

TOWN PLANNING BOARD

Minutes of 352nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.6.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

Mr. Y.M. Lee

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

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Y.K. Cheng

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 351st RNTPC Meeting held on 7.6.2007

[Open Meeting]

1. The draft minutes of the 351st RNTPC meeting held on 7.6.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session Only)]

A/SK-TMT/14 Proposed Temporary Sitting Out Area and Recreational Fishing Ground
for a Period of 3 Years
in “Coastal Protection Area” zone,
Lots 310A and 310RP in DD 257,
Wong Keng Tei, Sai Kung
(RNTPC Paper No. A/SK-TMT/14)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary sitting out area and recreational fishing ground for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the proposed use would pose a threat to the existing mangroves on the waterfront and have adverse impact on the natural coastline. The Chief Town Planner/Urban Design and Landscape, Planning Department strongly objected to the application as the proposed use was considered inappropriate within such an attractive area of high landscape value. The site had been removed with vegetation and paved with concrete, and an area of mangrove in the shallow water had been destroyed. The proposed formal seating, mobile toilet, pavilion and jetty on the site would further degrade the character of the coastline. He recommended that the application site and the natural coastline should be reinstated as far as possible. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the application as approval of the proposed development would set an undesirable precedent for other similar developments in the “Coastal Protection Area” (“CPA”) zone, the cumulative traffic impact of approving such developments on the local road network had not been assessed and ascertained. No information had been submitted on vehicular access and loading/unloading arrangement;
- (d) nine public comments were received during the statutory publication period raising objection to the application on grounds that the proposed sitting out area and recreational fishing uses were not in line with the planning intention of “CPA” zoning; it would destroy the natural landscape and

ecology of the coastal area; there was already a large fish pond for recreational fishing nearby; and it would set an undesirable precedent; 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. There was a general presumption against development in the “CPA” zone. Only developments needed to support conservation of the existing natural landscape or scenic quality of the area, or essential infrastructure project might be permitted. No justifications regarding public benefits or planning merits were provided in the submission to merit a departure from such a planning intention. In this respect, DAFC did not support the application from nature conservation point of view. The proposed use involved site formation works which had been very detrimental to the existing landscape character and, if approved, would further degrade the natural coastline. Approval of this application would set undesirable precedent for other similar developments in the “CPA” zone. The cumulative traffic impacts of approving such developments on the local road network had not been assessed and ascertained.

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

4. A Member asked whether the act of filling the application site with concrete was illegal. Ms. Ann O.Y. Wong said that the site was the subject of planning enforcement action against unauthorised filling of land and excavation of land. An Enforcement Notice was served on 24.4.2007 on the owners of the site by the Planning Authority under section 23(1) of the Town Planning Ordinance. The unauthorised filling of land and excavation of land were discontinued on 9.5.2007. Subsequently, a Reinstatement Notice was issued to the owners of the site on 21.6.2007.

Deliberation Session

5. 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 “Coastal Protection Area” (“CPA”) zone, which was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. There was a general presumption against development in this zone. Only developments needed to support conservation of the existing natural landscape or scenic quality of the area or essential infrastructure project might be permitted. No justifications regarding public benefits or planning merits had been provided in the submission to merit a departure from the planning intention, even on a temporary basis; and

- (b) the approval of the application would set an undesirable precedent for other similar applications within the “CPA” zone. The cumulative effect of approving such applications would result in an encroachment of the “CPA” zone and create adverse impacts on the natural landscape, coastal environment and traffic in the area.

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

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 4

Section 12A Application

[Open Meeting (Presentation and Question Session Only)]

Y/NE-TK/2 Application for Amendment to the
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/13
from “Agriculture” to “Recreation”,
Various Lots in DD 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/2A)

Presentation and Question Session

6. The Committee noted that the applicant requested on 7.6.2007 and 15.6.2007 for a deferment of the consideration of the application to allow more time for preparing further information including revised/additional technical assessments to substantiate the case and to address comments from Government departments on the submission made on 2.4.2007 by the end of July 2007 (i.e. about 6 weeks).

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 six weeks 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 5

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/FSS/170 Proposed Religious Institution
in “Village Type Development” zone,
Lots 1085A, 1085B and 1085RP(Part) in DD 52,
Po Sheung Tsuen, Sheung Shui
(RNTPC Paper No. A/FSS/170)
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Presentation and Question Session

8. The Committee noted that the applicant requested on 5.6.2007 for a deferment of the consideration of the application to allow time for submitting supplementary information to address local concerns and technical issues of the proposed multi-function greenhouse.

Deliberation Session

9. 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.

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

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/FSS/171 Columbarium
in “Government, Institution or Community” zone,
Lot 5174(Part) in DD 51 and Adjoining Government Land,
Fung Ying Seen Koon, Fanling
(RNTPC Paper No. A/FSS/171)
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Presentation and Question Session

10. 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 columbarium;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period. One of them objected to the application with no specific reasons. The other two supported the application on grounds that the site was suitable to meet the increasing demand for columbarium use and the application was in the public interest. The District Officer advised that the Chairman of Fanling District Rural Committee objected to the application but with no specific reasons. The Indigenous Inhabitants Representatives and the Residents Representative of Fanling Wai either supported or had no comment on the application provided that it would not encroach upon burial grounds of the villagers; 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. For the concern on the burial grounds of local villagers, as the application site was an extension of Fung Ying Seen Koon which was fenced off and separated from the slopes of Wu Tip Shan, it would not affect the local burial grounds.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on the terms of the application as submitted to the Town Planning Board.

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

- (a) approval of the application did not imply that necessary approvals would be given by any Government departments. The applicant should approach relevant Government departments direct for any necessary approvals;
- (b) application should be made to the District Lands Officer/North for a lease modification to permit the columbarium use on the application site;
- (c) granting of the planning approval should not be construed as condoning, toleration or indication of acceptance of any building works on site under the Buildings Ordinance (BO) and the allied regulations. All unauthorised building works/structure(s) existing on the application site should be removed. Authorised Person should be appointed to co-ordinate and submit demolition proposals to the Building Authority for approval, if so required under the BO. If new structure/building works were proposed for erection on the site, the appointed Authorised Person should submit plans to the Building Authority for approval prior to commencement of any new building works;
- (d) extension of the inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards. The application site was located within the flood pumping catchments area associated with River Indus and River Ganges pumping stations; and

- (e) the existing burial grounds in the vicinity of the application site should not be affected.

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

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/NE-TKL/297 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” and “Village Type Development” zones, Lot 530F in DD 77, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/297)
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Presentation and Question Session

14. 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 from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

15. Members had no question on the application.

Deliberation Session

16. 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 22.6.2011, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) he should be responsible for the construction, operation and maintenance of the inside services within the private lots; water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply 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 Session Only)]

- (iv) A/NE-KTS/251 Temporary Open Storage of Metal Ware, Metal Workshop and Detergent Packaging for a Period of 3 Years in “Recreation” zone,
Lots 1669A1RP(Part), 1670A1RP, 1671A1, 1673A, 1675B1ARP(Part) in DD 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/251)
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Presentation and Question Session

18. 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 temporary open storage of metal ware, metal workshop and detergent packaging for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.2 of the Paper. The site was the subject of a previous approved planning application (No. A/NE-KTS/184) for the same use, and all the approval conditions had been complied with. Approval of the application on a temporary basis would not frustrate the planning intention of the “Recreation” zone since there was no known programme for permanent development on the site. The

proposed use on the application site was not incompatible with the surrounding land uses which were predominantly open storage yards of metal and construction materials, workshops and vehicle park. To address DEP's concern, the applicant would be advised to adopt relevant mitigation measures so as to minimize any possible environmental impacts.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium and heavy goods vehicles, including container vehicles, were allowed to enter the site at any time during the planning approval period;
- (b) the existing drains within the application site should be maintained properly at all times during the planning approval period;
- (c) the submission of a conditional record of the existing drainage facilities on site as implemented under the previously approved application (No. A/NE-KTS/184) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.9.2007;
- (d) the submission of access road, loading/unloading and parking proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.12.2007;
- (e) in relation to (d) above, the provision of access road, loading/unloading and parking facilities within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.3.2008;

- (f) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2007;
- (g) in relation to (f) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2008;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

- (a) liaise with the District Lands Officer/North, Lands Department regarding the Short Term Wavier and Short Term Tenancy on the application site;
- (b) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site slightly encroached upon some existing fresh water mains and the cost of any necessary diversion of these existing water mains affected by the development should be borne by the development project. The application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (d) make reference to paragraph 4.29 of the Code of Practice for Minimum Fire Service Installations and Equipment in formulating fire-fighting water supplies and fire service installations for the workshop on the site.

