

TOWN PLANNING BOARD

Minutes of 359th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 12.10.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

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

Dr. Lily Chiang

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. B.W. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 358th RNTPC Meeting held on 28.9.2007

[Open Meeting]

1. The draft minutes of the 358th RNTPC meeting held on 28.9.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeal Decisions Received

Town Planning Appeal No. 18 of 2006 (18/06)
Proposed New Territories Exempted House (NTEH) (Small House)
in “Agriculture” Zone, Lots 539C and 541B8 in DD9,
Yuen Leng Village, Kau Lung Hang, Tai Po
(Application No. A/NE-KLH/343)

Town Planning Appeal No. 19 of 2006 (19/06)
Proposed New Territories Exempted House (NTEH) (Small House)
in “Agriculture” Zone, Lots 535A3 and 539D in DD9,
Yuen Leng Village, Kau Lung Hang, Tai Po
(Application No. A/NE-KLH/344)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 19.9.2006 received two appeals against the decision of the Town Planning Board (the Board) on 14.7.2006 on two applications (No. A/NE-KLH/343 and A/NE-KLH/344) for a Small House at each of the application site zoned “Agriculture” on the draft Kau Lung Hang Outline Zoning Plan. The appellants appealed against the advisory clause (a) of the approvals that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage networks. The appellants claimed that the planning permissions would expire before the fulfilment of the advisory clause and that there was

unfair treatment as other completed Small Houses in the area only needed to provide septic tanks for disposal of sewage.

[Dr. C.N. Ng and Mr. Y.M. Lee arrived to join the meeting at this point.]

3. The appeals were heard together by the TPAB on 25.4.2007. On 2.8.2007, the appeals were dismissed by the TPAB on the following grounds :

- (a) the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) was revised in August 2002 to address the grave concern about the deterioration of water quality within Water Gathering Grounds (WGGs) due to the substantial increase in Small House developments in recent years. It was considered reasonable that the Board had imposed the concerned approval condition;
- (b) on the Appellants' claim that the planning permission would expire before the fulfilment of advisory clause (a) due to postponement of construction of the public sewerage system, it was stated in section 16A(2) of the Town Planning Ordinance that the appellants could apply for extension of planning permission; and
- (c) on the claim of unfair treatment, the TPAB noted that other Small House developments in the vicinity were actually approved before the revised Interim Criteria came in effect, and it was therefore unnecessary for such developments to wait until the completion of public sewerage system.

4. The Secretary said that a summary of the appeal and the TPAB's decision had already been forwarded to Members for reference.

(ii) Appeal Statistics

5. The Secretary reported that as at 12.10.2007, 17 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	20
Dismissed	:	103
Abandoned/Withdrawn/Invalid	:	124
Yet to be Heard	:	17
Decision Outstanding	:	3
Total	:	267

[Ms. Carmen K.M. Chan arrived to join the meeting at this point.]

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-HC/153 Proposed Two Houses
(New Territories Exempted Houses — Small Houses)
in “Agriculture” zone, Lots 435D6, 436C8, 435DRP
and 436C7 in DD 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/153)
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Presentation and Question Sessions

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

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

- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the application site fell within the “Agriculture” zone and had high potential for agricultural rehabilitation. No objection from other concerned Government departments was received;
- (d) two public comments objecting to the application were received during the statutory publication period. The grounds of objection were mainly adverse ecological impact, pollution to the river, damage to the integrity of the agricultural land, piecemeal development, need to reserve land for open space, and that land was available within the “Village Type Development” (“V”) zone for Small House development; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. The application complied with the interim criteria for assessing planning application for NTEH/Small House development. As confirmed by LandsD, there would be a general shortage of land in the “V” zone to meet the future demand for Small House development in Ho Chung Village. Although the AFCD did not favour the application, the site was not under active cultivation. The proposed development was compatible with the surrounding environment. Regarding the local objections, relevant Government departments including the Lands Department, Environmental Protection Department and Transport Department had no objection to the application.

7. Members had no question on the application.

Deliberation Session

8. 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 12.10.2011, 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 of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure and Cultural Services or of the TPB; and
- (b) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of Director of Fire Services or of the TPB.

9. The Committee also agreed to advise the applicants :

- (a) that they might need to extend the inside services to the nearest government water mains for connection and should resolve any land matter associated with the provision of water supply. The applicants should also be responsible for the construction, operation and maintenance of the inside services within the private lots. The water main in the vicinity of the site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/154 Proposed 3-storey House
(New Territories Exempted House)
in “Residential (Group D)” zone,
Lot 1030 in DD 221, Kap Pin Long New Village, Sai Kung
(RNTPC Paper No. A/SK-PK/154)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 3-storey house (New Territories Exempted House)(NTEH);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments objecting to the application were received during the statutory publication period. The major grounds of objection included obstruction to the existing footpath/vehicular access and impact on the existing water mains; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. As confirmed by the Lands Department, the proposed house fell outside the ‘village environs’ of Nam Shan Village and Sha Kok Mei Village and could not be processed under the prevailing Small House Policy. The proposed house development, with a plot ratio (PR) of 0.54 and building height of 8.23m, deviated from the development restrictions of a maximum PR and building height of 0.2 and 6m respectively for the “Residential (Group D)” (“R(D)”) zone and was considered excessive in scale. No strong justifications were provided to merit such a departure from the planning intention. The proposed development would also have adverse

landscape impact. The approval of the application would set an undesirable precedent.

11. Members had no question on the application.

Deliberation Session

12. The Chairperson remarked that the applicant was not an indigenous villager, hence the application was for the development of an NTEH rather than a Small House. The proposed house exceeded the development restrictions for the “R(D)” zone.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. The proposed plot ratio of 0.54 and building height of 8.23m were considered excessive. No strong justifications had been provided in the submission to merit a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

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

Sha Tin, Tai Po and North District

[Mr. W.W. Chan and Dr. Kenneth S.S. Tang, Senior Town Planners/Shan Tin, Tai Po & North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/NE-KTS/1 Application for Amendment to the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/11 from “Agriculture” to “Government, Institution or Community (1)”, Various Lots in DD 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/1)
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Presentation and Question Sessions

14. The Secretary said that the application was submitted with Christopher Leung & Associates Ltd. (CLA) and Hyder Consulting Ltd. (Hyder) being two of the applicant’s consultants. Dr. James C.W. Lau, having current business dealings with CLA and Hyder, had declared interests in this item. The Committee noted that Dr. Lau had not yet arrived at the meeting. The Committee also noted that the applicant requested on 3.10.2007 and 4.10.2007 for a further deferment of the consideration of the application to allow more time to prepare supplementary information.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/NE-LYT/5 Application for Amendment to the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 from “Agriculture” to “Residential (Group C)”, Various Lots and Adjoining Government Land in DD 83, Lung Yeuk Tau, Fanling (RNTPC Paper No. Y/NE-LYT/5)
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Presentation and Question Sessions

16. The Committee noted that the applicant requested on 13.9.2007 for a deferment of the consideration of the application to allow more time to address Government departments’ comments.

Deliberation Session

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

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-LYT/367 Proposed House
(New Territories Exempted House — Small House)
in “Agriculture” zone,
Lot 1587B5 in DD 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/367)
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Presentation and Question Sessions

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 proposed house (New Territories Exempted House (NTEH)— Small House);
- (c) departmental comments – highlighting that the Transport Department (TD) had reservation on the application as NTEH development should be confined within the “Village Type Development” (“V”) zone. The approval of the application would set an undesirable precedent resulting in cumulative adverse traffic impact. The Agriculture, Fisheries and Conservation Department did not favour the application as the application site had high potential for agricultural rehabilitation. No objection from other concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One comment indicated no comment on the application while the other indicated objection. The major ground of objection included incompatibility with the “Agriculture” zone, damage to local natural ecology, setting of undesirable precedent and further expansion of the ‘village environs’ (‘VE’). The District Officer(North) advised that the Chairman of the Fanling District Rural Committee, the Resident Representative and Indigenous Inhabitants Representatives of Kan Tau Tsuen supported the application; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. The proposed Small House development complied with the interim criteria for assessing planning application for NTEH/Small House development. The application site completely fell within the ‘VE’ of a recognized village.

