary open storage of construction materials and machineries;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and/or access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The

application site fell within Category 2 areas and was generally in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that previous approvals were given for the same use in the application site and all the approval conditions had been complied with in the latest application. Concerned Government departments had no objection to the application, except DEP. DEP's environmental concern could be addressed by advising the applicant to follow EPD's 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in devising environmental mitigation measures to alleviate the possible impact. There had been no complaint against the operation on site and there was no local objection to the application.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 9:00 a.m. was allowed at the site during the planning approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities as previously implemented on site under planning application No. A/YL-PS/217 should be maintained at all times during the approval period;
- (d) the submission of an as-built/planted plan of the existing landscape planting on site within 3 months from the date of planning approval to the

satisfaction of the Director of Planning or of the TPB by 2.5.2007;

- (e) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2007;
- (f) if any of the above planning conditions (a), (b), or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if the any of above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the landowners of the site should apply to his office for Short Term Waiver (STW) immediately so as to regularize the unauthorised structures on site; and his office would consider appropriate lease enforcement action against the landowners should no STW be granted and the irregularities persist on site;
- (b) note the Director of Fire Services' comments to approach the Dangerous Goods Division of his department for advice on the licensing of the premises for timber storage;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments on the diversion of the existing water mains and the proposed water mains as detailed in paragraph 10.1.7 of the Paper; and
- (d) follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

137. The Committee agreed that the applicant would 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.

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

[Open Meeting (Presentation and Question Sessions only)]

(xviii) A/YL-TT/203 Temporary Wholesale Centre of Auto Parts and Storage
for a Period of 3 Years
in “Residential (Group C)” zone,
Lots 1012ARP, 1037A, 1037B, 1038, 1039, 1040,
1041 and 1042 in DD 115, Au Tau, Yuen Long
(RNTPC Paper No. A/YL-TT/203)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary wholesale centre of auto parts and storage;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint on the site in the past three years. However, he raised concerns that if the applied use would generate traffic of heavy vehicles and dust nuisance to nearby sensitive receivers, it would be environmentally undesirable. The applicant was advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’;

- (d) one public comment from a village representative was received during the statutory publication period of the application, raising fire safety concern as there were a cluster of elderly center, petrol filling station and private estates in the close vicinity; 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. Although the application was not in line with the planning intention of “Residential (Group C)” zone, the site was the subject of a previous application for similar uses approved by the Board upon review in May 2003. There was no change in circumstances from the previous approval except that the site had been reduced in size and no workshop activity was observed on site. DEP's environmental concern could be addressed as the applied use was for temporary wholesale centre of auto parts and storage and would unlikely involve heavy vehicles. Also, the site had been properly paved to avoid dust nuisance. Relevant approval conditions and advisory clause had been suggested to minimise any potential environmental impact.

139. In response to a Member's enquiry of whether any action would be taken on the illegal structures on site and whether the use applied for would be different if these structures were cleared, Mr. Wilson Y.L. So, DPO/TMYL, advised that the Chief Building Surveyor/New Territories West, Buildings Department required that the unauthorised structures on site be removed.

[The Vice-chairman returned to join the meeting at this point.]

Deliberation Session

140. To follow up on the Member's enquiry mentioned above, the Chairperson advised that if there was any change in the use on site, the applicant would be required to submit a fresh application.

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing, maintenance, dismantling and workshop activities were allowed on the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no night-time operation between 7 p.m. to 7 a.m. was allowed on the site during the planning approval period;
- (d) no operation was allowed on Sundays or public holidays during the planning approval period;
- (e) the landscaping trees including the replacement of dead trees within the site as implemented under Application No. A/YL-TT/140 should be maintained at all times during the planning approval period;
- (f) 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 TPB by 2.8.2007;
- (g) in relation to (f) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.11.2007;
- (h) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2007;

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

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structures were allowed to be erected without prior approval from his Office. His site inspection revealed that unauthorized structures including converted containers, temporary structures, water tanks and canvas porch with metal framework were found within the site. Besides, a strip of Government land adjoining Lot 1012 S.A RP in D.D. 115 at the northern side of the site was fenced off without approval from his Office. In this respect, his Office reserved the right to take enforcement action against the irregularities. The applicant should clarify on whether he would include the fenced off Government land into the site. The lot owners/occupiers concerned should apply for Short Term Waiver (STW) and Short Term Tenancy (STT), if appropriate, to regularize the irregularities on site. Should no STW and STT application be received/approved and the irregularities persist on site, his Office would consider taking appropriate enforcement action against the registered owner/occupier;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the applicant should check the land status of the proposed access road between the site and Castle Peak Road – Yuen Long and the management and maintenance responsibility of the proposed access road leading to the site from Castle Peak Road – Yuen Long;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Yuen Long;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be provided. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Office for approval even though the submission of general building plans might not be required under the Buildings Ordinance; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site which were liable to action under section 24 of the Buildings Ordinance should be removed. The granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found.

Use of container as offices, showrooms, storage etc. were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) during the plan submission stage.