[Open Meeting (Presentation and Question Session Only)]

- (v) A/NE-KTS/252 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 931I in DD 100,
Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/252)
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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 – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received 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.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.6.2011, 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 design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) extension of the inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards. Water mains in the vicinity of the application site could not provide the standard fire-fighting flow. The application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and

- (b) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply 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 Session Only)]

- (vi) A/NE-KLH/362 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” zone, Government Land in DD 9, Tai Wo Village, Tai Po (RNTPC Paper No. A/NE-KLH/362)
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Presentation and Question Session

26. 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 District Lands Officer/Tai Po objected to the application as the site fell within an area covered by Government Land Licence No. T19209 which was for the purpose of cultivation. The Chief Engineer/ Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within WSD’s upper indirect water gathering grounds (WGGs) and the proposed house was located more than 30m from the nearest watercourse. The proposed Small House would not be able to be connected to the public sewerage system being planned. The Director of Environmental Protection (DEP) did not support the application as no existing or planned sewerage system would be available to the application site, discharge from the proposed NTEH would have the potential to cause water pollution to the WGGs;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within WSD’s upper indirect WGGs and was not able to be connected to existing or planned sewerage system in the area. In this regard, CE/Dev(2), WSD and DEP did not support the application.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to reject the application and the reason was that the proposed development did not comply with the interim criteria for assessing

planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within the Water Supplies Department's upper indirect water gathering grounds (WGGs) 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 WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/NE-KLH/363 Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses) in “Village Type Development” and “Agriculture” zones, Lots 263D6, 263D9, 263D12 and 263D13 in DD 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/363)
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Presentation and Question Session

29. The Committee noted that the applicant requested on 14.6.2007 for a deferment of the consideration of the application to allow time for submitting supplementary information in support of the application.

Deliberation Session

30. 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 Session Only)]

- (viii) A/NE-TK/231 Proposed Utility Installation for Private Project
(Fire Services Water Tank, Pump House and
Sprinkler Water Tank) in “Green Belt” zone,
Lot 19(Part) in DD 26,
Shuen Wan, Tai Po
(RNTPC Paper No. A/NE-TK/231)
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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 utility installation for private project (fire services water tank, pump house and sprinkler water tank);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period indicating no comment on the application; 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.

Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.6.2011, 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) to maintain a 2-metre set back of the site boundary from a nearby mature native tree to the south-west of the application site (i.e. Tree No. T1 as shown on Plans A-2 and A-3 of the Paper) so as to minimize the impact of excavation on the tree to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of precautionary/protective measures to ensure no adverse impacts on the nearby "Conservation Area" ("CA") zone to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) application should be made to the District Lands Officer/Tai Po for a Short Term Waiver (STW) for the proposed development, and a licence/STW should any pipes and duct cables, etc. were required to run through Government land for connecting Lots 18 and 19 in DD 26;
- (b) any excavation works for the proposed development should not encroach onto the nearby "CA" zone;
- (c) an authorised person and/or registered structural engineer should be appointed if any non-exempted building works were involved; and building plans should be submitted to the Building Authority for approval prior to commencement of works;
- (d) extension of the inside services to the nearest suitable government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water

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

- (e) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and
- (g) prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult the CLP Power Hong Kong Ltd. (CLPP), if necessary, and ask CLPP to divert the overhead pole and overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Session Only)]

- (ix) A/NE-TK/233 Proposed Public Utility Installation
(Electricity Package Transformer)
in "Recreation" zone,
Government Land in DD 17,
Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/233)
-

Presentation and Question Session

34. 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 from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period stating that the villagers of Lung Mei had no comment on 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.

Members had no question on the application.

Deliberation Session

35. 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 22.6.2011, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the setback of the proposed package transformer from any road/track including footpath by a minimum distance of 1 metre.

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

- (a) apply to the District Lands Officer/Tai Po for a Short Term Tenancy for the proposed development;

- (b) appoint an authorised person and/or registered structural engineer if any non-exempted building works were involved; and submit building plans to the Building Authority for approval prior to commencement of works; and
- (c) note that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department.

Agenda Item 6

Section 16A Application

[Open Meeting (Presentation and Question Session Only)]

A/MOS/61-4 Comprehensive Residential Development with
Commercial and Government, Institution or Community Facilities –
Proposed Amendments to the Master Layout Plan
under Application No. A/MOS/61
in “Comprehensive Development Area(1)” Zone,
Various Lots in DD 206 and Adjoining Government Land,
Area near Lok Wo Sha, Ma On Shan

(RNTPC Paper No. A/MOS/61-4)

37. The Secretary reported that the application was submitted by the subsidiaries of Henderson Land Development Co. Ltd. Mr. Alfred Donald Yap had declared an interest in this application as he had current business dealings with Henderson Land Development Co. Ltd.

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

Presentation and Question Session

38. Mr. W.W. Chan, STP/STN, informed that the applicant on 15.6.2007 submitted further information in response to Transport Department (TD)’s comments, a copy of which

had already been sent to Members. Also, TD's comments was received on 21.6.2007 in relation to the applicant's responses to departmental comments made on 7.6.2007. A copy of TD's memo was tabled at the meeting for Members' reference. Mr. W.W. Chan then presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the comprehensive residential development with commercial and government, institution or community facilities – proposed amendments to the master layout plan (MLP) under Application No. A/MOS/61;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the applicant to clarify whether the emergency vehicular access (EVA) near block T22 would be further connected to other road network, if not, turning facility should be provided thereat. He also considered that the proposed loading/unloading bays on ground floor and basement were not acceptable;
- (d) the District Officer advised that the Vice-Chairman of the Owners' Committee of Monte Vista objected to the application on the grounds that the plot ratio and building heights of the residential blocks were too high; no information was provided about the "wall effect" of the buildings to the wind direction/air quality in the adjacent area including Monte Vista; more soft landscaping treatments should be provided, especially along Sai Sha Road and the future public pedestrian access across the site; no improvement was made to the pedestrian flow from Ma On Shan Rail Wu Kai Sha Station to other parts of the Whitehead area; the deteriorated pedestrian and cyclist paths design had not been addressed/ rectified; both pedestrians and cyclists needed to travel a long and indirect path when going to the seafront; safety hazard was imposed to road users due to the presence of vehicular entrances along Road A; the rearrangement of public access was unacceptable; any increase in the number of car-park, number

of blocks and plot ratio was strongly objected; the consultation period was too short and there was insufficient information for their consideration; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 8.2 of the Paper. The application only involved minor amendments to the MLP previously approved by the Committee. Relevant departments had no adverse comments on the proposed changes. AC for T/NT's concerns on the arrangement of proposed loading/unloading bays and turning facility of an internal road could be addressed by imposing relevant approval conditions. Although the number of residential blocks was proposed to be increased from 23 to 25, the Architectural Services Department advised that there was no significant impact on the visual permeability of the development. For the local objection, the concerns related to pedestrian and cyclist access would be addressed by providing a segregated, direct and convenient public pedestrian walkway within the development as required under approval condition (h) in paragraph 8.4 of the Paper. A cycle track would also be provided along the proposed new roads for access from Sai Sha Road to the Whitehead headland. As regards the "wall effect" of the proposed development, the required view corridors/ breezeways as proposed in the approved schemes were retained under the current MLP. AC for T/NT had no adverse comment on the increase in car parking spaces and the arrangements for public access.

39. Members had no question on the application.

Deliberation Session

40. In response to the Chairperson's query, Mr. W.K. Hui, DPO/STN, said that the local objection received was lodged by the same objector as the previous approved application (No. A/MOS/61) and amendment schemes (Nos. A/MOS/61-1, A/MOS/61-2 and A/MOS/61-3). The reasons for objection were basically the same as the previous ones. A Member suggested that efforts should be made to resolve with/explain to the objector in respect of his concerns on the proposed development. The Chairperson said that the

objector's concerns had already been taken into account by the Committee in the consideration of previous approved applications. Relevant approval conditions to address the objector's concerns had been imposed and would be retained if the current application was approved by the Committee. Nevertheless, the applicant should be advised to, with the assistance of the District Officer, explain to the objector on the proposal including measures that would be taken to address the concerns raised.

41. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.5.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the implementation of the landscape master plan, including tree felling and preservation proposals as well as the submission and implementation of a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of the noise mitigation measures identified in the revised noise impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase

mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;

- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the implementation of the traffic improvement measures identified in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB;
- (k) the implementation of the recommendations identified in the revised cultural heritage impact assessment (January 2007), including an archaeological survey and a historical survey to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) the submission of a revised drainage impact assessment and the implementation of the drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;

- (n) the implementation of the sewerage facilities identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (o) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and
- (p) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the proposed new roads leading to the proposed development required under the Buildings Ordinance (BO) should be completed prior to application for occupation permit;
- (c) liaison should be made with the CLP Power Hong Kong Ltd. to ensure that additional electricity demand for the proposed development could be supplied from the existing electricity network;
- (d) each phase of the proposed development should be self-sustainable in every aspect under the BO including plot ratio, site coverage, means of escape, means of access for fire-fighting and rescue, fire resisting, construction, collection of refuse and segregation of vehicular and pedestrian traffic; and each phase of the development should have its own clubhouse, the gross floor area (GFA) of which should not exceed 5% of the total domestic GFA

of each phase;

- (e) a layout scheme of the improvement works at the junction of Ma On Shan Road and Hang Hong Street should be provided to the Transport Department;
- (f) the Water Supplies Department (WSD) was planning to lay fresh water main and salt water main along the planned Road A and planned Road B. The main laying works would likely be carried out in conjunction with the developer's roadwork. The developer should take this into consideration in the planning and construction of the proposed road works and approach WSD during their detailed design stage to sort out the interfacing issue between the two projects. The cost of any necessary diversion of existing water mains affected by the development should be borne by the development project; and
- (g) the applicant should, with the assistance of the District Officer, explain to the objector on the proposal including measures that would be taken to address the concerns raised.

[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. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

[Mr. Y.M. Lee left the meeting temporarily and Mr. Alfred Donald Yap returned to join the meeting at this point.]

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/YL/143 Temporary Place of Recreation and Eating Place
with Ancillary Outdoor Barbecue Area
for a Period of 3 Years
in “Village Type Development” zone,
Lots 236RP(Part), 237RP(Part) and 238RP(Part) in DD 115,
Ying Lung Wai, Yuen Long Town
(RNTPC Paper No. A/YL/143)
-

Presentation and Question Session

43. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was one of the consultants for the application.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

44. Mr. W.M. Lam, STP/TMYL, informed that a letter dated 21.6.2007 was received from the applicant’s consultant requesting for a deferment of the consideration of the application in order to have more time to prepare further technical information to address departmental concern. A copy of the applicant’s letter was tabled at the meeting for Members’ reference.

45. In reply to the Secretary’s queries, Mr. W.M. Lam said that the application had been deferred once upon the applicant’s request made on 13.2.2007. The Committee on 9.3.2007 agreed to the deferment for two months to allow time for the applicant to prepare an environmental assessment report. The present request for deferment was to allow time to prepare further technical information to address the Director of Environmental Protection’s comments on the noise impact assessment report and the odour (barbecue smell) assessment report submitted by the applicant on 10.5.2007. Mr. W.M. Lam also pointed out that the site was currently used for the applied use without valid planning permission.

46. The Secretary advised that, according to the Town Planning Board (TPB) Guidelines No. 33, a request for deferment either by the applicant or the Planning Department up to two months would normally be granted by the TPB and no further deferment would be granted except under very special circumstances. In considering a request for further deferment, the TPB would take into account all relevant factors, including the reasonableness of the request, duration of the deferment, and whether the right or interest of other concerned parties would be affected.

47. In response to the Secretary's question, Mr. W.M. Lam said that the current use on site was not regarded as an unauthorised development as the application site fell within Yuen Long Outline Zoning Plan which was not previously covered by a Development Permission Area plan, hence not subject to planning enforcement under the provisions of the Town Planning Ordinance. By referring to paragraph 9 of the Paper, Mr. W.M. Lam informed that the public comments received during the publication periods of the application and the further information were divided. Of the 34 public comments received, four supported the application for reasons that the villagers would be provided with a place for leisure and recreation which in turn would enhance the harmony of the area and promote local tourism. The others objected to the application mainly on grounds of noise and odour nuisances, adverse drainage, traffic and fung shui impacts, fire risk and poor public order.

[Mr. Y.M. Lee returned to join the meeting at this point.]

48. Mr. C.S. Mills of the Lands Department (LandsD) said that the application site were old schedule lots restricted for agricultural purpose only, on which no structures should be erected without prior approval from the LandsD. According to LandsD's site inspection, shade shelter and modified containers were found on some of the private lots and government land within the application site. Such unauthorised structures would be subject to enforcement and land control actions to be taken by the LandsD.

49. On the consideration that there were local objections on environmental grounds which would amount to third party interest being affected, and that the request for further deferment submitted only one day before the meeting was not supported by strong justifications, Members agreed that a deferment was not warranted and the Committee should proceed to make a decision on the application.

50. Mr. W.M. Lam was then invited to present the application covering the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary place of recreation and eating place with ancillary outdoor barbecue area for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. In particular, the proposed recreational and barbecue uses on the site were likely to cause noise nuisance to nearby residents. The site was also the subject of 16 complaints related to noise, air and odour matters in the past eight months. The noise impact assessment report and odour (barbecue smell) assessment report submitted by the applicant were not acceptable and failed to demonstrate the environmental acceptance of the proposed uses. The Chief Highways Engineer/New Territories West, Highways Department pointed out that the proposed pedestrian access at Long Wo Road involved an illegal staircase structure mounted on retaining wall and modification of roadside railings. In view of public safety concern and ease of maintenance of the retaining wall structure, the proposed pedestrian access via the illegal staircase to Long Wo Road was not supported. The Director of Food and Environmental Hygiene advised that more than 32 complaints were received in relation to the proposed uses. The subject of complaints included unlicensed food business, air pollution problem, noise, obstruction, change of land status, and unlicensed sale of liquor, etc. From October 2006 to May 2007, seven prosecutions were taken against the proprietor for carrying on food business without a licence;
- (d) 34 public comments were received during the statutory publication periods of the application and the further information. Four of them supported the application as the villagers would be provided with a place for leisure and

recreation which in turn would enhance the harmony of the area and stimulate the local tourism. The others objected to the application mainly on grounds of noise and odour nuisances, adverse drainage, traffic and fung shui impacts, fire risk and poor public order;

- (e) the District Officer advised that some complaints had previously been received against the environmental nuisances created by the operation of the subject barbecue site. He also received five objection letters against the application. Two were from the same Yuen Long District Council Member without any reason. Two were the same as the public comments received, i.e. two objection letters from the Village Representatives of Tsoi Uk Tsuen and Chairman and Vice-Chairman of Tsoi Uk Tsuen Affairs Committee mainly on grounds of fung shui; environmental pollution including air, noise, odour and foul water; obstruction of passageway and public order etc. The remaining one was from a group of villagers raising objection to the application for the reason that the existing barbecue and recreational operation, without obtaining necessary licences, had caused noise nuisance and odour to the villagers nearby. They also clarified that the barbecue site was not related to Shap Pat Heung villagers and was purely a commercial operation; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone. Although there was no Small House application within the site, there was acute demand for Small House development in Ng Wo (including Tung Tau Tsuen, Tsoi Uk Tsuen, Ying Lung Wai, Tai Wai Tsuen and Wong Uk Tsuen) and Kau Hui. There were no strong justifications provided by the applicant to deviate from the planning intention of the “V” zone. The area of the application site measured about 1,700m². About 40% of the site was occupied by some 40 tables with barbecue equipments in covered or uncovered areas, TV rooms, open events area and children play area. The scale and nature of the operation were more akin to commercial open-air barbecue spot rather

than recreation centre for villagers as claimed by the applicant. The proposed development was therefore not compatible with the village setting of the surrounding area. In view of its close proximity to villages to the north and Sun Yuen Long Centre to the south, DEP advised that the recreational centre was environmentally undesirable as it would cause noise nuisance to nearby residents during night-time of weekends and public holidays. In this regard, a total of 16 complaints against the proposed use had been received by DEP. DEP also advised that the noise impact and odour (barbecue smell) assessments submitted by the applicant were not acceptable and failed to demonstrate the environmental acceptability of the applied uses. Besides, the Director of Drainage Services commented that a drainage proposal was required to demonstrate the viability of the applied uses in drainage aspect. As such, there was no information in the submission to demonstrate that the development would have no adverse environmental and drainage impacts on the surrounding areas. Moreover, approval of the application would set an undesirable precedent for other similar applications in the “V” zone.