As confirmed by the LandsD, there would be a general shortage of land in the “V” zone to meet the future demand for Small House development. The proposed development was generally compatible with the surrounding land uses. There were 25 similar applications approved in the vicinity of the application site. Although the TD and AFCD had reservation, other concerned Government departments had no objection to the application. In view of the above, sympathetic consideration could be given.

19. Members had no question on the application.

Deliberation Session

20. 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 12.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

21. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments:
 - (i) to assess the need to extend his inside services to the nearest

Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards; and

- (ii) to note that water mains in the vicinity of the application site could not provide the standard fire fighting flow;

- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KLH/365 Proposed Public Utility Installation
(Package Transformer)
in "Village Type Development" zone,
Government Land in DD 9, Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/365)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed public utility installation (package transformer);

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

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. The Chairperson said that the proposed development was a basic facility required to serve the existing and future developments in the Nam Wa Po area.

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

26. The Committee also agreed to advise the applicant :

- (a) to strictly comply with the “Conditions for Working within Gathering Grounds” in Appendix II of the Paper during the construction of the package transformer;
- (b) to note Water Supplies Department's comments in paragraph 8.1.2 of the Paper;

- (c) that the proposed development should not cause hindrance to the existing overland flow and mitigation measures should be provided if necessary;
- (d) that the applicant and his contractor should observe the “Code of Practice on Working Near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines;
- (e) that if any non-exempted building works were involved, an authorized person and/or RSE should be appointed and building plans should be submitted to the Building Authority for approval prior to commencement of works; and
- (f) to apply to District Lands Office/Tai Po for approval of the development.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LT/375 Proposed Three Houses
(New Territories Exempted Houses — Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 832D, 832E, 832F and 842D in DD 10,
Chai Kek Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/375)
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Presentation and Question Sessions

27. The Committee noted that the applicants requested on 24.9.2007 for a deferment of the consideration of the application to allow one more month to prepare supplementary supporting information.

Deliberation Session

28. After deliberation, the Committee decided to defer a decision on the application

concerned Government departments was received;

- (d) four public comments objecting to the application were received during the statutory publication period. One comment from a member of the public raised objection based on pollution to the stream, adverse impact on the ecology and integrity of the agricultural land, and undesirable precedent leading to road works and tree felling. The Kadoorie Farm & Botanic Garden Corporation objected to the application as the subject area was part of the Shuen Wan marsh. The overall landscape and ecological value would be degraded by the proposed development and related works. Also, the proposed development would lead to a direct reduction of the marsh area. The World Wide Fund Hong Kong also raised objection to the application on the ground that the water quality of the nearby ecologically sensitive “CA” zone would be negatively affected. Both green groups considered that the application was not in line with the planning intention of the “GB” zone. The remaining comment was from a Tai Po District Councillor stating that the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Wong Yue Tan Village objected to the application; and

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

- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. Although the proposed development was not in line with the planning intention of the “GB” zone, it complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories (interim criteria). Sympathetic consideration might be given as the application site fell entirely within the ‘village environs’ (‘VE’) of a recognized village and there was a general shortage of land in meeting the Small House demand. The proposed development was compatible with the surrounding rural environment and adverse infrastructural impacts were not expected. Regarding the public comments and local objections, relevant Government departments including the Environmental Protection

Department, Transport Department, Water Supplies Department had no in-principle objection to the application.

30. A Member said that the amount of freshwater marsh in Hong Kong was limited and much of it had been lost. Wong Yue Tan, being one of the few remaining ones, should be conserved. Allowing development in Wong Yue Tang might impose adverse impact on the marsh. As shown on Plan A-3 of the Paper, the application site was located rather far from Wong Yue Tang Village. The application site and the nearby conservation area were low-lying wet areas and the planning intention of the “GB” zone should be to provide a buffer between the “CA” and “V” zones. Although the proposed development generally complied with the interim criteria, this Member wondered if it should be allowed on an ecologically sensitive area.

31. In response, Dr. Kenneth S.S. Tang said that based on site observation and the photograph as shown on Plan A-4, the application site was a piece of abandoned agricultural land overgrown with grass. There were no trees on the site. To the immediate north of the application site was an existing house, which was approved by the Committee in 2003 (Application No. A/NE-TK/169). Further to the west was Wong Yue Tan Village with existing Small House developments. As confirmed by the Lands Department (LandsD)’s comments detailed in Appendix V of the Paper, the application site fell within the ‘VE’, the applicant was an indigenous villager and there would be a shortage of land for Small House demand. Sympathetic consideration might be given to the application.

32. The Secretary said that when the similar application (No. A/NE-TK/169) for the house in the vicinity of the application site was approved by the Committee in September 2003, it was based on the special circumstances of that case in that the Small House application had been approved by the District Lands Officer/Tai Po in 1983 and a Certificate of Exemption had been issued in February 2003. She went on to say that the Committee had approved applications for Small House developments within the “GB” zone which complied with the interim criteria. However, individual circumstances would need to be taken into consideration.

33. Members then raised the following questions/comments :

- (a) the application site was part of the Shuen Wan marsh and it was stated in the Explanatory Statement (ES) of the Ting Kok Outline Zoning Plan (OZP) that the Shuen Wan marsh was of ecological significance and developments in these areas were generally not permitted. Careful consideration should be given to the application;
- (b) while Application No. A/NE-TK/169 was approved under special circumstances, what was the reason for approving Application No. A/NE-TK/176 for a house to the further south of the application site;
- (c) while the land supply within the “V” zone was insufficient to meet the forecast Small House demand, what were the reasons for the local villagers in objecting to the application; and
- (d) what were the AFCD’s comments on the green groups’ comments, the ecological value of the area, and whether the application site formed part of the Shuen Wan marsh.

34. In response, Dr. Kenneth S.S. Tang made the following main points :

- (a) the similar application (No. A/NE-TK/176) for two NTEHs was approved by the Committee in 2004. The approval conditions were summarized in Appendix IV of the Paper. There did not seem to be any special circumstances for that application;
- (b) the comments from the AFCD were detailed in paragraph 8 in Appendix V of the Paper. As stated in paragraph 11.6(c) of the Paper, the AFCD had no specific comment on the public comments. No specific advice on Shuen Wan marsh and the ecological value of the area was provided; and
- (c) a Tai Po District Council member and a member of the public raised objection to the application. The former stated that the IIR and RR of Wong Yue Tan raised objection to the application without giving specific reasons. The latter objected to the application on grounds of adverse

ecological impacts. It was considered that the approval of the application would lead to road works and tree felling, which would adversely affect the integrity of agricultural land, and would set an undesirable precedent.

Deliberation Session

35. In response to a Member's further enquiry on Application No. A/NE-TK/176, the Secretary clarified that it was of very similar nature and circumstances as the current application. The AFCD's comments on both applications were almost identical. However, Application No. A/NE-TK/176 was considered and approved by the Committee in 2004 prior to the implementation of the Town Planning (Amendment) Ordinance in 2005. It was not subject to the statutory publication procedure then. While there was one objection to that application, the grounds of objection did not relate to matters of conservation and ecology. For the current application, public comments were received with two green groups raising objection.

36. The Chairperson said that the AFCD had not commented on whether the application site was part of the Shuen Wan marsh. In response, a Member opined that the green groups' concerns should be duly considered as Wong Yue Tan had rather important conservation value according to the knowledge of this Member. Although it might not be the most significant area and there was often only dense grassland on wetland, instead of trees, the "GB" zone might be performing the function as a buffer area and had its own ecological value.