[Open Meeting (Presentation and Question Sessions only)]

- (xix) A/YL-TT/204 Proposed Public Utility Installation (Package Substation)
in “Village Type Development” zone,
Government Land near Shui Tsiu San Tsuen Road in
DD 117, Yuen Long
(RNTPC Paper No. A/YL-TT/204)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period of the application, and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

144. Members had no question on the application.

Deliberation Session

145. 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 2.2.2011, 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 TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire-fighting access, fire-fighting water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comment that the development should not affect the project of "PWP Item No. 215DS Yuen Long and Kam Tin Sewerage Treatment, Stage 2B-2T, Yuen Long South Branch Sewers"; the landscaping area must be covered by an appropriate agreement between the applicant and the Government. Otherwise, his office reserved the right to take appropriate action against any unauthorized occupation of Government Land; one of the proposed planters on the north of the application site encroached onto a Temporary Government Land Allocation (TGLA) (GLA-TYL 117) at present held by the Director of Food and Environmental Hygiene (DFEH) for their Refuse

Collection Point (RCP). The applicant should liaise with DFEH to ensure that area affected by the proposed planter would be excluded from the TGLA;

- (b) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

[Open Meeting (Presentation and Question Sessions only)]

- (xx) A/YL-TT/205 Temporary Open Storage of Machinery
for a Period of 2 Years
in "Village Type Development" zone,
Lots 1562B2RP(Part) and 1562B28(Part) in DD 119 and
Adjoining Government Land, Kiu Hing Road,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/205)
-

Presentation and Question Session

147. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for the application. Dr. Lau had tendered apologies for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the temporary open storage of machinery;
- (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 application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application from landscape point of view as the proposed open storage use was not compatible with the landscape context of the adjacent residential and agricultural uses. The Assistant Commissioner for Transport/New Territories (AC for T/NT) raised concern that the application would set an undesirable precedent for other similar applications in the surrounding areas. He considered that approving such similar applications might induce cumulative adverse traffic impact on the nearby road network;
- (d) three public comments were received during the statutory publication period of the application, with two objecting and one raising concerns on visual, traffic, environmental and security aspects; 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 “Village Type Development” zone and the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell within Category 4 areas and there were no exceptional circumstances to merit approval since no previous approval had been granted at the site for open storage use and the development was not compatible with adjacent residential and agricultural uses. There were adverse comments from DEP, AC for T/NT and CTP/UD&L on environmental, traffic and landscape aspects.

149. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the proposed development was not compatible with the residential dwellings and agricultural uses in the vicinity of the site, there was no exceptional circumstances to justify approval of the open storage use at the site and that there were adverse departmental comments against the applied use;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Professor Peter R. Hills left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (xxi) A/YL-TYST/344 Temporary Warehouse for Storage of Building Materials for a Period of 3 Years in “Residential (Group C)” zone, Lots 1294(Part), 1295(Part), 1298(Part), 1301(Part), 1302, 1303, 1304(Part), 1305(Part), 1306(Part) and 1307 in DD 119, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/344)
-

Presentation and Question Session

151. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for the application. Dr. Lau had tendered apologies for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of building materials;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and to the immediate south of the site, and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period of the application, raising concerns on adverse environmental, traffic and public security impacts as a result of the proposed warehouse; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The applied use was not incompatible with the surrounding areas which were

mixed with open storage yards, warehouses and workshops. Although DEP did not support the application, the site was the subject of two previous planning approvals for warehouse use. Approval conditions would be imposed to restrict operation hours and activities to minimise any potential impacts on the environment. The applicant would also be advised to follow EPD's 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'.

153. Members had no question on the application.

Deliberation Session

154. In response to a Member's enquiry on the appropriate time limit for compliance with approval conditions since the previous approval was revoked, the Secretary advised that a shorter approval period of one year and shorter compliance period of three months were recommended so as to monitor the situation of the site and the fulfilment of approval condition as detailed in point (b) of the advisory clauses.

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 2.2.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6 p.m. and 9 a.m., as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (b) no dismantling, packing, unpacking/re-packing, open storage or workshop activities should be carried out at the application site at any time during the planning approval period;
- (c) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the site at any time during the planning approval period;

- (d) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2007;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

156. The Committee agreed that the applicant should be reminded that the permission was given to the use under application. It did not condone any other use 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 not covered by the permission.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) note that shorter approval period of 1 year and shorter compliance period were granted so as to monitor the situation of the site and the fulfilment of approval condition;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the erection of structures on agricultural lot was not permitted, the applicant was required to apply for a Short Term Waiver to allow the use under application;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (f) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and

- (h) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter associated with the main laying and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[Open Meeting (Presentation and Question Sessions only)]

- (xxii) A/YL-TYST/345 Temporary Open Storage of Hardware, Construction Materials, Vehicles and Heavy Machinery for a Period of 3 Years in "Residential (Group B)1" zone, Lots 1372ARP, 1839D, 1839E and 1839RP in DD 121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/345)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of hardware, construction materials, vehicles and heavy machinery;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site, including residential dwellings, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) did not support the application from

landscape point of view as the proposed open storage use was not compatible with the existing rural fringe landscape character of the area and approval of the application would likely have adverse impact on the existing landscape character and visual quality of the surrounding areas;

- (d) 58 public comments were received during the statutory publication period of the application, and 4 local objections attaching 104 signatures were received by the District Officer. All of them objected to the application on grounds of generation of air, dust and noise pollution and nuisance, traffic, security, health and hygiene problem, inflammable goods hazards, landscape and visual degradation; 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 “Residential (Group B)1” zone and the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell within Category 4 areas and there were no exceptional circumstances to merit approval since no previous approval had been granted at the site for open storage use and the development was not compatible with surrounding residential uses. There were adverse comments from DEP and CTP/UD&L on environmental and landscape aspects. Strong local objections were also received.

159. Members had no question on the application.

Deliberation Session

160. 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 B) 1” (“R(B)1”) zone which was intended primarily

for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood might be permitted on application to the TPB. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the development was not compatible with the nearby residential developments, there was no exceptional circumstances to justify for open storage use at the site and that there were adverse departmental comments on the application;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “R(B)1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

Agenda Item 8

Any Other Business

161. There being no other business, the meeting was closed at 4:35pm.

(Chairperson)

Rural and New Town Planning Committee