51. Members had no question on the application.

Deliberation Session

52. 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 reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the scale and nature of the development was not compatible with the

residential dwellings in the vicinity;

- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the planning application would set an undesirable precedent for other similar applications in the “V” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/YL-PS/250 Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses (NTEHs) and Proposed Utility Installation for Private Project (Transformer Room) in “Village Type Development” zone, Lots 1340B4 to 24, 1340BRP, 1340B1RP(Part) and 1340B2RP(Part) in DD 121, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/250B)
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53. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was the consultant for this application. The Committee noted that Dr. Lau had already left the meeting temporarily.

Presentation and Question Session

54. 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 filling and excavation of land for development of NTEHs and proposed utility installation for private project (transformer room);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had concerns on the preservation of existing trees and landscape treatment for alleviating the adverse landscape impact arising from the proposed excavation and slope works. While the applicant had considered retaining most of the trees on site, the submissions failed to provide details of workable solutions on the retention of trees and landscape treatment for the proposed slope works. Protective measures should be provided for the retained trees ‘T4’, ‘T5’ (the two Incense Trees - *Aquilaria sinensis*), ‘T6’, ‘T14’, ‘T15’ and ‘T16’ (fruit trees). The applicant should also explore options for landscape treatment on the slope as the existing vegetated knoll was considered a unique landscape feature in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) indicated that the land filling works would lead to an elevated ground level around the two Incense Trees which would adversely affected their growth. As the two large and mature Incense Trees were considered worthy of preservation, necessary measures should be implemented to protect the trees. He had no comment on the application provided that the two Incense Trees would be retained on site and no land filling works would be conducted around the trees;
- (d) 15 public comments were received during the statutory publication periods of the application and the further information. All of them objected to the application mainly on grounds of slope safety, landslides and flooding hazard, tree felling, adverse landscape impact, destruction of the rural environment and the fung shui of Tang Clan in Ping Shan area. The District Officer informed that 10 written objections were received which had been sent to the Town Planning Board (TPB) as public comments; 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 filling and excavation of land, with an average fill height of 0.3m and an average cut height of 0.5m, was necessary to facilitate the development of NTEHs which was always permitted within the “Village Type Development” zone. Technical proposals submitted had demonstrated that the proposed filling and excavation of land should not generate adverse drainage and geotechnical impacts on the surrounding areas, and no significant adverse environmental, ecological and traffic impacts were anticipated. Relevant Government departments consulted had no adverse comments on/objection to the application. The proposed transformer room was an essential facility to provide electricity services for the proposed residential development. This small-scale development was not incompatible with adjacent residential and other developments in the surrounding areas. In response to the concerns raised by DAFC and CTP/UD&L, PlanD on the preservation of the two Incense Trees, the applicant had proposed to retain the two trees in their original position. Regarding the adverse impact of excavation and slope works on the existing landscape quality of the area, appropriate approval conditions on the submission and implementation of tree preservation proposal and landscaping proposal including slope treatment and compensatory planting would be imposed as recommended in paragraphs 11.3(a) and (b) of the Paper. Also, a revocation clause was suggested in paragraph 11.3(e) of the Paper to ensure that the tree preservation requirement would be duly complied with before site formation works took place. For the local objections, their technical concerns would be addressed by imposing appropriate approval conditions. Besides, the applicant would be reminded to liaise with the local villagers to resolve the fung shui issue.

55. A Member asked what would be the height of the proposed filling works where the two Incense Trees were located. Mr. W.M. Lam, referring to paragraph 1.2 and Drawings A-1 and A-2 of the Paper, said that the maximum fill height was 1.5m with an average fill height of 0.3m. This Member was concerned about the viability of retaining the two Incense Trees in-situ if the fill height could be up to 1.5m. Mr. W.M. Lam pointed out that the same concern was raised by DAFC and CTP/UD&L, PlanD. To address the

concern, it was recommended, if the application was approved, to impose condition requiring the submission and implementation of tree preservation proposal as well as a revocation clause to ensure that the tree preservation requirement would be duly complied with before site formation works took place. In response to this Member's further question, the Secretary advised that changes in the design and layout of the proposed development as a result of compliance of approval condition in retaining the Incense Trees in-situ would not require further planning permission from the TPB.

56. In response to another Member's query, Mr. W.M. Lam, referring to Plan A-2 of the Paper, said that the existing slope (Slope No. 6NW-B/C 150) was located in the central part of the proposed excavation area. He added that, as mentioned in paragraph 4.1 of the Paper, there was unauthorised site formation works within the site in April 2004 which had affected the stability of the slopes on the northern side of the proposed development. The Geotechnical Engineering Office of Civil Engineering and Development Department advised that, prior to any development of Small Houses on the site, it was necessary to upgrade the slopes to current geotechnical standard. The applicant should submit site formation (excavation/filling up) details to the Buildings Department for approval prior to commencement of works.

Deliberation Session

57. Members generally considered that there was insufficient information to demonstrate how the two Incense Trees could be retained in-situ without adversely affected by the proposed filling works. Moreover, the applicant should indicate the extent of excavation with the previous unauthorised work and the proposed work under the current application. The Vice-chairman suggested and Members agreed that the case should be deferred pending further submission by the applicant to clarify the above queries.

58. After deliberation, the Committee decided to defer a decision on the application pending submissions of the following by the applicant :

- (a) information demonstrating that the two Incense Trees would be retained in-situ with the proposed filling works; and

- (b) information indicating the extent of excavation with the previous unauthorised site formation work and the excavation work proposed under the current application.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lam left the meeting and Mr. Frederick S.T. Ng, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/YL-KTN/273 Temporary Place of Recreation Use (including Barbecue Spot and Picnic Area) for a Period of 3 Years in "Village Type Development" and "Agriculture" zones, Lots 676(Part), 678(Part), 679(Part), 680(Part), 681(Part), 682(Part), 684RP(Part) and 1615(Part) in DD 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/273)
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59. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for this application. The Committee noted that Dr. Lau had already left the meeting temporarily.

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary place of recreation use (including barbecue spot and picnic area) for a period of 3 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of active farming activities in the vicinity and potential of the application site for agricultural rehabilitation;

- (d) five public comments were received during the statutory publication periods of the application and the further information. Two were from the Chairman of Kam Tin Rural Committee (also Village Representative (VR) of Shui Tau Tsuen) supported the application for the reasons that the proposed use could provide a picnic and leisure area for people and school students to enjoy the rural life and natural environment; bring along benefit to the tourism industry; increase job opportunities; and better use of the resource of agricultural land. Two were from a Yuen Long District Council member objected to the application as the proposed development was in close proximity to residents and would create noise and dust nuisance during holidays. The remaining one from the VR and the Resident Representative of Shui Mei Tsuen was subsequently withdrawn. The District Officer informed that a written comment from the VR of Shui Mei Tsuen was received which had been sent to the Town Planning Board as public comment; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The development was considered not incompatible with the surrounding land uses which were characterized by pond, plant nursery, fallow/cultivated agricultural land and recreation use. Although DAFC did not favour the application from agricultural point of view, it should be noted that majority of the site fell within the “Village Type Development” (“V”) zone. About one-third of the site was occupied by an existing pond which would be used as fishing ground while the remaining area was mainly unpaved grassland for active and passive recreational facilities confined to ball games, barbecue and picnic areas. Therefore, the temporary nature of the proposed use would not jeopardize the future

rehabilitation of the site for agricultural uses. The site was owned by Tso Tong and Small House development was unlikely to commence within the next three years. Hence the temporary use on the site would not frustrate the long-term planning intention of the subject "V" zone for Small House development. The development would not have significant environmental impact on the surrounding areas. The Director of Environmental Protection considered that restricting the operation hours and prohibiting the use of public address system could minimize the potential on-site noise problems, and having visitors alight along Kam Tin Road could reduce disturbance from the traffic generated by coaches. For the public objection on grounds of adverse noise and dust problem to the residents, approval conditions in paragraphs 11.3(a) and (b) of the Paper were recommended to address the concern.

61. In response to a Member's enquiry, Mr. Frederick S.T. Ng said that, according to the submission, a total of 23 private car parking spaces for visitors was provided which were located to the south of the pond as indicated on Drawing A-1 of the Paper.

Deliberation Session

62. Referring to Plan A-2 of the Paper, a Member noted that a piece of land to the immediate south-east of the proposed access to the application site was used for parking of vehicles. In view of the increasing number of recreational facilities/centres operated in the area and the narrow access road in Shui Mei Tsuen, this Member was concerned about potential illegal parking problem and cumulative traffic impacts on the local roads. Mr. Y.M. Lee of the Transport Department clarified that the existing local track was wide enough for vehicles going to the application site.