37. The same Member continued to say that there appeared to be little development within the "V" zone in Wong Yue Tan and enquired on the estimated shortage of land for Small House demand. In response, Dr. Kenneth S.S. Tang said that based on the LandsD's comments as detailed in paragraph 1 in Appendix V of the Paper, the number of outstanding Small House applications yet to be processed was 55 and the 10-year forecast of Small House demand was 100. Although these estimated 155 houses were not reflected by the current development of the village as shown on the plan, they would emerge in the future.

38. A Member said that the consideration of the Committee should be consistent. There should not be different treatments among similar applications only because there was

public objection.

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

39. The Secretary said that according to section 7.2.2 of the ES of the Ting Kok OZP, the marsh area to the west of Ting Kok Road at Shuen Wan was of ecological significance and importance in providing a diversified habitat for various flora and fauna, particularly as a feeding ground for birds. Developments in these areas were generally not permitted while developments in the surrounding areas were restricted to ensure that the special characters of these areas were preserved. There was, however, no information regarding the boundary of the Shuen Wan marsh, hence it was difficult to determine whether the application site was part of the marsh area.

40. A Member said that the integrity of the whole wetland area was important. The proposed development would not only involve a house development, but might also require some form of access in future. There would inevitably be filling and disturbance to the wetland area. Hence, the approval of the current application would set an undesirable precedent in such an ecologically sensitive area, resulting in the incremental loss of the freshwater marsh.

41. After some discussion, the Chairperson concluded that there were public comments raising objection to the application in relation to the ecological value of the subject area, but there was insufficient information on the boundary of the Shuen Wan marshland and the function of the “GB” zone (including the application site) as a buffer area. Under such circumstances, it would be prudent to defer a decision on the application pending further consultation with the AFCD on Shuen Wan marsh and the ecological value of the subject area. Members agreed.

42. After deliberation, the Committee decided to defer a decision on the application pending the Planning Department’s further consultation with the Agriculture, Fisheries and Conservation Department (AFCD) on the boundary of the Shuen Wan marsh and the ecological value of the Wong Yue Tan area including the application site. The application would be submitted to the Committee for further consideration upon receipt of further advice from the AFCD.

consultants. Dr. James C.W. Lau, having current business dealings with Leaptops, had declared an interest in this item. Also, Mr. Tony C.N. Kan, being a Sha Tin District Council member, had submitted a comment on the application and had declared an interest in this item.

[Messrs. Tony C.N Kan and Elvis W.K. Au and Dr. James C.W. Lau left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed redevelopment of religious institution (temple);
- (c) departmental comments – highlighting that the Architectural Services Department advised that the proposed development appeared to be quite visually massive and there was a lack of information that it would be compatible with the rural character of the area in terms of built-form and scale. No objection from other concerned Government departments was received;
- (d) a total of 8 public comments were received during the statutory publication periods. Four comments had indicated support to the application. A Sha Tin District Council Member had no in-principle objection provided that there would not be columbarium use or ancestral tablets. Another raised no objection provided that the existing footpath within the application site would remain open for public use. The remaining 2 comments were against the application mainly on the grounds of adverse visual impacts, disturbance to local environment, affecting property value and possible conversion to columbarium or use for ancestral tablets; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper.

Although the continuation of the use of the site for religious institution was acceptable, the proposed development was considered excessive in scale and visually massive. It was not compatible with the surrounding village type developments in terms of scale. It also involved unsympathetic site formation which did not respect the existing topography and attractive landscape character. The Chief Town Planner/Urban Design & Landscape raised objection to the application from the landscape planning point of view and had reservation from the visual impact consideration.

47. Members had no question on the application.

[Professor Peter R. Hills returned to join the meeting at this point.]

Deliberation Session

48. A Member agreed with PlanD's views that while the redevelopment of the application site for religious institution was acceptable, the proposed scale and layout was excessive and the proposed layout of the development was not acceptable. Other Members shared the view.

49. In response to a Member's enquiry on the historical value of the existing structures, Mr. W.W. Chan said that the Antiquities and Monuments Office recommended the applicant to conduct and submit a detailed photographic and cartographic record of the affected buildings and structures, and that there should be no disturbance to the entrance arch during works and the relics/historical building materials identified on the site should be salvaged.

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

- (a) the proposed development was excessive in terms of building intensity, scale and height; and was visually intrusive and out of keeping with the surrounding village type development; and

- (b) the proposed development would necessitate extensive tree felling and clearance of vegetation. The existing landscape character of the area would be adversely affected.

[Dr. James C.W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/ST/658 Comprehensive Development with Government, Institution or Community Facilities and Public Transport Interchange (Master Layout Plan Submission) in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station and its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin
(RNTPC Paper No. A/ST/658)
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51. The Committee noted that the Owners’ Committee (OC) of Royal Ascot and the Jubilee Garden Owners Concern Group, amongst others, had submitted objection to the application. Professor Nora F.Y. Tam, being an owner of a unit in Royal Ascot, declared an interest in this item. Mr. Tony C.N. Kan, being the honorary legal advisor of the Jubilee Garden and an owner of a unit in Royal Ascot, had also declared an interest in this item. The Committee noted that Mr. Kan had refrained from joining the meeting.

[Professor Nora F.Y. Tam left the meeting temporarily at this point.]

Presentation and Question Sessions

52. 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 comprehensive development with Government, institution or community (GIC) facilities and public transport interchange – highlighting that the application site was proposed to be developed in two phases with Phase 1 involving the applicant’s two private lots, and Phase 2 involving an

existing bus terminus (Government land) and the Kowloon-Canton Railway Corporation (KCRC) vested land covering the East Rail Fo Tan Station and the adjoining rail tracks and freight yard;

- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there was concern on the compliance of relevant noise standards between development phases in view of different timing of implementing the mitigation measures. While there was no objection from other concerned Government departments, various concerns had been raised. The Lands Department advised that there was no guarantee that land exchange for Phase 2 of the proposed scheme would be successful and the implementation of the development scheme as a whole was uncertain. The Architectural Services Department considered that the ‘wall effect’ of the proposed development would be prominent. The Highways Department advised that there was insufficient information to address the electrical and mechanical requirements for the phased development. The Secretary for Education advised that it was unlikely that the proposed secondary school could be accommodated within the proposal by the applicant;

- (d) a total of 15 public comments, one of which enclosing 144 signatures from the residents of Jubilee Garden, were received during the statutory publication period. The KCRC objected to the application on the grounds that no joint venture agreement had been reached between KCRC and the applicant resulting in uncertainty in implementation of a comprehensive development. The Pak Sik Godown and Shatin Cold Storage also objected to the application on the grounds of adverse impact on the operation of the freight yard and air ventilation. It was opined that there was the need to review the planning intention of the area in view of the lack of progress in arriving at an agreement between the applicant and KCRC. The remaining comments from nearby developments including the OC of Royal Ascot and the Jubilee Garden Owners Concern Group objected to the application on the grounds of adverse traffic, environmental, visual impacts as well as adverse impacts on the provision of community and recreational

facilities in the area. There was also concerns on the potential impact on the structural stability of the nearby developments;

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.3 of the Paper. The proposal was piecemeal and lacking in certainty. It undermined the original planning intention to develop the site as a comprehensive development. The proposed design and layout could not achieve the best integration in terms of overall layout, access arrangement/pedestrian circulation and provision of GIC and transport facilities. The proposed residential towers were congested, imposing a wall effect. The building bulk was also considered excessive and the visual impact assessment was unacceptable. There was no effective setback proposed and therefore little opportunity for streetscape improvement. The Chief Town Planner/Urban Design & Landscape had reservation from the urban design, visual impact and landscape point of views. The EPD did not support the application and concerns from other Government departments had not been addressed.