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 22.6.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the development was restricted to 10 a.m. to 6 p.m. on Mondays to Fridays, and from 10 a.m. to 9 p.m. on Saturdays and

Sundays, as proposed by the applicant, during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period;
- (c) no pond filling or paving of the site, as proposed by the applicant, was allowed on the site and the site should remain the same as the current situation under which surface runoff of the site would flow into the existing pond during the planning approval period;
- (d) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (e) a right-of-way should be maintained to the occupiers of the Small House site in the middle of the site and the nearby residents, as proposed by the applicant, at all times during the planning approval period;
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a shorter approval period of 2 years was granted so as to monitor the conditions on site;
- (b) any land issues relating to the development should be resolved with the

concerned owner(s) of the site;

- (c) application should be made to the District Lands Officer/Yuen Long (DLO/YL) for Short Term Waiver and Short Term Tenancy to regularize the irregularities;
- (d) the land status of the access road leading to the site should be checked with DLO/YL. The proposed access might not be guaranteed. The management and maintenance responsibilities of the access road should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Chi Ho Road;
- (f) regarding the sewage treatment/disposal aspect, the applicant should observe the requirements under the Water Pollution Control Ordinance and approach the Regional Office (North) Section of Environmental Protection Department for more details;
- (g) environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be adopted to minimize any possible environmental nuisances;
- (h) extension of the inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (i) a licence issued by the Food and Environmental Hygiene Department was

required if food business was carried on at the application site. The applicant's attention was drawn to the Food Business Regulation under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132);

- (j) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and/or his contractors should consult the CLP Power Hong Kong Ltd. (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure; and
- (k) the granting of this planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new building works for approval under the BO was required.

[Dr. James C.W. Lau returned to join the meeting and Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (iv) A/YL-KTN/276 Proposed Religious Institution
with Office and Ancillary Facilities
in "Agriculture" zone,
Government Land in DD 109,
Tai Kong Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/276)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed religious institution with office and ancillary facilities;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that, as the adjoining Tin Tak Temple was only temporarily allowed on Government land, he had reservation on approving the current application to allow permanent existence of the ancillary office and facilities for this temple. However, he had no objection to the application if the planning permission was given on a temporary basis only;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed development was considered not incompatible with the surrounding uses including a temple, residential dwellings, woodland, fallow agricultural land and vacant chicken farm. Although it was not entirely in line with the planning intention of the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation had no objection to the application. The proposed use was of small scale and would not generate adverse environmental, traffic and drainage impacts on the surrounding areas. Concerned government departments had no objection to the application and there was no local objection received. Regarding DLO/YL’s reservation on granting approval to allow permanent existence of the ancillary office and facilities, but no objection if it was on a temporary basis, this was considered as a land administration matter which was outside the purview of the Town Planning Board and should be

considered separately at the land grant stage.

66. In response to a Member's query, by referring to the table in paragraph 1.3 of the Paper, Mr. Frederick S.T. Ng said that the major differences between the previous rejected application (No. A/YL-KTN/246) and the current proposal were that the site area was largely reduced by 1 027m² as land used as private open space was excluded; and the previously proposed 300 ancestral tablets were not included. Since the use of the hall on the ground floor was not clearly indicated and the hall was large in area, Members expressed concern that the hall might possibly be used as a columbarium, particularly there was a previous proposal for ancestral tablets on the site. In response to a Member's question on whether columbarium use was considered as a use ancillary to a religious institution, the Chairperson said that under statutory plans columbarium by itself was a distinct use which was not a use covered by the current application. Whether a columbarium was considered as an ancillary use to a religious institution would depend on the number of niches or urns placed and the mode of operation, and each case would be considered on individual merits.

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

Deliberation Session

67. The Secretary recalled that in considering the previous application No. A/YL-KTN/246, Members were generally of the view that sympathetic consideration could be given to the proposed office but not the other proposed uses, particularly the ancestral hall accommodating ancestral tablets which might generate substantial adverse traffic impact on the area. Noting that the Assistant Commissioner for Transport/New Territories had no adverse comments on the current application, and a condition could be imposed to exclude the placing of ancestral tablets on the site, Members considered that the current application would not generate potential traffic impact similar to the previous rejected case.

68. 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 22.6.2011, 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) no ancestral tablets should be placed on the site;
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of emergency vehicular access, water supply for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) should the application be approved on temporary basis, the District Lands Officer/Yuen Long might consider issuing a Short Term Tenancy to cover the structure to be erected within the application site;
- (b) the proposed access might not be guaranteed. The management and maintenance responsibilities of the track should be clarified. The relevant lands and maintenance authorities should also be consulted accordingly;
- (c) the proposed development should not cause hindrance to the existing overland flow and mitigation measures should be provided if otherwise;
- (d) the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site abut on a street of less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed

development; and

- (e) prior to establishing any structure within the site, the applicant and his contractors should consult the CLP Power Hong Kong Ltd. (CLPP) in respect of the safety clearances required for activities near the overhead lines. In the circumstances that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with the CLPP to divert the concerned section of the overhead lines or have them replaced by underground cables. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines.

[Mr. B.W. Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (v) A/YL-KTS/393 Proposed Refuse Collection Point
in “Village Type Development” zone,
Government Land near Kam Shek Road in DD 109,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/393)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed refuse collection point;

- (c) departmental comments – no objection from concerned Government departments was received;

- (d) 67 public comments (together with 439 signatures) were received during the statutory publication periods of the application and the further information. One of them (together with 248 signatures) supported the application for the reasons that removal of the existing RCP was requested by a group of local villagers/residents and the new location was widely supported by Village Representatives (VRs) and local villagers; the existing RCP was too close to residential dwellings, school and playground which imposed high risk to residents and students; and the walking distance between the existing and the new location was only less than 3 minutes. All the others objected to the application on grounds that the existing four RCPs in the vicinity were already sufficient; the existing RCP was more convenient to local residents; the new RCP was remote and would create environmental nuisances (including air, noise, dust, smell) to nearby residents; and heavy vehicles to the new RCP would impose adverse impact on the nearby culvert. One of the commenters suggested locating the new RCP closer to Kam Shek Road. The District Officer had conveyed two written comments from a VR of Wing Lung Wai and a resident to the Town Planning Board for consideration; 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 RCP was to replace the existing sub-standard one located next to sensitive users creating hygiene problem and arousing public complaints. The location of the new RCP was more desirable as it was located away from sensitive users while within walking distance from the residents to be served. It was also closer to main road which helped to minimize environmental nuisances and facilitated future waste collection service. According to the applicant, there was no other alternative site available. Compared with the existing sub-standard RCP, the new RCP was a cement concrete-built premise provided with water supply and drainage facilities and its impact on the surrounding areas would be reduced. The loading

area would be provided within the boundary of the application site. Regarding the local objections, the new RCP would unlikely have adverse impacts on drainage, traffic and the nearby culvert, noting that relevant Government departments had no objection to the application. There was also local support to the proposed development. However, to address the local concerns, the applicant would be advised to further liaise with the locals on the need for the reprovisioning of RCP and measures to mitigate the potential environmental nuisances. For the alternative site proposed by one of the commenters, it was considered that the site was within private lot and not desirable for a Government RCP.

71. Members had no question on the application.

Deliberation Session

72. 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 22.6.2011, 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 run-in proposal to the satisfaction of the Director of Highways or of the TPB; and
- (c) the provision of emergency vehicular access, water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the provision of refuse collection point (RCP) should not adversely affect

any existing village drain or ditch;

- (b) detailed fire safety requirements would be formulated by the Fire Services Department upon receipt of formal submission of general building plans;
- (c) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and/or his contractors should consult the CLP Power Hong Kong Ltd. (CLPP) and, if necessary, ask CLPP to divert the supply lines away from the vicinity of the proposed structure; and
- (d) the applicant should liaise with the locals on the need for reprovisioning of the RCP and measures to mitigate the potential environmental nuisances.

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

[Open Meeting (Presentation and Question Session Only)]

- (vi) A/YL-KTS/395 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1625A in DD 106,
Yuen Kong Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTS/395)
-

Presentation and Question Session

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

- (a) background to the application;

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

75. Members had no question on the application.

Deliberation Session

76. 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 22.6.2011, 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; and
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;

- (b) extension of the inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (c) 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' issued by the Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated by the Fire Services Department upon receipt of formal application referred by the Lands Department;
- (d) prior to establishing any structure within the site, the applicant and his contractors should liaise with the CLP Power Hong Kong Ltd. (CLPP) in respect of the safety clearances required for activities near the overhead lines. In the circumstances that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with the CLPP to divert the concerned section of the overhead lines or have them replaced by underground cables. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines; and
- (e) all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the above site formation and communal drainage works.

[Open Meeting (Presentation and Question Session Only)]

- (vii) A/YL-KTS/396 Renewal of Planning Permission for
Temporary Open Storage of Forklifts for a Period of 3 Years
under Application No. A/YL-KTS/312
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 567 and 609RP in DD 106,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/396)
-

Presentation and Question Session

78. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement page 11 for the Paper had already been sent to Members. Then he presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning permission for temporary open storage of forklifts for a period of 3 years under Application No. A/YL-KTS/312;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper, particularly the approval of the application on a temporary basis would not frustrate the planning intention of the “Other Specified Uses” annotated “Rural Use” zone on the Outline Zoning Plan.

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

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no operation between 6 p.m. and 9 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) the Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (c) environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be adopted to minimise any possible environmental nuisances;
- (d) detailed fire safety requirements would be formulated by the Fire Services Department (FSD) upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) would likely be required. Nevertheless, without sufficient detailed information on the proposed structures, FSD was unable to offer comment on the FSIs requirements. The applicant should therefore submit relevant building plans to FSD for consideration even though the submission of general building plans was not required under the Buildings Ordinance (BO);
- (e) all unauthorised building works/structures should be removed; all building works were subject to compliance with the BO; Authorised Person should be appointed to co-ordinate all building works; the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO; and enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (f) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation

should be observed by the applicant or his/her contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his/her contractors should liaise with the CLP Power Hong Kong Ltd. to divert the existing high voltage underground cables or low voltage underground cables/overhead lines away from the vicinity of the proposed developed where necessary; and

- (g) a waterworks reserve within 1.5 metres from the centerline of the existing water main should be provided to the Water Supplies Department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes.

[Open Meeting (Presentation and Question Session Only)]

- (viii) A/YL-TYST/354 Proposed Temporary Vehicle Repair Workshop
for a Period of 3 Years
in “Undetermined” zone,
Lot 1547 in DD 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/354)
-

82. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there was a sensitive receiver within the site and other scattered residential dwellings to the south and north-west of the site, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories was concerned whether approval of the application would set an undesirable precedent for similar applications in the surrounding areas, as a result might induce cumulative adverse traffic impact on the nearby road network. The Director of Fire Services pointed out that an access road leading to the site as emergency vehicular access (EVA) should be provided;
- (d) two public comments were received during the statutory publication period raising objection to the application on environmental pollution, noise nuisance to residents, traffic congestion and security grounds; and

[Mr. B.W. Chan returned to join the meeting at this point.]

- (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 compatible with nearby residential dwellings and the “Village Type Development” zone to the south of the site. There was insufficient information to demonstrate that the proposed workshop would not generate adverse environmental and traffic impacts on the surrounding areas. The application site was located about 160m away from Kung Um Road and was only accessible by an informal access track. There was no information to demonstrate that a satisfactory EVA could be provided to the site and the proposed workshop would not generate adverse fire safety impact on the surrounding areas. Moreover, there were local objections against the application on environmental, traffic and security grounds.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, traffic and fire safety impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session Only)]

(ix) A/YL-TYST/355 Temporary Open Storage of Used Private Vehicles
for a Period of 3 Years
in “Undetermined” zone,
Lots 1544 and 1545(Part) in DD 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/355)

86. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for this application. The Committee noted that Dr. Lau had already left the meeting temporarily.

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of used private vehicles for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the

immediate south-west and in the vicinity of the site, and environmental nuisance was expected;

- (d) one public comment was received during the statutory publication period raising concerns that the residential settlements would soon become ruins and there were air and environmental pollutions as well as traffic congestion; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The development was not incompatible with the surrounding areas which were predominantly occupied by workshops, warehouses and open storage yards. To address DEP's concerns, approval conditions were recommended restricting operation hours and types of vehicles used/stored on the site, and prohibiting workshop activities on the site to minimise any potential impact on the environment. For the local objection, appropriate approval conditions as stated above would be imposed if the application was approved.

88. Members had no question on the application.

Deliberation Session

89. A Member asked why the Director of Fire Services had concern on the provision of emergency vehicular access under the previous application considered in this meeting (No. A/YL-TYST/354) but had no objection to the current application. The Chairperson pointed out that the previous application was for a vehicle repair workshop but the proposed use under the current application was for the storage of used vehicles only.

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, 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 p.m. and 9 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no container tractors, trailers or containers were allowed to be stored/parked on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no repairing, dismantling, painting or workshop activities should be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (f) the provision of peripheral fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2008;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2007;

- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2008;
- (k) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) 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.

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

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) no structures were allowed to be erected without prior approval from the District Lands Officer/Yuen Long (DLO/YL). Unauthorised uses and unauthorised structure had been found on the site without prior permission. DLO/YL would take appropriate enforcement action. The applicant should apply for Short Term Waiver (STW) to regularize the irregularities

on the site. Should no STW application be received/approved and the irregularities persisted on the site, DLO/YL would take lease enforcement action against these irregularities;

- (c) 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;
- (d) the vehicular access track from the site to Kung Um Road was not maintained by the Highways Department;
- (e) the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed; and
- (f) all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Session Only)]

- (x) A/YL-TYST/356 Temporary Warehouse for Storage of Furniture
for a Period of 3 Years
in "Undetermined" zone,
Lot 1150RP(Part) in DD 119
and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/356)
-

93. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for this application. The Committee noted that Dr. Lau had already left the meeting temporarily.

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary warehouse for storage of furniture for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period raising concerns that the residential settlements would soon become ruins and there were traffic congestion and degrading security; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The development was not incompatible with the surrounding areas which were occupied by open storage yards and warehouses. As the site was purely used for storage purpose under an enclosed structure, the development would unlikely generate significant adverse environmental impact on the surrounding areas. To address DEP's concerns, appropriate approval conditions were recommended to minimize any potential impact on the environment. For the local objection, the Commissioner of Police had no comment on the application and similar applications had been approved

within this part of the “Undetermined” zone.

95. Members had no question on the application.

Deliberation Session

96. A Member noted that approval conditions were recommended to prohibit workshop activities and restrict the types of vehicles used on site and asked for the reason as the applied use was for the storage of furniture only. The Secretary clarified that the repairing, dismantling and workshop activities as mentioned in paragraph 11.3(c) of the Paper referred to the cutting and treatment of furniture. For the latter approval condition, it was proposed by the applicant that the furniture would be transported to and from the site by goods vehicle under 5.5 tonnes only.

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, 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 p.m. and 9 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no vehicles over 5.5 tonnes, as proposed by the applicant, were allowed for the operation of the site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;

- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2008;
- (g) 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 22.12.2007;
- (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 22.12.2007;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) no structures were allowed to be erected without prior approval from the District Lands Officer/Yuen Long (DLO/YL). A temporary structure had been erected on the site and the Government land within the site had been occupied without approval from DLO/YL. The applicant should apply for

Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW/STT application be received/approved and the irregularities persisted on the site, DLO/YL would take lease enforcement and land control actions against these irregularities;

- (c) 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;
- (d) the vehicular access track from the site to Kung Um Road was not maintained by the Highways Department;
- (e) the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed;
- (f) all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (g) detailed fire safety requirements would be formulated by the Fire Services Department (FSD) upon receipt of formal submission of general building plans. In the consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant building plans incorporated with the proposed FSIs to FSD for approval even though the submission of general buildings plans was not required under the BO. In formulating the FSIs proposal, the applicant should make reference to the requirements as

goods would generate noise and dust nuisance to nearby residents; and would have environmental pollution, traffic congestion and security impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The proposed development was not incompatible with the surrounding areas which were mixed with warehouses, workshop, residential structures, and vacant land. To address DEP's concerns, approval conditions were recommended to restrict the operation hours and types of vehicles used and not to allow repairing, dismantling or workshop activities on the site to minimise any potential impact on the environment. For the local objections, appropriate approval conditions were recommended above to minimise any potential impact on the environment.

100. In reply to the Chairperson's enquiry, Mr. Frederick S.T. Ng said that the site was not the subject of any previous application. DEP's advice that there was no environmental complaint received for the site in the past 3 years referred to the site itself, regardless of whether the use of the site was related to any planning application.

Deliberation Session

101. In response to a Member's query, by referring to paragraph 10.3 of the Paper, the Chairperson informed that the Director of Fire Services had been consulted and he had no objection to the application.

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, 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 p.m. and 7 a.m. was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (f) the submission of the revised 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 22.12.2007;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2008;
- (h) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.12.2007;
- (i) in relation to (h) above, the implementation of the run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.3.2008;
- (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.