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

53. Members had no question on the application.

Deliberation Session

54. In response to a Member's enquiry on whether the land use of Fo Tan area would be reviewed, Mr. W.W. Chan said that based on the Updated Area Assessments of Industrial Land in the Territory (the Area Assessment) completed by the PlanD in early 2006, the Fo Tan area had active industrial activities and was recommended to be maintained as an industrial area under the "Industrial" zoning. In view of the proximity of the application site to the industrial area, requirements could be imposed on the future development on the application site.

55. The same Member said that since the Fo Tan area would continue to be designated for industrial uses, there was a need for a better layout of the development in the

subject “Comprehensive Development Area(1)” (“CDA(1)”) zone to address any possible industrial-residential problem. The current proposed scheme was unsatisfactory.

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

- (a) the planning intention of the “Comprehensive Development Area(1)” was for comprehensive development/redevelopment of the whole area. There was inadequate information in the submission to demonstrate that the proposed phased development would not undermine the planning intention to develop the whole site in a comprehensive manner;
- (b) the design and layout of the proposed development was unsatisfactory. There was inadequate information in the submission to demonstrate that the proposed development would achieve best integration in terms of overall layout, access arrangement/pedestrian circulation and provision of Government, institution or community (GIC) and transport facilities. The disposition of the residential towers was congested with excessive building bulk. There was inadequate information in the submission to demonstrate that the proposed development would not impose ‘wall effect’ in the area;
- (c) there was inadequate information in the submission to demonstrate that the proposed development would not adversely affect the operation of the East Rail Fo Tan Station and the adjoining rail tracks and freight yard;
- (d) there was insufficient information in the submission to demonstrate that the proposed development would not generate any adverse visual environmental, traffic, landscape and air ventilation impacts on the surrounding developments; and
- (e) the design and location of the proposed GIC and public transport interchange facilities were not satisfactory. There were also concerns on the construction, funding, operation and maintenance responsibilities of the GIC and public transport facilities within or associated with the

development scheme. There was insufficient information in the submission to demonstrate that the proposed GIC and public transport interchange facilities could be timely implemented as planned.

[Professor Nora F.Y. Tam and Mr. Tony C.N. Kan returned to join the meeting at this point.]

Agenda Item 6

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-SSH/26-2 Extension of Time for Compliance of the Approval
Comprehensive Residential and Recreational Development
including Government, Institution and Community facilities
under Application No. A/NE-SSH/26 for a Period of 4
Years until 24.10.2011 in “Comprehensive Development
Area”, “Government, Institution or Community”, “Open
Space”, “Green Belt”, “Village Type Development”,
“Country Park” and Area Shown as ‘Road’ zone, Various
Lots in DD 165, 207 and 218 and Adjoining Government
Land, Sai Sha, Shap Sz Heung

(RNTPC Paper No. A/NE-SSH/26-2)
- (ii) A/NE-SSH/26-3 Extension of Time for Compliance of the Approval
Comprehensive Residential and Recreational Development
including Government, Institution and Community facilities
under Application No. A/NE-SSH/26-1 for a Period of 4
Years until 24.10.2011 in “Comprehensive Development
Area”, “Government, Institution or Community”, “Open
Space”, “Green Belt”, “Village Type Development”,
“Country Park” and Area Shown as ‘Road’ zone, Various
Lots in DD 165, 207 and 218 and Adjoining Government
Land, Sai Sha, Shap Sz Heung

(RNTPC Paper No. A/NE-SSH/26-3)

57. Noting that the two applications involved the same application site, the Committee agreed that the two applications be considered together.

58. The Committee also noted that the applications were submitted by the Light Time Investments Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with SHKP, had declared interests in these items

[Messrs. Alfred Donald Yap and Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application – highlighting that the application site was involved in three previously approved schemes. The baseline scheme (Application No. A/NE-SSH/28) with a maximum domestic gross floors area (GFA) of about 352,000m²; and two intensified schemes (Applications No. A/NE-SSH/16 and A/NE-SSH/26) both with a maximum domestic GFA of about 539,000m². On 10.8.2007, the Committee approved an application (No. A/NE-SSH/26-1) for Class B amendments to Application No. A/NE-SSH/26 with a medium density scheme of a maximum domestic GFA of about 449,000m²;
- (b) the proposed extension of time (EOT) for commencement of the approved comprehensive residential and recreational development including government, institution and community facilities for a period of 4 years until 24.10.2011 – highlighting that the Applications No. A/NE-SSH/26-2 and A/NE-SSH/26-3 involved EOT of the intensified scheme under Application No. A/NE-SSH/26 and the medium density scheme under Application No. A/NE-SSH/26-1 respectively;
- (c) departmental comments – highlighting that the Transport Department (TD)

had reservation on the EOT applications as the proposed Sai Sha Road widening works to be implemented by the applicant were authorized in 2003. While the local circumstances might have changed since then, the effective period of the authorized works might be subject to challenge in case new objections arose. No objection from other concerned Government departments was received;

- (d) a local objection was received by the District Officer mainly on the grounds of the Sai Sha Road widening works, which was essential to the proposed development, would affect third party's land and the Chief Executive in Council's decision on the objections under the Roads Ordinance had not yet been notified; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support Application No. A/NE-SSH/26-2 but had no objection to Application No. A/NE-SSH/26-3 for the reasons detailed in paragraph 8.1 of the Papers. During the consideration of Application No. A/NE-SSH/26-1 on 10.8.2007, the Committee agreed that the medium density scheme under Application No. A/NE-SSH/26-1 was superior to the intensified scheme in terms of building height, visual and ventilation impacts, and agreed that the relevant Shap Sz Heung Outline Zoning Plan (OZP) should be amended to reflect the reduced GFA. There was, hence, no justification for extending the validity period of the intensified scheme. On the other hand, the applicant required more time to resolve outstanding matters and to prepare submissions in compliance with the approval conditions for the medium density scheme. Regarding TD's concern, the applicant was required to implement the Sai Sha Road widening works under the approval condition and procedural issues would be handled in accordance with the Roads Ordinance. For the local objection, the concern could also be resolved under the Roads Ordinance.

60. Members had no question on the application.

Deliberation Session

61. The Chairperson said that since the Committee had agreed that the relevant OZP should be amended to incorporate the development parameters of the medium density scheme, there was no point to extend the planning permission of the intensified scheme.

62. A Member said that one of the criteria for consideration of an application for EOT was whether the applicant had demonstrated reasonable actions taken for implementing the approved development. It appeared from the evidence that the applicant had been focusing on the medium density scheme. As such, there was insufficient justification to approve the EOT application for the intensified scheme.

63. A Member shared the views expressed but enquired on the appropriateness of the rejection reason (b) under paragraph 8.5 of the Paper on Application No. A/NE-SSH/26-2. In response, the Secretary suggested and Members agreed that rejection reason (b) be deleted.

Application No. A/NE-SSH/26-2

64. After deliberation, the Committee decided to reject the application and the reason was that the applicant had already secured approval from the Committee for a medium density scheme under application No. A/NE-SSH/26-1. The Shap Sz Heung Outline Zoning Plan would be amended to reflect the medium density scheme in due course. There was no justification for extending the validity period of the intensified scheme.