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

- (a) no structures were allowed to be erected without prior approval from the District Lands Officer/Yuen Long (DLO/YL). The applicant should apply for a Short Term Waiver from DLO/YL if structures were intended on the site;
- (b) 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;
- (c) if the Transport Department agreed with the vehicular access proposal, a run-in should be constructed at the access point and in accordance with the latest version of Highways Department (HyD)'s Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of the adjacent footpath. The short access track between the site and Kung Um Road was not maintained by HyD;
- (d) the gradient on the site should be maintained at a minimum of 1 in 200 towards the U-channels;
- (e) the latest 'Code of Practice on Handling the Environmental Aspects of

Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed; and

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

[Open Meeting (Presentation and Question Session Only)]

- (xii) A/YL-TYST/358 Proposed Temporary Barbecue Site cum Green Recreational Playground for a Period of 3 Years in "Residential (Group D)" and "Green Belt" zones, Lots 135, 153(Part), 154RP, 159, 242(Part), 250, 268(Part), 270(Part), 271(Part) and 272 in DD 119 and Lots 867A(Part), 871, 930(Part) and 932(Part) in DD 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/358)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary barbecue site cum green recreational playground for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located in close proximity to the site and environmental nuisance was expected. The

Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application as the proposed use was not compatible with the existing rural landscape character of the area; approval of the application would set an undesirable precedent for other planning applications in the area; and would jeopardize the landscape quality and the uniformity of the existing agricultural land and woodland;

- (d) two public comments were received during the statutory publication period raising objection to the application on grounds of close proximity of the site to residential settlements; generation of air and noise nuisances to nearby residents on public holidays; law and order and hygiene problems; and affecting villagers' farming activities; 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 of the “Green Belt” and “Residential (Group D)” zones. It was also incompatible with the rural and tranquil character of the surrounding areas. In this regard, DEP did not support the application and considered that late night function and amplifier from barbecue sites could potentially cause noise nuisance to the nearby sensitive receivers with large number of visitors and generation of frequent traffic of coaches. Despite the applicant's claim that only a small number of visitors would be anticipated, the proposed site was large involving an area of about 1.64 ha. The applicant had not submitted sufficient information to substantiate the traffic implication of the proposed development. Approval of the application would set an undesirable precedent for other planning applications in the area and would jeopardize the landscape quality and uniformity of the existing agricultural land and woodland.

105. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) and “Residential (Group D)” (“R(D)”) zones. There was no strong justification in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” and “R(D)” zones, the cumulative effects of which would result in a general degradation of the rural character of the area.

[The Chairperson thanked Mr. Frederick S.T. Ng, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Ng left the meeting and Ms. M.L. Leung, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (xiii) A/YL-HT/491 Proposed Temporary Open-air Barbecue Area
for a Period of 3 Years
in “Agriculture” zone,
Lots 368RP and 375RP in DD 128
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/491)
-

Presentation and Question Session

107. Ms. M.L. Leung, 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-air barbecue area for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of close proximity to residential dwellings and generation of air and noise nuisances to nearby residents during holidays; 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 temporary open-air barbecue area was not in line with the planning intention of the “Agriculture” (“AGR”) zone. Whilst the Deep Bay Link viaduct was located to the west of the site, the surrounding environment was predominantly green and rural in character and the “AGR” zone was surrounded by green belts and coastal protection areas. The proposed development was incompatible with the adjoining land uses. The site was located in the inner part of Deep Bay Road with limited traffic capacity. Although the applicant proposed no parking space within the site and not to allow vehicles to enter the site, no traffic assessment had been undertaken to demonstrate that the proposed development would not cause any adverse traffic impact on the surrounding areas. Moreover, there was local objection against the proposed development on traffic and environmental grounds.

108. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a proliferation of similar uses in the area and general degradation of the quality of agricultural land in the “AGR” zone.

[Open Meeting (Presentation and Question Session Only)]

(xiv) A/YL-HT/492 Temporary Open Storage of Wastes (Metal and Plastic)
for a Period of 3 Years
in “Open Space” and “Open Storage” zones,
Lots 582RP(Part) and 583(Part) in DD 124
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/492)

Presentation and Question Session

110. Ms. M.L. Leung, 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 wastes (metal and plastic) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. As part of the site (15%) fell within the “Open Storage” (“OS”) zone, the applied use was in line with the planning intention, which had been used for open storage of construction machinery and materials, marbles and vehicle repair workshops in the area. Although the major part of the site (85%) was within the “Open Space” (“O”) zone, it was separated from the remaining of the “O” zone by the viaduct of the West Rail. Given that there was no programme for implementation of the “O” zone, the temporary use of the site for open storage of metal and plastic wastes would not frustrate the planning intention of the “O” zone. In view of demand for open storage uses in the area, a number of similar applications had been approved within the “O” zone for open storage or port backup uses which were in close proximity to the application site.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no handling (including loading, unloading and storage) of cathode-ray tubes and used televisions should be permitted on the site at any time during the planning approval period;
- (b) no cutting, dismantling, melting, cleansing and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/316 should be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/316 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2007;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2008;
- (g) 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 22.12.2007;
- (h) if any of the above planning conditions (a), (b) or (c) 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;

- (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.

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) 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 the District Lands Officer/Yuen Long (DLO/YL). The applicant should apply to DLO/YL for Short Term Wavier and Short Term Tenancy to regularize the unauthorised structures and occupation of Government land on the site;
- (c) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed;
- (d) the land status of the access road leading to the site should be checked with the lands authority; the management and maintenance responsibilities of this road/path/track should be clarified; and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) a run-in should be constructed at the access point and in accordance with the latest version of Highways Department's Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 as appropriate to suit the type of pavement of the adjacent footpath; and

- (f) the proposed use of open storage of plastic might require a dangerous goods licence to operate. The applicant should approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the premises for the said purpose where necessary.

[Open Meeting (Presentation and Question Session Only)]

- (xv) A/YL-HT/493 Temporary Open Storage of Used Electrical Appliance and Metal Ware for a Period of 3 Years in “Recreation” zone, Lots 1511B(Part), 1521(Part), 1522(Part), 1523(Part), 1524(Part), 1525(Part), 1532(Part), 1533(Part), 1534(Part), 1538RP(Part), 1540(Part), 1547(Part) and 1548(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/493)
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Presentation and Question Session

114. Ms. M.L. Leung, 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 used electrical appliance and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The approval of the application on a temporary basis would not frustrate the planning intention of the “Recreation” (“REC”) zone on the Outline Zoning Plan since there was yet any programme/known intention to implement this zoned use. The applied use was not incompatible with the surrounding land uses as the area on both sides of San Wai Road in the “REC” zone had already been used by a number of open storage of containers/electrical appliance/metal ware and warehouses, etc. To address DEP's concern, appropriate approval conditions were recommended to mitigate any potential environmental impacts.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.6.2010, 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 from 7 p.m. to 7 a.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 handling (including loading, unloading and storage) of cathode-ray tubes and used televisions, as proposed by the applicant, should be permitted on the site at any time during the planning approval period;
- (d) no cutting, dismantling, melting, cleansing and other workshop activities should be carried out on the site at any time during the planning approval period;

- (e) the stacking height of materials stored on the site should not exceed 2.5 meters, as proposed by the applicant, at any time 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 22.12.2007;
- (g) in relation to (f) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2008;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (i) in relation to (h) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2008;
- (j) 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 22.12.2007;
- (k) the provision of fencing and paving of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2007;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (b) 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 the District Lands Officer/Yuen Long (DLO/YL). The applicant should apply for Short Term Wavier to regularize the unauthorised structures and the proposed structures on site;
- (c) DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site boundary, and the applicant was required to maintain his drainage facilities and rectify those which were found inadequate/ineffective during operation. The connection details at Sik Kong Wai Channel (Drawing A-4b of the Paper) should be shown for further consideration;
- (d) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed;
- (e) the land status of the local track leading to the site should be checked with the lands authority; the management and maintenance responsibilities of this local track should be clarified; and the relevant lands and maintenance

authorities should be consulted accordingly;

- (f) relevant building plans incorporated with the proposed fire service installations (FSIs) should be submitted to the Fire Services Department (FSD) for approval even though the submission of general building plans was not required under the Buildings Ordinance; reference should be made to the requirements as stipulated in paragraph 4.29 of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment; and the spirit of Buildings Department's PNAP 30 or Parts I and II of FSD Circular Letters 4/96 should be adhered to in formulating the FSI proposal; and

- (g) extension of inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the development; any land matter (such as private lots) associated with the provision of water supply should be resolved; and the construction, operation and maintenance of inside services within the private lots should be responsible by the applicant and up to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Session Only)]

- (xvi) A/YL-HT/494 Temporary Open Storage of Containers and Ancillary Parking of Container Trailers for a Period of 3 Years in "Residential (Group D)" zone, Lots 4(Part), 5(Part), 6(Part), 7(Part), 8, 11, 12(Part), 42(Part), 43(Part), 44(Part), 45(Part), 46A(Part), 46B(Part), 46RP, 47(Part), 49(Part), 50(Part), 57(Part) and 58(Part) in DD 124 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/494)
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Presentation and Question Session

118. Ms. M.L. Leung, 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 containers and ancillary parking of container trailers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories was concerned that approval of the application might set an undesirable precedent for other similar applications in the surrounding areas. He also did not support the provision of more than one vehicular access point for the site. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as approving the application would set an undesirable precedent for more applications of similar nature that would further degrade the surrounding environment;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed use was not in line with the planning intention of the “Residential (Group D)” zone. Also it did not meet the Town Planning Board Guidelines No. 13D in that there were adverse comments from Government departments concerned, and there was insufficient information in the submission to demonstrate that the applied use would not have adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent for

similar applications in the area.

119. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (TPB). No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the TPB Guidelines No. 13D for Application for Open Storages and Port Back-up Uses in that there were adverse departmental comments 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; and
- (c) the approval of the application would set an undesirable precedent for similar applications within “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Session Only)]

- (xvii) A/YL-LFS/156 Proposed Residential Development
in “Residential (Group C)” and
“Residential (Group D)” zones,
Lots 10RP, 12(Part), 14B(Part), 14RP,
15A(Part), 15RP(Part), 16(Part), 17A(Part),
17B, 17C and 17RP in DD 128,
Lots 2153A and 2388A2 in DD 129,
and Adjoining Government Land,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/156)
-

Presentation and Question Session

121. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Christopher Leung & Associates Ltd., which was one of the consultants for the application.

[Dr. James C.W. Lau left the meeting at this point.]

122. The Committee noted that the applicant requested on 8.6.2007 for a deferment of the consideration of the application to allow time for submitting further supplementary information to address technical concerns of Government departments.

Deliberation Session

123. 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 Session Only)]

- (xviii) A/YL-ST/331 Temporary Public Vehicle Park
(excluding Container Vehicle) for a Period of 2 Years
in “Village Type Development” zone,
Lots 3071A, 3071RP, 3072, 3073, 3076 and 3077 in DD 102
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/331)
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Presentation and Question Session

124. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) five public comments were received during the statutory publication period indicating support to the continuous use of the application site for temporary public vehicle park as their Small House applications on the relevant lots would not be processed within a period of 12 months; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons as detailed in paragraph 12.1 of the Paper. The proposed use was not incompatible with the surrounding uses including container vehicle parks, vehicle parks, open storage yards and vehicle repair workshops. The District Lands Officer/Yuen Long advised that he would have no objection to the

application should a shorter approval period of less than 18 months was considered since two Small House applications within the site were under active processing. As the relevant Small House applications would not be approved within a period of 12 months and the concerned Small House applicants had given their support to the continuous use of the application site for temporary public vehicle park, sympathetic consideration could be given for granting approval to the application on a temporary basis for 12 months. To address DEP's concern, approval conditions restricting the types of vehicles and activities on site are recommended to alleviate any potential environmental impact.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 22.6.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be properly maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/310 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.9.2007;
- (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 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.

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

- (a) a shorter approval period and shorter compliance periods were imposed in order not to frustrate the prospective Small House developments on site and to monitor the fulfillment of relevant approval conditions;
- (b) any land issues relating to the development should be resolved with the concerned owner(s) of the application site;
- (c) 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 the District Lands Officer/Yuen Long (DLO/YL). The applicant should submit formal application for Short Term Waiver and Short Term Tenancy to DLO/YL for regularization of the unauthorised structures and illegal occupation of Government Land within

the site;

- (d) the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department should be followed in operating the business on site;
- (e) the Highways Department was not/should not be responsible for the maintenance of the existing vehicular access leading to the site from Castle Peak Road; and
- (f) the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices 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 was required for approval under the BO.

[Open Meeting (Presentation and Question Session Only)]

- (xix) A/YL-ST/332 Temporary Open Storage and Retail of Construction Machinery for a Period of 3 Years in "Residential (Group D)" zone, Lots 19(Part), 20(Part) and 21(Part) in DD 105, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/332)
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Presentation and Question Session

128. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage and retail of construction machinery for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation did not support the application as the operation of the development would likely generate adverse impacts on the nests of the egret and their habitats in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the proposed development would create adverse landscape impacts to the semi-rural landscape character of the area and further degrade this character. No landscape proposal had been submitted to demonstrate how the potential impact could be effectively mitigated;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The temporary open storage and retail of construction machinery at the site was not in line with the planning intention of the “Residential (Group D)” zone. Also, it was not in line with the Town Planning Board Guidelines No. 13D due to incompatibility with nearby residential dwellings and the “Green Belt” area to the west, adverse departmental comments, and no information in the submission to demonstrate that the applied use would not generate adverse environmental, ecological, landscape and drainage impacts on the surrounding areas.

129. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (TPB). No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the development was not in line with the TPB Guidelines No. 13D on ‘Application for Open Storage and Port Back-up Uses’ in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, ecological, landscape and drainage impacts on the surrounding areas.

Agenda Item 8

Section 16A Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/YL-ST/316-4 Extension of Time for Compliance with Planning Conditions (c), (g), (h) and (i) under Application No. A/YL-ST/316 in “Undetermined” zone, Lots 253, 254, 255, 256, 257, 258, 259, 260, 261(Part), 262(Part), 264(Part), 265, 266, 267, 268, 270, 279BRP(Part), 280 and 372DRP(Part) in DD 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/316-4)
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Presentation and Question Session

131. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions (c), (g), (h) and (i) under Application No. A/YL-ST/316;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department advised that there was still sufficient time for the applicant to complete the replacement tree planting before the time limit for compliance with condition (c), i.e. 4.7.2007. The Chief Highway Engineer/New Territories West, Highways Department and the Director of Fire Services had no comment on/objection to the EOT application; and
- (d) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 6.4 of the Paper. Since 11 months had been allowed for compliance with conditions (c), (g), (h) and (i) in granting approval to the last EOT application on 3.5.2007, the applicant had been advised to expedite action for compliance with the planning conditions and requested to strictly adhere to the time limit for complying with the conditions. Allowing the EOT application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 4.8.2007. There was no strong justification to warrant the granting of further extension of the compliance period, particularly this would amount to co-termination with the validity period of the temporary approval.

132. Members had no question on the application.

Deliberation Session

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

- (a) there was no strong justification for the further extension of the compliance period of conditions (c), (g), (h) and (i); and
- (b) allowing the extension of time application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 4.8.2007.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/YL-ST/317-4 Extension of Time for Compliance with Planning Conditions (e), (f), (g) and (i) under Application No. A/YL-ST/317 in “Village Type Development” zone, Lots 3044RP, 3045RP, 3048RP, 3049RP, 3050RP, 3053RP(Part), 3056 and 3057RP(Part) in DD 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/317-4)
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Presentation and Question Session

134. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions (e), (f), (g) and (i) under Application No. A/YL-ST/317;

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that planning conditions (e) and (f) had been complied with respectively. CE/MN, DSD and the Chief Highway Engineer/New Territories West, Highways Department had no comment on the EOT application; and
- (d) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 6.3 of the Paper. Since 11 months had been allowed for compliance with conditions (g) and (i) in granting approvals to the last two EOT applications on 14.2.2007 and 18.4.2007 respectively, the applicant had been informed that extension of compliance period to 12 months up to 18.8.2007 was not acceptable. Allowing the EOT application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 18.8.2007. There was no strong justification to warrant the granting of further extension of the compliance period, particularly this would amount to co-termination with the validity period of the temporary approval. For conditions (e) and (f), as they had already been complied with, EOT application was not necessary.

135. Members had no question on the application.

Deliberation Session

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

- (a) there was no strong justification for the further extension of the compliance period of conditions (g) and (i); and
- (b) allowing the extension of time application would be tantamount to a co-termination of the time limit with the validity period of the temporary approval which was up to 18.8.2007.

[The Chairperson thanked Ms. M.L. Leung, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Leung left the meeting at this point.]

Agenda Item 9

Any Other Business

137. There being no other business, the meeting was closed at 5:00 p.m..