Application No. A/NE-SSH/26-3

65. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for a period of 4 years until 24.10.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a revised master layout plan, taking into account the conditions (b), (c), (j), (m), (p), (r), (u) and (w) below, to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a revised landscape master plan including a tree survey and a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of the eco-trail proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of mitigation measures identified in the agreed hazard assessment under the subject application to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a planning study and an action plan for the approval of the Co-ordinating Committee of Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI), as proposed by the applicant, and no occupation of residential development prior to the approval of the CCPHI;
- (f) the submission of an environmental assessment on the widening of Sai Sha Road and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission and implementation of mitigation measures against water pollution to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a revised ecological impact assessment taking into account the revised master layout plan, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the implementation of the modification of the Cheung Muk Tau roundabout, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (j) the provision of not less than 160 private car-parking spaces, 20 coach-parking spaces and public transport facilities in the adjoining “Government, Institution or Community” zone to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) no occupation of the residential development, except for 124 dwelling units prior to the opening of Route T7, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) no occupation of the residential development, except for 600 dwelling units (including 124 dwelling units mentioned in condition (k) above) prior to the completion of the Sai Sha Road widening project, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and implementation of improvement works on the vehicular access road network for the proposed development and the adjoining villages, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) 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;
- (o) the submission of a water demand assessment and the implementation of upgrading works identified therein, as proposed by the applicant, to the satisfaction of the Director of Water Supplies or of the TPB;
- (p) the submission of a natural terrain hazard assessment and the implementation of the mitigation measures identified therein, as proposed by the applicant, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;

- (q) the provision of a kindergarten/nursery, a primary school and a secondary school to the satisfaction of the Secretary for Education or of the TPB;
- (r) the provision of no less than 8,000m² of public open space facilities in the “Open Space” and “Comprehensive Development Area” zones near Tseng Tau Village, and the management of this open space which should be kept open daily for public use, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (s) the submission of a detailed maintenance and management plan for the proposed golf course and the implementation of the proposals made therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (t) the operation of the proposed golf course should be subject to a renewable short-term permission for a period of not more than one year to the satisfaction of the Director of Environmental Protection or of the TPB;
- (u) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (v) the surrender of private lots of no less than 6,388m² located at the “G/IC” site near Che Ha Village, at nil cost as proposed by the applicant, upon the demand of the Government to the satisfaction of the Director of Lands or of the TPB; and
- (w) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

66. The Committee also agreed to advise the applicant :

- (a) that the approved Master Layout Plan (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 a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) that the costs of any necessary diversion of the existing water mains affected by the development were to be borne by the development project;
- (c) that the costs of any additional waterworks installations required to facilitate the water supply to the development were to be borne by the development project;
- (d) that noise barriers should be presented to Advisory Committee on the Appearance of Bridges and Associated Structures;
- (e) that visual permeability on high fence wall was important, i.e. the North Plain, an area of natural beauty, should not be 'walled off', even from the road. Lease control would be maintained over this aspect;
- (f) that historical buildings were identified in areas close to the proposed development, including Tai Tung Wo Liu, Che Ha, Tseng Tau, Kwun Hang, Nai Chung and Ma Kwu Lam. Also, several shrines were located in close vicinity to the proposed development including Che Ha, Tseng Tau, Ma Kwu Lam and Nga Yiu Tau. No disturbance should be made to these historical buildings and shrines and the applicant should report to Antiquities and Monuments Office if there was discovery of historic structures such as graves, shrines, stone tablets, boundary stones etc, in the course of site works;
- (g) to note Director of Leisure and Cultural Services' comments in paragraph 7.1.11 of the RNTPC Paper No. A/NE-SSH/26A regarding the security and

safety measures for the proposed golf course and golf driving range;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments in paragraph 3.1.5 of the Paper regarding WSD's proposed water main laying works;
- (i) to brief Sai Kung North Rural Committee and concerned village representatives on the proposed development; and
- (j) to note that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance.

[The Chairperson thanked Mr. W.W. Chan and Dr. Kenneth S.S. Tang, STPs/STN, for their attendance to answer Members' enquires. Mr. Chan and Dr. Tang left the meeting at this point.]

Tuen Mun and Yuen Long District

[Messrs. Wilson W.S. Chan, W.M. Lam, Anthony C.Y. Lee and Frederick S.T. Ng, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

[Mr. Michael K.C. Lai, Ms. Carmen K.M. Chan and Dr. C. N. Ng left the meeting temporarily at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Application No. A/YL-NSW/172

Proposed Comprehensive Residential Development in “Undetermined” zone,

Lots 592C1(Part), 592CRP(Part) and 1252RP(Part) in DD 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/172)

Presentation and Question Sessions

67. The Secretary said that the application was submitted by the Richduty Development Ltd., which was an affiliate company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. The Committee noted that Messrs. Yap and Cheng had refrained from joining the meeting. The Committee also noted that the applicant requested on 3.10.2007 for a further deferment of the consideration of the application to allow more time to address Government departments’ comments.

Deliberation Session

68. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information. Since consideration of the application had been deferred twice since 13.4.2007, no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL/151 Proposed Comprehensive Residential/Commercial Development and Minor Relaxation of Plot Ratio Restriction to Include the GFA of Public Right-of-way (Amendments to Approved Scheme under Application No. A/YL/132) in “Comprehensive Development Area” and “Road” zones, Yuen Long Town Lot 504 and Various Lots in DD 116 and Adjoining Government Land, Area 12, Yuen Long Town

(RNTPC Paper No. A/YL/151)
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Presentation and Question Sessions

69. The Secretary said that the application was submitted by the City Success Ltd., which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. The Committee noted that Messrs. Yap and Cheng had refrained from joining the meeting. The Committee also noted that the applicant requested on 8.10.2007 for a deferment of the consideration of the application until the next Committee meeting on 2.11.2007 to allow more time to prepare supplementary information.

Deliberation Session

70. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee on 2.11.2007 for consideration. The Committee also agreed to advise the applicant that three weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Messrs. Michael K.C. Lai, Alfred Donald Yap and Y.K. Cheng, Ms. Carmen K.M. Chan and Dr. C. N. Ng returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM/359 Temporary Public Vehicle Park (Excluding Container Vehicle) Use for a Period of 3 Years (Letting of Surplus Monthly Parking Spaces to Non-residents) in “Residential (Group A)” zone, Leung King Car Park, Leung King Estate, Tuen Mun
(RNTPC Paper No. A/TM/359)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) use for a period of 3 years (letting of surplus monthly parking spaces to non-residents);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of five public comments were received during the statutory publication periods of the application and further information. Four of the public comments raised objection to the application mainly on the grounds of insufficient information in the application for consideration and inadequate consultation. The remaining public comment indicated no comment on the application; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

The application site was part of an application (No. A/TM/315) for the same use, which was approved by the Committee in May 2004. There had been no material change in planning circumstances since then. The proposal did not involve any new development and residents would have priority for renting of parking spaces. The total number of parking spaces remained unchanged and no additional traffic would be generated. The proposed validity of the planning permission for 3 years was reasonable and parking demand of the residents could be reviewed. In response to the public comments, the applicant had held a consultative meeting with the locals to address the commenters' concerns.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments that the applicant should apply to his office for a temporary waiver for the proposal provided that the estate had car park surplus to its current requirements and the rental charged would be the same as that paid by residents; and
- (b) note the Assistant Commissioner for Transport/New Territories, Transport

Deliberation Session

77. 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 12.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded specifically to apply for Short Term Waiver to cover the proposed package substation on site;
- (b) note Director of Health's comments that the applicant should approach the Director of Electrical and Mechanical Services to arrange a direct on-site measurement upon commissioning of the package substation for compliance with the "Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (Up to 300GHz)";
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;

Presentation and Question Sessions

79. 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 eating place (restaurant);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment objecting to the application was received during the statutory publication period. The major ground of objection was adverse impact on living environment due to the emission of gas exhaust; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper. The proposed use was not incompatible with the surrounding existing uses of the subject building. Two similar applications for the same use on the same floor of the subject building had been approved by the Committee in November 2006 and September 2007. Given the small scale of the applied use, significant adverse traffic, environmental and infrastructural impacts were unlikely. Concerned Government departments including the Environmental Protection Department had no objection to the application.

80. Members had no question on the application.

Deliberation Session

81. 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 12.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant (i.e. the owner of the subject property) should apply to his office for a waiver so as to permit the proposed use;
- (c) note the Director of Food and Environmental Hygiene's comments that the General Restaurant Licence would only be issued by his department upon receiving favourable comment from concerned departments and compliance of relevant licensing requirements and conditions if food business was carried out at the said location. With regard to the discharge of exhaust from a restaurant, the applicant had to ensure that it would not create any nuisance upon its operation;
- (d) note the Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that paragraph (v) in Category 1 of the 'Building Safety Requirements for the Issue of a Provisional Licence', i.e. the solid enclosure wall blocking up the approved access to cockloft should be maintained and the cockloft should be kept vacant and inaccessible at all times.

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/505 Temporary Logistics Centre and Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1466(Part), 1467D(Part), 1467RP(Part), 1469(Part), 1470(Part), 1471(Part), 1472(Part), 1473(Part), 1474(Part) and 1475RP(Part) in DD 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/505)
-

Presentation and Question Sessions

83. The Committee noted that the applicant requested on 5.10.2007 for a deferment of the consideration of the application to allow more time to address the Transport Department’s concerns.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-HT/507 Temporary Open Storage of New / Used Vehicles (Private Cars, Light, Medium and Heavy Goods Vehicles, Container Vehicles and Trailers) with Ancillary Workshops and Storage for a Period of 3 Years in “Undetermined” zone, Lots 1824ARP(Part), 1824BRP(Part), 1824C(Part), 1827B(Part), 1827B1, 1828(Part), 1844(Part), 1845(Part), 1846(Part), 1848 and 1849(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/507)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of new/used vehicles (private cars, light, medium and heavy goods vehicles, container vehicles and trailers) with ancillary workshops and storage for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as the operation involved container and heavy goods vehicles and environmental nuisance was expected. Two complaints against the application site on air and noise pollution were received in 2004 and 2007 respectively. No objection from other concerned Government departments was received;
- (d) two public comments objecting to the application were received during the statutory publication period. The major grounds of objection were adverse cumulative traffic impact and adverse environmental impacts; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the

use under application could be tolerated for the reasons detailed in paragraph 12.2. of the Paper. The applied use was not incompatible with the surrounding land uses. The application was an amendment to another application (No. A/YL-HT/477) by the same applicant, which was previously approved by the Committee. There had been genuine effort made by the applicant in complying with the approval conditions and there was little change in the planning circumstances. The application site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. Although EPD did not support the application, it was noted that there was no sensitive receiver in the immediate vicinity of the application site and EPD's concerns could be addressed by appropriate approval conditions. Other concerned Government departments, including the Transport Department, had no objection to the application.

86. Members had no question on the application.

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

Deliberation Session

87. The Chairperson remarked that the Committee had approved a similar application by the same applicant and genuine effort had been made to comply with the approval conditions.

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle dismantling, repairing or workshop activities should be permitted on the application site during the planning approval period;
- (b) no night time operation between 5:00 p.m. and 9:00 a.m. on Mondays to Fridays, and before 9:00 a.m. or after 12:00 noon on Saturdays, as proposed

by the applicant, should be carried out at the application 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 setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of “Yuen Long and Kam Tin Sewerage and Sewage Disposal” of PWP Item No. 235DS as when required to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of drainage facilities as proposed under application No. A/YL-HT/477 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.4.2008;
- (f) the implementation of the accepted tree preservation and landscape proposals as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.4.2008;
- (g) 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 12.4.2008;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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.

89. The Committee agreed to remind the applicant that :

- (a) prior planning permission should be obtained before commencing the open storage of new/used heavy goods vehicles, container vehicles and trailers on the site; and
- (b) 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 take immediate action to discontinue such use/development not covered by the permission.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office. The unauthorised structures on site and the unauthorised occupation of Government land should be regularized through application of Short Term Waiver and Short Term Tenancy to his office;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;

- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection; and
- (e) note the Director of Fire Services’ comments to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/508 Proposed Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1161(Part), 1198(Part), 1199A, 1199B(Part), 1200(Part), 1201(Part), 1202A, 1202B, 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1208 and 1213(Part) in DD 125 Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/508)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of containers for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site. The Transport Department (TD) raised concern that the approval of the application would set an undesirable precedent leading to cumulative adverse traffic impacts. The Drainage Services Department (DSD) advised that there was insufficient information on the drainage impact of the proposal. No objection from other

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 – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper. The proposed use was not compatible with the nearby village settlements. The Chief Town Planner/Urban Design and Landscape objected to the application as the proposed use would lead to further deterioration of the surrounding rural character and landscape resource. The proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. There was insufficient information to demonstrate that the proposed use would not generate adverse environmental, traffic, drainage and landscape impacts and concerned Government departments including EPD, TD and DSD, had adverse comments/raised concerns on the application. All the nine previous applications at the application site for similar uses had been rejected by the Committee and there was no strong justifications to merit a departure from the previous decisions.

92. Members had no question on the application.

Deliberation Session

93. The Chairperson said that while sites along both sides of San Wai Road could be considered for open storage uses, such uses on sites further away from the road should not be encouraged.

94. After deliberation, the Committee decided to reject the application and the reason was that the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse 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.

[Open Meeting (Presentation and Question Sessions Only)]

(viii) A/YL-HT/511 Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1845(Part) and 1846(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/511)

(ix) A/YL-HT/512 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1837(Part), 1838(Part), 1843(Part) and 1844(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/512)

95. Noting that the two applications (No. A/YL-HT/511 and A/YL-HT/512) were similar in nature and the application sites were located in close proximity within the same “Undetermined” (“U”) zone, the Committee agreed that the applications be considered together.

96. The Committee also noted that the two applications were submitted with the Top Bright Consultants Ltd. (Top Bright) being the applicants’ consultants. Dr. James C.W. Lau, having current business dealings with Top Bright, had declared an interest in these items.

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

Presentation and Question Sessions

97. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed temporary open storage of construction materials with ancillary workshop for a period of 3 years under Application No. A/YL-HT/511, and the proposed temporary open storage of construction materials for a period of 3 years under Application No. A/YL-HT/512;
- (c) departmental comments – no objection from concerned Government departments on the applications was received;
- (d) no public comment was received during the statutory publication periods and no local objection was received by the District Officer on the applications; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the applications could be tolerated for the reasons detailed in paragraph 12.2 of the Papers. Both applications were not incompatible with the surrounding land uses and were generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.

98. Members had no question on the applications.

Deliberation Session

Application No. A/YL-HT/511

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;

- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/345 should be maintained at all times during the planning approval period;
- (d) 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 12.4.2008;
- (e) in relation to (d) above, the implementation the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.7.2008;
- (f) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.4.2008;
- (g) 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 12.4.2008;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department that the site situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office and to apply to his office for Short Term Waiver and Short Term Tenancy to regularize the proposed structures on site and the unauthorized occupation of Government land respectively. Otherwise, his office would consider appropriate lease enforcement/land control action against the owner/occupier;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status and management/maintenance responsibility of the road/track/path leading to the site from Ping Ha Road should be clarified and the relevant lands/maintenance authorities should be consulted;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his Department did not maintain the vehicular track from the site to Ping Ha Road;
- (f) note the Chief Engineer/Land Works, Civil Engineering and Development Department’s comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period of the widening of Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)” which was scheduled to commence in end 2007. The applicant should not be entitled

for any compensation thereof;

- (g) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes;
- (h) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that extension of inside services to the nearest suitable Government water mains for connection might be needed for 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 the applicant's responsibility and to WSD's standards; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage.

Application No. A/YL-HT/512

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/354 should be maintained at all times during the planning approval period;
- (d) the existing landscape planting implemented under the previous approved Application No. A/YL-HT/354 should be maintained in good condition at all times during the planning approval period;
- (e) the compensation of the missing trees according to the accepted landscape proposal of the previous approved application No. A/YL-HT/354 within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.4.2008;
- (f) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.4.2008;
- (g) 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 12.4.2008;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (j) upon 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.

102. The Committee agreed that the applicant of Application No. A/YL-HT/512 would be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department that site situates on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office and to apply to his office for Short Term Waiver. Otherwise, his office would consider appropriate lease enforcement action against the owner;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status and management/maintenance responsibility of the road/track/path leading to the site from Ping Ha Road should be clarified and the relevant lands/maintenance authorities should be consulted;
- (e) note the Chief Highway Engineer/New Territories West, Highways

Department's comments that his Department did not maintain the vehicular track from the site to Ping Ha Road;

- (f) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period of the widening of Ping Ha Road under Project Item No. 7811TH "Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)" which was scheduled to commence in end 2007. The applicant should not be entitled for any compensation thereof;
- (g) note comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that extension of inside services to the nearest suitable Government water mains for connection might be needed for 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 the applicant's responsibility and to WSD's standards; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary container tractor/trailer park 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 – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (c) no vehicle repairing, fuelling, washing or dismantling activities were allowed on the site;

- (d) the implementation of the compensatory planting according to the accepted landscape proposal of the previously approved planning application No. A/YL-NTM/117 within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 12.4.2008;
- (e) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.4.2008;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.7.2008;
- (g) in relation to (f) above, the submission of a condition record of the completed drainage facilities on site within 12 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2008;
- (h) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2008;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application

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

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land. Any unauthorized structures on site would be subject to lease enforcement action by Lands Department;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that a section of the proposed drain was outside the site boundary and different from the drainage plan approved under previous submission. The applicant was required to clarify and reminded to review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. The applicant was fully responsible for the proper maintenance of the drainage facilities on site;
- (d) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that container vehicles turning out of the proposed egress point would encroach on adjacent land lot(s). Consent from the respective land owner(s) had to be sought. The proposed site would occupy part of the existing access road to the adjacent temporary sites. The applicant should check whether the vehicular access of adjacent sites would be affected or not;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kwu Tung Road; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-ST/342 Temporary Cross-border Traffic Service Station
(including Public Car Park, Container Freight Station,
Container Storage, Container Tractor/Trailer Park, Tyre
Repair Workshop, Office and Services Trades)
for a Period of 3 Years in "Other Specified Uses"
annotated "Service Stations" zone,
Lots 372DRP(Part), 661CRP(Part), 669RP(Part),
674RP(Part), 733RP(Part) and 774RP in DD 99 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/342)
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110. The Committee noted that the application was submitted with the Top Bright Consultants Ltd. (Top Bright) being the applicant's consultants. Dr. James C.W. Lau, having current business dealings with Top Bright, had declared an interest in this item.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailor park, tyre repair workshop, office and services trades) for a period of 3 years;
- (c) departmental comments – highlighting that the Lands Department (LandsD) did not support the application as the application site was occupied with structures without prior approval. Also, the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. No objection from other 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 – the PlanD considered that the applied uses could be tolerated for the reasons detailed in paragraph 12.2 of the Paper. They provided supporting facilities for the cross-boundary traffic and container related facilities and were not incompatible with the surrounding uses. The temporary nature of the application would not frustrate the long term planning intention of the “Other Specified Uses” annotated “Service Stations” zone. The application was generally in line with the Town Planning Guidelines for Application for Developments within Deep Bay Area as there would not be adverse off-site impacts on the ecological integrity and ecological value of fish ponds and wetlands nearby, and the Agriculture, Fisheries and Conservation Department had no

comments on the application. The application also complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. Regarding the EPD's comments, an advisory clause was recommended to minimize potential environmental impacts. Given that the applicant had demonstrated genuine effort in complying with the approval conditions in the previous similar application, sympathetic consideration could be given. Shorter approval and compliance periods were recommended to maintain close monitoring on the fulfilment of approval conditions.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 12.10.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the project limits of 'Railway Development Study 2000 Northern Link Influence Area' and 'Improvements to San Tin Interchange' as and when required by Government departments;
- (b) the existing drainage facilities on the site should be maintained during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/275 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.1.2008;
- (d) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.1.2008;

- (e) in relation to (d) above, the implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.4.2008;
- (f) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2008;
- (g) the submission of vehicular access arrangement proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.1.2008;
- (h) in relation to (g) above, the implementation of vehicular access arrangement proposed within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.4.2008;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

114. The Committee agreed to remind the applicant that prior planning permission should have been obtained before commencing the development at the application site.

115. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were granted so as to closely monitor the fulfillment of approval conditions imposed;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The unauthorized structures and illegal occupation of Government land should be regularized through application of Short Term Waiver and Shorter Term Tenancy to his office;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comment that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Chau Tau;
- (f) to note the Chief Highway Engineer/Works, Highways Department's comments that the applicant needs to liaise and cooperate with the contractor of the 'Improvements to San Tin Interchange' project during the course of implementing the concerned road works;
- (g) to note the Chief Engineer/Special Duties, Railway Development Office, Highways Department's comment that KCRC should have the right to

access the site to carry out ground investigation works and the applicant should liaise with KCRC directly to resolve the conflicts as the site would be in clash with the project limit of Northern Link's (NOL);

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works, including any temporary structure, for approval under the Buildings Ordinance was required and the requirement of provision of emergency vehicular access under the B(P)R 41D;
- (i) to note the Director of Fire Services' comment that the applicant should submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance. The applicant/operator should approach his Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary and, if the proposed canteen was open for public, additional fire safety requirement would be imposed on the canteen upon receipt referral from relevant licensing authority; and
- (j) to note the Director of Food and Environmental Hygiene's advice that the canteen should be used exclusively of the employee of the works place and must be operated by the applicant or his agent. The operation on site must not cause any environmental nuisance to the surroundings and the management of the car park was responsible for removal and disposal of the trade refuse. The applicant should ensure the premises must be kept in clean condition to avoid environmental nuisance and should carry out all necessary preventive measures on mosquito and rodent infestation.

[Dr. James C.W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-KTS/406 Renewal of Planning Approval for Temporary ‘Parking of Bus Chassis and New Coach with Ancillary Parts Assembly’ Uses for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 566(Part), 613(Part) and 616RP(Part) in DD 106 and Adjoining Government Land, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/406)
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Presentation and Question Sessions

116. 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 applied renewal of planning approval for temporary ‘parking of bus chassis and new coaches with ancillary parts assembly’ use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment objecting to the application on the grounds of non-compliance with the original use and adverse traffic impact was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.1 of the Paper. The development was considered not incompatible with the surrounding land uses. Its temporary nature would not frustrate the planning intention of the “Other Specified Uses” annotated “Rural Use” with no known development programme. No adverse comments from

concerned Government departments, including the Transport Department, Environmental Protection Department and Highways Department, was received. Appropriate approval conditions restricting operation hours and prohibiting vehicle maintenance, repair or paint spraying activities should minimize the potential impacts and address the local concerns.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle maintenance, repairing or paint spraying activities should be carried out on the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no night-time operation between 7 p.m. and 7 a.m. was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (e) the existing mature trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the submission of a six-monthly tree monitoring report during the approval period to the satisfaction of the Director of Planning or of the TPB;
- (g) the drainage facilities implemented on the site should be maintained at the applicant's own cost at all times during the planning approval period;

- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2008;
- (i) in relation to (h) above, the provision of 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 12.7.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structures should be erected without prior approval from his office. During his recent site inspection, a strip of land on Lot 565 not covered by the planning application was used for storage and workshop by the operator. The applicant should clarify on the discrepancy between the existing occupation area and the area under application. The applicant should apply for Short Term Waiver and Short Term Tenancy to regularize the

irregularities on site, otherwise his office would consider taking appropriate lease enforcement and land control action against the registered owners and occupier;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and the management and maintenance responsibilities of the strip of land between the site and Kam Sheung Road should be checked and confirmed by the applicant;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (e) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant building plans incorporating the proposed FSIs to his office for approval even though the submission of general building plans was not required under the Buildings Ordinance;
- (f) note the Director of Electrical and Mechanical Services' comments that based on the information from CLP Power Hong Kong Limited (CLPP), there were high voltage (33kV and 11kV) underground cables, low voltage overhead lines and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP in respect of the safety clearances required for activities near the overhead lines. In the circumstance 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 CLPP to divert the concerned section of the overhead lines or

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 – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 11.1 of the Paper.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium or heavy good vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or containers trailers/tractors were allowed to be parked on the site at any time during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.4.2008;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.7.2008;
- (e) 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 12.4.2008;

- (f) in relation to (e) 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 12.7.2008;
- (g) if any of the above planning conditions (a) or (b) was not complied with during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application to an amenity area to the satisfaction to the satisfaction of the Director of Planning or of the TPB.

123. The Committee agreed to remind the applicant that :

- (a) the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission; and
- (b) prior planning permission should have been obtained before commencing the applied use at the application site.

124. The Committee agreed to advise the applicant to :

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

- (b) note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that a large parcel of Government land which was at the southern side of the site was being occupied without approval from his office. As the existing occupation area was different from the area under application, the applicant should clarify the discrepancy. The applicant should apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on site, otherwise his office should consider taking appropriate lease enforcement and land control action against the registered owners and occupier;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the gate of the site did not abut on Ko Po San Road. The status of the strip of land between the site and Ko Po San Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the existing vehicular access leading to the site was not maintained by his office. Other departments such as DLO/YL could be approached to clarify the management/ maintenance responsibility of this access;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (f) note the Director of Electrical and Mechanical Services' comment that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be

observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines and high voltage underground cables away from the vicinity of the proposed development; and

- (g) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-PH/548 Temporary Furniture Showroom/Shop
for a Period of 3 Years
in “Other Specified Uses” annotated “Film Studio” zone,
Lots 2153 RP(Part) and 2160(Part) in DD 111,
Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-PH/548)
-

Presentation and Question Sessions

125. 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 applied temporary furniture showroom/shop 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 – the PlanD considered that the application could be tolerated for the reasons detailed in paragraph 12.1 of the Paper.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing landscape plantings on the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities as shown in the submitted drainage proposal should be maintained at all times during the planning approval period;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2008;
- (d) in relation to (c) above, the provision of 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 12.7.2008;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice.

128. The Committee agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Kam Tin Road and the management and maintenance responsibility of the access road leading to the site from Kam Tin Road should be checked;
- (b) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

Presentation and Question Sessions

131. Mr. Frederick S.T. Ng, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the Application No. A/YL-TT/213 as the application site had good potential for agricultural rehabilitation, but had no strong view on the other application (No. A/YL-TT/214). No objection from other concerned Government departments on the applications was received;
- (d) no public comment was received during the statutory publication periods of the applications and no local objection to the applications was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the applications for the reasons detailed in paragraph 12.1 of the Papers. Although there was no agreed 'village environs' ('VE') for Muk Kiu Tau Tsuen and no general shortage of land in meeting Small House demand, the majority of both application sites and the footprints of the proposed developments fell within the "Village Type Development" zone. The Lands Department had no objection to the applications. No technical problems were envisaged in the applications. Regarding AFCD's comments on application No. A/YL-TT/213, it was noted that there was no active agriculture activity and the proposed NTEH was not incompatible with the surrounding area.

132. Members had no question on the applications.

Deliberation Session

133. Members noted that technically the applications did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories as there was no agreed 'VE'. However, in consideration that there was only small infringement into the "AGR" zone for both cases, sympathetic consideration could be given to the applications.

Application No. A/YL-TT/213

134. 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 12.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

135. The Committee also agreed to advise the applicant to note :

- (a) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The relevant lands and maintenance authorities should be consulted on the management and maintenance responsibilities of the same road/path/track accordingly;
- (b) the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (c) the Chief Engineer/Mainland North, Drainage Services Department's comment that the applicant should provide his own stormwater drainage system to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point;
- (d) the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installation would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long, Lands Department; and
- (e) the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works above.

Application No. A/YL-TT/214

136. 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 12.10.2011, 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.

137. The Committee also agreed to advise the applicant to note :

- (a) the Chief Engineer/Mainland North, Drainage Services Department's comment that the applicant should provide his own stormwater drainage

system to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point;

- (b) the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installation 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 upon the receipt of formal application referred by the District Lands Officer/Yuen Long, Lands Department; and
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works above.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-TYST/363 Proposed Dangerous Goods Godown
in "Industrial" zone,
G/F (Part), 9 Fu Sha Wai Lane, Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/363)
-

138. Mr. Frederick S.T. Ng, STP/TMYL, clarified that the number of public comments received via the District Officer (Yuen Long) as stated in paragraph 9.1.6 of the Paper should read "12" instead of "11".

Presentation and Question Sessions

139. Mr. Frederick S.T. Ng presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed dangerous goods godown use;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there was residential use in close proximity and the proposed use was not desirable from an environmental planning point of view. No objection from other concerned Government departments was received;
- (d) a total of 61 public comments objecting to the application were received during the statutory publication periods of the application and further information. The major grounds of objection included potential danger of fire and gas leakage imposed on nearby residential dwellings, incompatible land use, emission of odour and lack of information. Twelve local objections were received via the District Officer including an objection from the Town Planning and Development Committee of the Yuen Long District Council stating the serious consequence of a dangerous goods godown in close proximity to residential dwellings in case of fire; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 11.2 of the Paper. Although the proposed use was not incompatible with other uses in the same building, the subject building was located adjacent to a “Village Type Development” zone with no buffer area. The proposed use was considered not compatible with the residential uses in close proximity. The EPD did not support the application and there were strong local objections to the application.

140. Members had no question on the application.

Deliberation Session

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

- (a) the application premises was located adjacent to the “Village Type Development” zone of Fui Sha Wai and in close proximity to nearby residential dwellings. The proposed dangerous goods godown of a significant scale would result in land use incompatibility problem with the adjacent residential uses; and
- (b) there was no information in the submission to demonstrate that the proposed use was environmentally acceptable.

[Open Meeting (Presentation and Question Sessions Only)]

- (xix) A/YL-TYST/366 Proposed House and Minor Relaxation of Plot Ratio in “Residential (Group B)1” zone, Lot 2131 in DD 121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/366)
-

Presentation and Question Sessions

142. The Committee noted that the applicant requested on 9.10.2007 for a deferment of the consideration of the application to allow more time to address Government departments’ comments.

Deliberation Session

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

[The Chairperson thanked Messrs. Wilson W.S. Chan, W.M. Lam, Anthony C.Y. Lee and Frederick S.T. Ng, STPs/TMYL, for their attendances to answer Members’ enquires. Messrs. Chan, Lam, Lee and Ng left the meeting at this point.]

Agenda Item 9

Any Other Business

144. The Secretary reported that a letter dated 10.10.2007 was received from Nam Tai Electronic & Electrical Products Limited (Nam Tai) through its legal representative Wilkinson & Grist (W&G), inviting Members to attend a press conference on 16.10.2007 about the trespassing of its land since 1993.

145. The Chairperson said that Nam Tai was the registered owner of Lot No. 2920 in DD 102, Ngau Tam Mei, Yuen Long (the site). According to Nam Tai, the site was repeatedly found to be illegally occupied by container storage since 1993. The site was related to a series of enforcement actions and a number of planning applications that had been approved by the Committee for temporary container storage use. Under the latest planning application (No. A/YL-NTM/201) approved by the Committee, the site was not part of the application site. However since 2006, Nam Tai had requested the Government to step in to resolve the conflict on the lot boundary matter. The press conference was arranged to voice out its grievances.

146. The Secretary added that based on established practice, the Board would not accept such invitations. Members were invited to consider the matter.

147. Members noted that there seemed to be misunderstanding on the part of Nam Tai on the role of the Committee. The Committee was not empowered to deal with land matters even if the applicant infringed upon other person's land during implementation of the approved land uses.

148. After discussion, Members agreed that the Committee would not send any representative to attend the press conference and requested the PlanD to clarify the issue with Nam Tai.

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